United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, FIRST SESSION

Vol. 147 WASHINGTON, TUESDAY, NOVEMBER 6, 2001 No. 152

House of Representatives

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. CULBERSON).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
November 6, 2001.

I hereby appoint the Honorable JOHN ABNEY CULBERSON to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 3, 2001, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

DESIGNING FOR SECURITY IN THE NATION'S CAPITAL

Mr. BLUMENAUER. Mr. Speaker, the atmosphere in many cities today is one of apprehension and anxiety. We can witness this right outside the doors of this Capitol by the hundreds of jersey barriers and concrete blocks that surround these buildings and the street closures around the White House and our offices. Safety is of vital importance, but we must remain aware of the effect that hasty and poorly planned actions can have on the livability of our communities.

In the wake of the events that have occurred since September 11, there has never been a more pressing need for the Federal Government and other partners in the private sector to link hands with neighbors, civic and business leaders to assure that our families are safe, healthy and economically secure. It is essential that we accomplish these objectives without unnecessarily burdening the normal everyday functions of our communities.

Here in our Nation's capital, Congress and the Federal Government have the opportunity to lead by example and be a productive partner in working with the District of Columbia, local business leaders and concerned citizens to meet our needs. We need to work together to protect our national treasures up and down the Mall, our employees' offices and the transportation routes without suffocating the city's ability to operate.

Security measures can have a devastating effect on communities. Look at the extended closure of National Airport that has resulted in the loss of hundreds of jobs, perhaps some permanently, and the displacement of thousands of others. The roads that have been closed around the Capitol and the White House have snarled traffic and frustrated commuters.

We are well aware that we will never return in our lifetime to the pre-September 11 mindset. Therefore, it is critical that we take a long-term view to make sure that our safety concerns are planned in a manner that do not make things worse. We cannot allow terrorism to destroy our sense of community or the ability of those communities to serve us.

With this in mind, the report of the Interagency Task Force of the National Planning Commission issued last week titled ''Designing for Security in the Nation's Capital'' deserves our special attention. The task force began meeting far before the recent attacks, working for months to develop a clear outline and plan for security measures that do not compromise livability.

It has been apparent of the need for this action since the closing of Pennsylvania Avenue in front of the White House after the Oklahoma City bombing. This sort of temporary action is still in place 6 years later. Security measures that may have made sense temporarily have led to a seemingly permanent closure that has created costly traffic problems and a blighted scene in front of the home of our President.

The task force outlines several steps that can be taken to ensure the safety of Federal buildings and national monuments. The report calls for a master design that achieves the same security objectives of the items that we currently see littered all over the Capitol complex, concrete barriers, bollards and steel posts, without making it look like it would be a burial ground for chunks of concrete.

The task force report also stresses transportation concerns that have developed as a result of road closings. It proposes a fascinating solution dealing with the circulator system of either buses or streetcars that would allow for safe and secure transport of people throughout the downtown, the Mall and the Capitol area. Such a circulator system could help reduce traffic congestion, allow for the removal of parking spaces in areas of security concern and improve traffic flow while all the time improving air quality, saving energy and making it a more appropriate, enjoyable experience for visitors to our Nation's capital.

The task force will have a real dollar impact if its proposals are put in place; but to put in context, the expenditure of perhaps a hundred billion dollars in the context of billions of dollars already lost and billions more that are proposed for security measures, this

Printed on recycled paper.

amount is a small price to pay to protect the public and our national treasures in a manner that does not hold this local community hostage.

I urge my colleagues to examine these proposals and the funding of this plan. I am not suggesting that it necessarily needs to be the final answer, but it is an important first step to keep our Nation's capital and its citizens safe, healthy and economically secure while we assure that Timothy McVeigh and Osama bin Laden are not the dominant forces in American landscape architecture, public space and transportation for the next 50 years.

STRENGTHENING IMMIGRATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Mr. Speaker, President Bush signed into law the antiterrorism bill. This new law contains many provisions that will increase the ability of law enforcement, intelligence and other government agencies to combat terrorism. While this legislation is an important critical piece, although some may say controversial, in eradicating terrorism and ensuring the safety and prosperity of the American way of life to continue, the war, my colleagues, cannot be won without the key component of securing our borders from those who wish to cause us harm.

The values and ideals of this Nation are built on the contribution and sacrifices of immigrants who journeyed across the oceans for a better way of life that could only be found in this land. As such, America has and always will serve as a beacon of hope for those in oppressed other lands. It is, after all, the diverse nature of our people that has made America such a great country.

However, those who violate our Nation's immigration laws do more harm than good in furthering our country's values. And it is those people we must ensure that do not enter our country. Take, for example, what happened nearly 2 years ago when a lone U.S. Customs agent working at a remote border post in Northwest Washington foiled a terrorist attack on the Los Angeles Airport. An alert Customs Service inspector stopped and arrested Ahmed Ressam, a bin-Laden associate, in December of 1999 with a car load of bomb-making material before he was allowed to enter into Washington State from Canada. Unfortunately, our luck ran out with the tragic events of September 11.

It now appears that some of the terrorists involved in September 11 may have entered the U.S. from Canada, much as Ahmed Ressam attempted when he was arrested.

According to the INS records, 13 of the 19 hijackers entered the U.S. with valid visas. Three of the 13 remained in the country after their visas had expired. Two were expected to have entered on foreign student visas and the INS has no information on the six remaining hijackers. As such, we can keep enacting legislation and, of course, spend more money; but efforts to counter terrorism will be futile unless we establish effective controls to secure our boarders and points of entry.

Each year there are more than 300 million border crossings in the United States. These are just the legal crossings that are recorded. While there are 9,000 border control agents working to keep America secure on the U.S.-Mexican border, there are less than 500 agents tasked with securing our 4,000-mile border with Canada.

To make matters even worse, out of the 128 ports on the northern border, only 24 of them are open around the clock. The remaining are not even manned, thereby allowing anyone with good or evil intentions to enter into the United States without even so much as an inspection, not to mention even a question or a record of their entry.

A recent report by the nonprofit organization, the Center on Immigration Studies, indicates that there are more than 8 million people now living in the U.S. illegally. About 40 to 50 percent of these violators are people who entered the United States legally, but did not leave with the expiration of their visas.

As it now stands, our immigration system needs increased and tighter controls. Currently our Nation has an unmonitored, nonimmigrant visa system in which 7.1 million tourists, business visitors, foreign students, and temporary workers arrive. To date, the INS does not have a reliable tracking system to determine how many of these visitors left the country when their visas expired.

Furthermore, among the 7.1 million nonimmigrants, 500,000 foreign nationals enter the United States on foreign student visas. Hani Hanjour, the person who was believed to have piloted the American Airlines Flight 77 into the Pentagon is believed to have entered the country with a foreign student visa but never actually attended classes.

Mr. Speaker, our unsecure borders, along with inadequate record-keeping, have contributed to our inability to track terrorism in our country, or to prevent them from entering in the first place. I am encouraged by legislation being drafted in the Senate which aims to strengthen our border security in the fight to counter terrorism. Additionally, I am pleased that President Bush announced that the White House wants to tighten immigration laws and requirements for student visas to deter would-be terrorists from entering this country.

I urge my colleagues to make tightening our immigration laws and securing our borders a top priority in the war against terrorism.

ANTIBIOTIC RESISTANCE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Ohio (Mr. BROWN) is recognized during morning hour debates for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, in response to the emergent threats of bioterrorism, Congress will take concrete steps in the coming weeks to strengthen our Nation's public health infrastructure. To fully prepare for the potential bioterrorist attacks, we will have to deal with a wide variety of public health issues including vaccinations and food safety and government stockpiling of antibiotics. In doing so, we must not forget to address the issue of antibiotic resistance.

The links between antibiotic resistance and bioterrorism are clear. Antibiotic resistant strains of anthrax or other bacterial agents would be extremely lethal biological weapons, and they are already a reality.

According to the Journal of the American Medical Association, during the Cold War, Russian scientists engineered an anthrax strain that was resistant to the tetracycline and penicillin classes of antibiotics. We can only assume that anthrax and other bacterial agents could also be engineered to resist antibiotics, including new valuable antibiotic therapies like Cipro.

Antibiotic resistance is also relevant to the threat of bioterrorism in other significant ways. The overuse and the misuse of antibiotics by physicians, patients, and hospitals renders bacterial agents more resistant to the antibiotic drugs that they are exposed to and could leave the Nation poorly prepared for a biological attack.

It is a vicious cycle because the threat of bioterrorism can lead to the overuse and the abuse of antibiotics, people taking Cipro when they do not need it, for example, which in turn could make these antibiotics less effective against the agents of bioterrorism.

During the last couple of months, thousands of Americans have been prescribed the antibiotic Cipro because of a legitimate risk of exposure to anthrax. That use of antibiotics is appropriate. But the thousands more who have sought antibiotic prescriptions for Cipro without any indication of need or even a risk of infection can be a problem.

The widespread use of Cipro will kill bacteria that are susceptible to the drug, but will leave behind bacteria that are not. Those bacteria that are not killed will then have the opportunity to thrive and develop an even greater resistance to Cipro, requiring an alternative antibiotic to kill them and diminishing the overall effectiveness of Cipro.

Many pathogenic bacteria that cause severe human illnesses are already resistant to older antibiotics like penicillin, as we all know. That is one reason newer antibiotics like Cipro are used to treat dangerous infections.

With diseases like anthrax, it is important to find an effective therapy quickly. Any delay can result in the death of a patient, or in the case of a larger exposure, in the deaths of thousands of individuals. If the U.S. and the rest of the world begin using Cipro haphazardly, that antibiotic could lose its effectiveness also.

□ 1245

To adequately prepare for a bioterrorist attack, State and local health departments must be equipped to rapidly identify and respond to antibiotic-resistant strains of anthrax and other lethal agents.

And to ensure the continued efficacy of our antibiotic stockpile, we must isolate emerging antibiotic-resistant pathogens, track antibiotic overuse and misuse, and monitor the effectiveness of existing treatments over time.

Surveillance also provides the data needed to prioritize the research and development of new antibiotic treatments.

Drug-resistant pathogens are already a growing threat to every American. Examples of important microbes that are rapidly developing resistance to available antimicrobials include the bacteria that cause pneumonia, ear infections, meningitis, and skin, bone, lung or bloodstream infections.

That list also includes food-borne infections like salmonella, and the Nation's food supply could be a future target of bioterrorism.

Under last year's Public Health Threats and Emergencies Act, sponsored by the gentleman from North Carolina (Mr. BURR) and the gentleman from Michigan (Mr. STUPAK), Congress authorized a grant program that would equip State and local health departments to identify and to track antibiotic resistance.

To build upon this already authorized program, the gentleman from New York (Mr. BOEHLERT) and I have asked the Committee on Appropriations to include at least $50 million for this grant program in the Homeland Security Supplemental Appropriations bill. I urge Members on both sides of the aisle to support that request.

Let our appropriators know that this funding is critical to the viability of our main weapons against bioterrorism and other infectious diseases now and in the future.

H.R. 2887, PEDIATRIC EXCLUSIVITY BILL

The SPEAKER pro tempore (Mr. CULBERSON). Under the Speaker's announced policy of January 3, 2001, the gentleman from Michigan (Mr. STUPAK) is recognized during morning hour debates for 5 minutes.

Mr. STUPAK. Mr. Speaker, I rise today to speak of a bill that may be coming to the floor in the very near future. It is called the H.R. 2887, the Pediatric Exclusivity bill. It was passed by Congress in 1997 to encourage drug companies to do studies in how their drugs would affect young people, those people under 18. Unfortunately, before this bill, drug companies did not necessarily take into consideration a drug's effect upon children 18 and younger, so Congress granted them a pediatric exclusivity which would allow them to extend their patent for another 6 months to do a study.

Now, when they get done with this study, what happens to the study? It goes to the FDA and sits there, but yet the drug company gets the extension of the patent.

From that study, we learned certain things, such as the dosage of medicine to be given and symptoms we should look for. What we found, since 1997, is that 33 drugs have been granted pediatric exclusivity. Of the 33, 20 of them have done label changes. The other 13 have not. Why not?

The problem we are concerned about is why we would grant pediatric exclusivity prior to receiving the study. We should wait and not grant pediatric exclusivity until after we have the study, we know what the dosage recommendation should be, and then the product is labeled for pediatric use according to the study. So what we want to see is that the grant of pediatric exclusivity is tied into not only a study but also the necessary label changes.

It only makes sense. The doctors, the patients, their families should know what was found in those studies and what they need to know to make sure that they are administering the drug in a proper way to young people.

The goal of pediatric exclusivity, the FDA has been quoted as saying, is the labeling. That is why when the bill comes to the floor we would like to offer an amendment which would tie the grant of exclusivity necessarily to labeling changes. As I said, there have been 33 pediatric exclusivity drugs, but only 20 of them have changed their labels. What about the last 13?

Currently, the exclusivity period is given only for doing a study. For the safety of our children, for the health care profession, and for all families, we should change this. Under our proposed amendment, all new drugs must complete the labeling requirement before the product is marketed.

I cannot understand why we allow drug manufacturers to undertake a pediatric study, but not provide parents and doctors with the results they need to make informed decisions to properly use and dispense the drugs. As the FDA says, the goal of pediatric exclusivity is labeling, and we cannot lose sight of that.

We went on the FDA Web site and they listed the drugs with the pediatric exclusivity. As seen on this chart, the first one, Lodine, Etodolac Lodine, 9 months after the pediatric exclusivity was granted, they changed their label. The labeling says it is now appropriate for young people 6 to 16, but the dose in younger children is approximately two times lower dosage than is recommended for adults.

Now, would the doctor not want to know that before he gives Lodine, since it is used for juvenile rheumatoid arthritis, that the recommended dose is two times less than what is given for adults? The manufacturer was granted the pediatric exclusivity on December 6, 1999, yet the information did not get out to the doctors and patients and their families until August.

Let us take this one right here. BuSpar. It was approved on May 22 this year for pediatric exclusivity. Two months later the labeling change comes out. And what did it find? The safety and effectiveness were not established in patients below the age of 18. In this drug here, they got the pediatric exclusivity, and 2 months later they had to change their label to let people know there really was no advantage. In fact, the safety and effectiveness was not established. I think that would give a red light to doctors and patients that maybe this drug is not doing what it is supposed to be doing.

This one on the bottom, the Propofol Diprivan. Take a look at it. It is for anesthesia. When we take a look at it, it says it may result in serious bradycardia. Propoful is not indicated for pediatric ICU sedation, as safety has not been established. Now, if I was a medical professional, I am sure I would want to know this.

Why does it take 18 months after the grant of the pediatric exclusivity to get the information out to the health care professionals?

If we look closer at this, the incidence of mortality, it is 9 percent versus 4 percent. So there is twice as much chance of a deadly accident occurring with this drug as when it was given in the old form. Again, it takes 18 months to get this information out.

So, again, before we grant pediatric exclusivity to a pharmaceutical such as this, should we not have the labeling change so we know what it is going to do to the patient, so the doctor knows what dosage he should recommend? That is the whole idea behind the labeling amendment. That is what we want to see be a part of the exclusivity bill.

It is a good bill, with good intent, but we have to finish the job. Now that we have had it on the books for 4 years, we have seen the shortfalls. So let us change the label so everybody is informed about the value of these drugs.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 12 o'clock and 53 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CULBERSON) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, designer of nature's cycles and the judge of human events, continue to guide us through all the seasons of life.

Eight weeks ago today, this Nation was viciously attacked by terrorists. Help the Members of this House and all Americans to understand what has happened to us since then. That first day knocked us into a delirium of astonishment, anger, and loss. Give us now a second wind of Your Spirit.

You, Lord of revelation, have promised to be with us. Reveal to us through prayer the true nature of this Nation. Study in us the nature of war and its destructive forces.

Make Your presence known to us by faith renewed in You, Almighty God, and faith in others and in ourselves. Give us hope by the solidarity of friends in the family of nations, and continue to surprise us with the indomitable love of freedom arising from the depths of this people. May this strength never be stymied by distracting news-clips or extinguished by fear.

Rather, we have chosen to settle in for the unpredictable season of war, as we wrestle to pray ''Thy will be done'' in us, now and forever. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Ohio (Mr. TRAFICANT) come forward and lead the House in the Pledge of Allegiance.

Mr. TRAFICANT 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.

DISPENSING WITH CALL OF PRIVATE CALENDAR ON TODAY

Mr. MANZULLO. Mr. Speaker, I ask unanimous consent that the call of the Private Calendar be dispensed with today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

SUBSTANTIAL AMOUNTS OF NUCLEAR COMPONENTS MISSING

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. According to news reports, the Department of Energy cannot find substantial amounts of plutonium and uranium. The plutonium and uranium were, according to a Department spokesman, either loaned out to research groups or, quite simply, it was ''just the fault of sloppy bookkeeping.''

Unbelievable. It appears that these two powerful components of nuclear destruction are being regulated as well as condoms at a Vegas brothel.

Beam me up here.

I yield back the need to find these lost items, before bin Laden delivers them to our front lawn.

SUPPORT TRADE PROMOTION AUTHORITY FOR PRESIDENT

(Mr. MANZULLO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MANZULLO. Mr. Speaker, renewing Trade Promotion Authority for the President is vitally important for small business exporters. Many will be surprised to learn that 97 percent of all U.S. exporters are small businesses and that 69 percent of all U.S. exporters employ less than 20 workers. In addition, the number of small business exporters has increased from 66,000 in 1987 to 224,000 in 1999.

Lowering foreign trade barriers helps small business exporters more than large companies. While most large companies can either export or set up a factory overseas, most small business exporters have only one choice, and that is to export from America.

There are many complicated issues that face small business exporters, such as streamlining foreign customs practice. Let us give the President the tools he needs to negotiate away these unfair trade barriers.

WHERE IS AVIATION SECURITY BILL?

(Mr. RODRIGUEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RODRIGUEZ. Mr. Speaker, where is the aviation security bill? I will tell you where it is. It has been hijacked. Americans are demanding that we act and that we act quickly; yet the House leadership continues to play politics.

The travel industry is also demanding that we act quickly; yet we fail to move.

It has been over 7 weeks since the September 11 date, and the American public knows that we could have already sent this bipartisan piece of legislation to the President to be signed. Yet this weekend we had the managers at the O'Hare Airport allow knives and other dangerous items to slip through. In Kentucky, we also had an occurrence.

Even Secretary of Transportation Mineta has concluded that the ''Federal Government must take direct control of the security system.''

Airport security is national security. National security should be handled by highly trained, motivated Federal workers.

We cannot afford to stand still. We must move forward.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken after debate has concluded on all motions to suspend the rules but not before 6:30 p.m. today.

PATENT AND TRADEMARK OFFICE AUTHORIZATION ACT OF 2002

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2047) to authorize appropriations for the United States Patent and Trademark Office for fiscal year 2002, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2047

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 ''Patent and Trademark Office Authorization Act of 2002''.

SEC. 2. AUTHORIZATION OF AMOUNTS AVAILABLE TO THE PATENT AND TRADEMARK OFFICE.

There are authorized to be appropriated to the United States Patent and Trademark Office for salaries and necessary expenses for fiscal year 2002 an amount equal to the fees collected in fiscal year 2002 under title 35, United States Code, and the Trademark Act of 1946 (15 U.S.C. 1051 et seq.).

SEC. 3. ELECTRONIC FILING AND PROCESSING OF PATENT AND TRADEMARK APPLICATIONS.

(a) ELECTRONIC FILING AND PROCESSING.—The Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office (in this Act referred to as the ''Director'') shall, during the 3-year period beginning October 1, 2001, develop an electronic system for the filing and processing of patent and trademark applications, that—

(1) is user friendly; and

(2) includes the necessary infrastructure—

(A) to allow examiners and applicants to send all communications electronically; and

(B) to allow the Office to process, maintain, and search electronically the contents and history of each application.

(b) AUTHORIZATION OF APPROPRIATIONS.—Of amounts authorized under section 2, there is authorized to be appropriated to carry out subsection (a) of this section not more than $50,000,000 for fiscal year 2002. Amounts made available pursuant to this subsection shall remain available until expended.

SEC. 4. STRATEGIC PLAN.

(a) DEVELOPMENT OF PLAN.—The Director shall, in close consultation with the Patent Public Advisory Committee and the Trademark Public Advisory Committee, develop a strategic plan

that sets forth the goals and methods by which the United States Patent and Trademark Office will, during the 5-year period beginning on October 1, 2002—

(1) enhance patent and trademark quality;

(2) reduce patent and trademark pendency; and

(3) develop and implement an effective electronic system for use by the Patent and Trademark Office and the public for all aspects of the patent and trademark processes, including, in addition to the elements set forth in section 3, searching, examining, communicating, publishing, and making publicly available, patents and trademark registrations.

The strategic plan shall include milestones and objective and meaningful criteria for evaluating the progress and successful achievement of the plan. The Director shall consult with the Public Advisory Committees with respect to the development of each aspect of the strategic plan.

(b) REPORT TO CONGRESSIONAL COMMITTEES.—The Director shall, not later than January 15, 2002, or 4 months after the date of the enactment of this Act, whichever is later, submit the plan developed under subsection (a) to the Committees on the Judiciary of the House of Representatives and the Senate.

SEC. 5. EFFECTIVE DATE.

This Act shall take effect on October 1, 2001.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Massachusetts (Mr. FRANK) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2047, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 2047 and urge the House to adopt the measure. The purpose of this bill is to authorize the Patent and Trademark Office to retain all of the user fee revenue it collects in fiscal year 2002 for agency operations subject to appropriations. In addition, the PTO is to earmark a portion of this revenue to address problems relating to its computer systems and to develop a 5-year strategic plan to establish goals and methods by which the agency can enhance patent and trademark quality, while reducing application pendency.

The bill will allow us to move forward and to make the PTO a more responsive and efficient agency that will better serve the needs of inventors and trademark filers.

I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. FRANK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I hope we will pass this bill very clearly and overwhelmingly. A lot of lip service is paid to the role that innovation plays in our economy. The time has come to put our money where our mouth is. Indeed, it is not even our money.

What we are talking about here is trying to change a practice whereby patent application fees have been used to support other governmental programs, rather than devote all of that to the Patent Office.

It should be noted that we raised patent fees a few years ago. When we raised them, the assumption, the implicit promise, was these fees would go to improving the patent process. To take fees from people seeking patents and diverting them to other purposes is a grave error. We ought to be maximizing our ability to service the innovators in this economy, and we do that by allowing these fees to stay here.

Now, I do want to say, I understand what happens. It is the members of the Committee on Appropriations who, from time to time, use some of these fees. I do not wish to speak harshly of them. Some of my best friends are appropriators, and I hope they remember that at this season of conference reports. But they are themselves squeezed when they are given responsibilities to fund and inadequate revenues with which to fund them. In some cases the temptation is very strong for them to look at the revenues at the Patent Office and divert them to other purposes.

The answer, Mr. Speaker, is not to divert revenues from the Patent Office to pay for these other programs, but to stop this practice of reducing the Government's revenues by tax cuts that leave us unable to afford programs for which there is great demand and great need. In other words, this practice of raiding the patent fees to fund other programs is one of the negative consequences of reducing government revenues through irresponsible tax cuts below the level necessary to sustain important government activity.

So I look forward to passing this bill; and I hope we will be able to keep the promise once made that, patent fees having been raised, the Patent Office would get the benefit of them.

Mr. MORAN of Virginia. Mr. Speaker, I rise today in strong support of H.R. 2047, the Patent and Trademark Office (PTO) Authorization Act of 2002.

The U.S. Patent and Trademark Office, located in my congressional district, is the agency most involved in the growth of innovation and commercial activity in our country.

Patents and trademark registrations help create new industries and high-wage jobs. This process is critical to our global competitiveness and technological leadership.

The PTO is entirely supported with the fees paid by patent and trademark applicants. It receives no taxpayer funds.

Since 1992, however, Congress has been withholding an increasing portion of these fees for use in other Department of Commerce agencies. More than $800 million has been withheld to date. This alarming practice is made worse by the fact that since 1992, the PTO has experienced a 75 percent increase in its workload. As a result, the PTO is in near-crisis mode and is starved for funding.

The increasing delays at the PTO—now more than two years to get a patent, and getting worse—are intolerable, not just for the companies involved but for the whole economy.

H.R. 2047 takes several important steps to combat these unsettling trends. This bill authorizes full funding for the Patent and Trademark Office. This bipartisan measure also directs the PTO to develop an electronic system for filing and processing of patent and trademark applications.

Furthermore, H.R. 2047 requires the administration to develop a 5-year strategic plan aimed at improving the quality of issued patents and trademarks, while reducing the waiting time.

In today's economic climate, we as a nation cannot afford to neglect the PTO's vital mission of fostering new technologies and protecting American inventors. It is absolutely critical that inventors get the protection they need to encourage the innovation and the creativity that makes this country prosper. Strong patents and trademarks help our economy and U.S. consumers.

This bipartisan bill offers a new approach that will provide adequate resources for the PTO to handle its huge workload and enable our country to maintain its global leadership in technology and innovation.

I thank Chairman COBLE and Congressman BERMAN for their leadership on H.R. 2047 and urge my colleagues to support it.

Mr. COBLE. Mr. Speaker, H.R. 2047 would help to correct the diversion problem at the PTO by authorizing the agency to keep all of the fee revenue it raises in fiscal year 2002, subject to appropriations. In addition, and consistent with this emphasis on oversight, the legislation sets forth two problem areas that PTO should address in the coming fiscal year, irrespective of its overall budget: First, the PTO Director is required to develop an electronic system for the filing and processing of all patent and trademark applications that is user friendly and that will allow the Office to process and maintain electronically the contents and history of all applications. Fifty-million dollars are earmarked for this project in fiscal year 2002. Second, the Director, in consultation with the Patent and Trademark Public Advisory Committees, must develop a strategic plan that prescribes the goals and methods by which PTO will enhance patent and trademark quality, reduce pendency, and develop a 21st century electronic system for the benefit of filers, examiners, and the general public.

Mr. Speaker, H.R. 2047 will allow the patent and trademark communities to get more bang for their filing and maintenance buck, while enhancing the likelihood that the agency will receive greater appropriations in the upcoming fiscal year and in the future. It is a bill that benefits the PTO, its users, and the American economy. I urge my colleagues to support it.

Mr. CONYERS. Mr. Speaker, we all know that the Patent and Trademark Office is crucial to America's economy, reviewing technologies and granting patents on thousands of new inventions every year. And this year along has seen a thirteen percent rise in patent applications.

We also know the PTO is losing resources and cannot handle the increased workload.

The PTO takes no money from taxpayers; instead, it is fully funded by user fees, generating $1 billion per year. Unfortunately, appropriators and the administration treat the PTO like a savings and loan and divert its money every year for other government programs. To date, over $600 million in fees has been diverted since 1992. This coming year alone, the appropriators are taking $200 million.

Not surprisingly, this diversion is taking its toll. The PTO cannot hire or retain qualified patent examiners with advanced scientific degrees; they prefer the more lucrative salaries in the private sector. The PTO also cannot update its computer systems to thoroughly search databases of information and determine whether patent applications really disclose new and nonobvious inventions; this makes it that more likely for the PTO to issue a bad patent. Finally, just a few years ago it took the PTO 19.5 months to rule on a patent application; it now takes 26 months, and is expected to be 38.6 months by 2006. At that rate, inventions will be obsolete before they're patented.

We cannot let the PTO and American inventors continue to suffer this way. H.R. 2047—introduced by Chairman COBLE, Ranking Member BERMAN, and myself—resolves the problem by letting the PTO keep all of its fiscal year 2002 fees. It also lets the PTO use some of its money to modernize its electronic filing systems. The bill finally requires the PTO to develop a five-year strategic plan explaining what resources it needs to better serve its customers. This plan will make it easier for Congress to make future oversight decisions.

I urge my colleagues to vote "yes" on this legislation.

Mr. SMITH of Texas. Mr. Speaker, the high-tech industry plays a prominent role in our economy. That's why it's important to allow the U.S. Patent and Trade Office (USPTO) to retain its user fees. Timely and quality service provided by the PTO helps spur innovation and strengthen our economy.

H.R. 2047 is a good bill that has three basic components. It allows the patent office to retain its fees, which are normally distributed for other government operations. This extra funding will speed up the processing of patent applications that now takes an average of nearly 27 months. If these fees continue to be diverted, pendency—the time from filing to granting of a patent—may increase to 38 months by 2006.

In recent years, the number of technology and biotechnology patents has increased. Now more than ever, it's important to ensure that the PTO has adequate funding through its own fee mechanisms. The PTO must produce high quality patents on a timely basis. It is struggling to keep up with the workload and lacks new technology that is desperately needed to do its job.

The bill directs and PTO to develop and implement an electronic system for filing and processing applications. It also orders the director of the patent office to develop a 5-year strategic plan to improve and streamline patent operations.

I urge my colleagues to support this important measure so that the PTO can improve its critical role in our economy.

Mr. FRANK. Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 2047, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

NEED-BASED EDUCATIONAL AID ACT OF 2001

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 768) to amend the Improving America's Schools Act of 1994 to make permanent the favorable treatment of need-based educational aid under the antitrust laws.

The Clerk read as follows:

Senate amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Need-Based Educational Aid Act of 2001".

SEC. 2. AMENDMENT.

Section 568(d) of the Improving America's Schools Act of 1994 (15 U.S.C. 1 note) is amended by striking "2001" and inserting "2008".

SEC. 3. GAO STUDY AND REPORT.

(a) STUDY.—

(1) IN GENERAL.—The Comptroller General shall conduct a study of the effect of the antitrust exemption on institutional student aid under section 568 of the Improving America's Schools Act of 1994 (15 U.S.C. 1 note).

(2) CONSULTATION.—The Comptroller General shall have final authority to determine the content of the study under paragraph (1), but in determining the content of the study, the Comptroller General shall consult with—

(A) the institutions of higher education participating under the antitrust exemption under section 568 of the Improving America's Schools Act of 1994 (15 U.S.C. 1 note) (referred to in this Act as the "participating institutions");

(B) the Antitrust Division of the Department of Justice; and

(C) other persons that the Comptroller General determines are appropriate.

(3) MATTERS STUDIED.—

(A) IN GENERAL.—The study under paragraph (1) shall—

(i) examine the needs analysis methodologies used by participating institutions;

(ii) identify trends in undergraduate costs of attendance and institutional undergraduate grant aid among participating institutions, including—

(I) the percentage of first-year students receiving institutional grant aid;

(II) the mean and median grant eligibility and institutional grant aid to first-year students; and

(III) the mean and median parental and student contributions to undergraduate costs of attendance for first year students receiving institutional grant aid;

(iii) to the extent useful in determining the effect of the antitrust exemption under section 568 of the Improving America's Schools Act of 1994 (15 U.S.C. 1 note), examine—

(I) comparison data, identified in clauses (i) and (ii), from institutions of higher education that do not participate under the antitrust exemption under section 568 of the Improving America's Schools Act of 1994 (15 U.S.C. 1 note); and

(II) other baseline trend data from national benchmarks; and

(iv) examine any other issues that the Comptroller General determines are appropriate, including other types of aid affected by section 568 of the Improving America's Schools Act of 1994 (15 U.S.C. 1 note).

(B) ASSESSMENT.—

(i) IN GENERAL.—The study under paragraph (1) shall assess what effect the antitrust exemption on institutional student aid has had on institutional undergraduate grant aid and parental contribution to undergraduate costs of attendance.

(ii) CHANGES OVER TIME.—The assessment under clause (i) shall consider any changes in institutional undergraduate grant aid and parental contribution to undergraduate costs of attendance over time for institutions of higher education, including consideration of—

(I) the time period prior to adoption of the consensus methodologies at participating institutions; and

(II) the data examined pursuant to subparagraph (A)(iii).

(b) REPORT.—

(1) IN GENERAL.—Not later than September 30, 2006, the Comptroller General shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that contains the findings and conclusions of the Comptroller General regarding the matters studied under subsection (a).

(2) IDENTIFYING INDIVIDUAL INSTITUTIONS.—The Comptroller General shall not identify an individual institution of higher education in information submitted in the report under paragraph (1) unless the information on the institution is available to the public.

(c) RECORDKEEPING REQUIREMENT.—

(1) IN GENERAL.—For the purpose of completing the study under subsection (a)(1), a participating institution shall—

(A) collect and maintain for each academic year until the study under subsection (a)(1) is completed—

(i) student-level data that is sufficient, in the judgment of the Comptroller General, to permit the analysis of expected family contributions, identified need, and undergraduate grant aid awards; and

(ii) information on formulas used by the institution to determine need; and

(B) submit the data and information under paragraph (1) to the Comptroller General at such time as the Comptroller General may reasonably require.

(2) NON-PARTICIPATING INSTITUTIONS.—Nothing in this subsection shall be construed to require an institution of higher education that does not participate under the antitrust exemption under section 568 of the Improving America's Schools Act of 1994 (15 U.S.C. 1 note) to collect and maintain data under this subsection.

SEC. 4. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on September 30, 2001.

Amend the title so as to read: "An Act to amend the Improving America's Schools Act of 1994 to extend the favorable treatment of need-based educational aid under the antitrust laws, and for other purposes.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Massachusetts (Mr. FRANK) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days

within which to revise and extend their remarks and include extraneous material on H.R. 768.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

□ 1415

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today the House will send to the President for his signature H.R. 768, the Need-Based Educational Aid Act of 2001. This bill was introduced by the gentleman from Texas (Mr. SMITH) and the gentleman from Massachusetts (Mr. FRANK), and I appreciate their hard work on this issue.

Mr. Speaker, beginning in the mid-1950s, a number of prestigious private colleges and universities agreed to award institutional financial aid, that is, aid from the schools' own funds, solely on the basis of demonstrated financial need. These schools also agreed to use common principles to assist each student's financial need and to give essentially the same financial aid award to students admitted to more than one member of the group.

From the 1950s through the late 1980s, the practice continued undisturbed. In 1989, the Antitrust Division of the Department of Justice brought suit against nine of the colleges that engaged in this practice. After extensive litigation, the parties reached a final settlement in 1993.

In 1994, Congress passed a temporary exemption from the antitrust laws that basically codified the settlement. It allowed agreements to provide aid on the basis of need only, to use common principles of need analysis, to use a common financial aid application form, and to allow the exchange of the students' financial information through a third party. It also prohibited agreements on award to specific students. It provided for this exemption to expire on September 30, 1997. That year, Congress extended the exemption until September 30, 2001.

Under this exemption, the affected schools have adopted a set of general principles to determine eligibility for institutional aid. These principles address issues like expected contribution from noncustodial parents, treatment of depreciation expenses that may reduce a parent's income, valuation of rental properties, and unusually high medical expenses. Common treatment of these types of issues make sense, and to my knowledge, the existing exemption has worked well.

The need-based financial aid system serves goals that the antitrust laws do not adequately address, namely, making financial aid available to the broadest number of students solely on the basis of demonstrated need. Without it, the schools would be required to compete, through financial aid awards, to the very top students. Those very top students would get all the aid available, which would be more than they need. The rest would get less or none at all. Ultimately, such a system would serve to undermine the principle of need-based aid and need-blind admissions.

No student who is otherwise qualified ought to be denied the opportunity to attend one of the Nation's most prestigious schools because of the financial situation of his or her family. H.R. 768 will help protect need-based aid and need-blind admissions and preserve that opportunity.

Mr. Speaker, unlike the original House bill, which permanently extended the 1994 exemption, the Senate amendment to H.R. 768 would extend the exemption for another 7 years, and it also directs the General Accounting Office to review the exemption. It would not make any change to the substance of the exemption. I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. FRANK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to express my appreciation to the chairman of the full committee for so diligently staying on this and bringing this forward. I want to express my particular appreciation to the gentleman from Texas, who has now joined us, who has been one of the leaders in making sure that we do this.

The gentleman from Wisconsin has explained this very well, and I just want to underline a few points. It seemed to me at the time a great misfortune and irony that the Justice Department was seeking to invoke the antitrust law against the universities that were engaged in this practice. It is one of the most socially responsible things that they do.

Essentially, what we have are among the most prestigious universities in the country, which people are eager to go to, saying that they believe they have an obligation in spending scholarship money to maximize the extent to which scholarship money enables poor or moderate-income young people to attend. The sole purpose of this whole enterprise is to extend the reach of scholarship aid based on need. For that to have been challenged on antitrust grounds seemed to me at the time a grave error.

I am delighted to have been able to work all this time, particularly with the gentleman from Texas, to go to the aid of universities that are trying to do the right thing. What this says is that the universities can exchange information and they can share information; not to raise prices, not to pay less to suppliers, not to do any of the things that the antitrust law is aimed at preventing, but rather, to maximize the extent to which financial aid goes to the young people who need it.

There is a great deal of controversy in our government about the extent to which, when the government is acting, we can take into account compensatory and other factors. Here we have the ideal situation. All of these institutions are wholly private institutions. They are not constrained by the various rules that government needs to follow. They have done this voluntarily, and I am very pleased that, over time, the number of institutions has expanded. I am proud to represent one of them, Wellesley College from Wellesley, Massachusetts. They have volunteered to take on extra work among themselves so as not to diminish the pool of scholarship funds available to those who are needy, and I think that is something well worth doing.

Now, I know an amendment has come back from the Senate calling for a GAO study. We are not in the process of amendment here; we are in suspension. If we were in a situation where amendments were in order, I think I would be tempted in this case to offer the amendment that I once offered in the Committee on Financial Services; namely, that any Member of Congress who offers an amendment requiring a study be required to read that study when it is completed and take a public exam on its contents, because we have this tendency to burden people with compiling studies that no one, including us, ever reads. I myself do not think in this case the study is necessary, and I think it burdens universities, who are trying to do a good thing, with excess work. But that is the price of getting this bill passed. It is a fairly small price to pay for an important piece of legislation that does advance an important social goal.

I salute the universities and, again, I want to express my gratitude to the two gentlemen from the majority side for the work they have done in bringing this forward.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, let it be clear that this exemption expired on October 1, and if the exemption is not reinstated and continued, well-endowed private colleges and universities, the gentleman from Massachusetts has several in his State, and I am a graduate of one of them, and the gentleman from Texas is also a graduate of one of them, will basically be able to use their superior financial resources to buy out the best students, generally by giving them more money than they really need for financial aid, even though the tuition at these colleges and universities is pretty steep.

By passing this bill and by reinstating the exemption, there will be more money to go around to more good students and to open the doors to these well-endowed, prestigious private colleges and universities to more people to be able to go there.

Mr. Speaker, at this time I yield such time as he may consume to the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Speaker, first I would like to thank the chairman of the committee for yielding me time. I would also like to thank the gentleman from Massachusetts (Mr. FRANK) for his earlier generous comments.

Beginning in the mid-1950s, a number of private colleges and universities agreed to award financial aid solely on the basis of demonstrated need. These schools also agreed to use common criteria to assess each student's financial need and to give the same financial aid award to students admitted to more than one member of the group.

In 1989, the Antitrust Division of the Department of Justice brought suit against nine of the colleges that engage in this practice. After extensive litigation, the parties reached a settlement in 1993.

In 1994 and again in 1997, Congress passed a temporary exemption from the antitrust laws that codified that settlement. It allowed agreements to provide aid on the basis of need only, use common criteria, use a common financial aid application form, and allow the exchange of the student's financial information through a third party. It also prohibited agreements on awards to specific students. The exemption expired, as the chairman just noted a minute ago, on September 30, 2001.

To my knowledge, there are no complaints about the exemption. H.R. 768 would extend the exemption passed in 1994 and 1997 for 7 more years.

The need-based financial aid system serves goals that the antitrust laws do not adequately address, namely, making financial aid available to the broadest number of students solely on the basis of demonstrated need. No student who is otherwise qualified should be denied the opportunity to go to a private, selective university because of the limited financial means of his or her family. H.R. 768 will help protect need-based aid and need-blind admissions.

Last April we approved a permanent extension by an overwhelming margin of 414 to zero. However, the Senate has approved only a 7-year extension. They also call for the General Accounting Office to study the effects of the exemption and to submit a report in 5 years. If the GAO chooses to examine a comparison group of schools for the study, participation in the group would be voluntary. It is this version that we vote upon today.

Mr. Speaker, I still believe that a permanent exemption from the antitrust laws is justified and warranted. However, in the interest of time, the House should accept the changes made by the Senate, and I urge my colleagues to support this bill.

Mr. FRANK. Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CULBERSON). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 768.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

FINANCIAL SERVICES ANTIFRAUD NETWORK ACT OF 2001

Mr. BACHUS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1408) to safeguard the public from fraud in the financial services industry, to streamline and facilitate the antifraud information-sharing efforts of Federal and State regulators, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1408

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Financial Services Antifraud Network Act of 2001''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Purposes.

TITLE I—ANTIFRAUD NETWORK

Subtitle A—Direction to Financial Regulators

Sec. 100. Creation and operation of the network.

Subtitle B—Potential Establishment of Antifraud Subcommittee

Sec. 101. Establishment.
Sec. 102. Purposes of the Subcommittee.
Sec. 103. Chairperson; term of chairperson; meetings; officers and staff.
Sec. 104. Nonagency status.
Sec. 105. Powers of the Subcommittee.
Sec. 106. Agreement on cost structure.

Subtitle C—Regulatory Provisions

Sec. 111. Agency supervisory privilege.
Sec. 112. Confidentiality of information.
Sec. 113. Liability provisions.
Sec. 114. Authorization for identification and criminal background check.
Sec. 115. Definitions.
Sec. 116. Technical and conforming amendments to other acts.
Sec. 117. Audit of State insurance regulators.

Subtitle D—Anti-Terrorism

Sec. 121. Preventing international terrorism.

TITLE II—SECURITIES INDUSTRY COORDINATION

Subtitle A—Disciplinary Information

Sec. 201. Investment Advisers Act of 1940.
Sec. 202. Securities Exchange Act of 1934.

Subtitle B—Preventing Migration of Rogue Financial Professionals to the Securities Industry

Sec. 211. Securities Exchange Act of 1934.
Sec. 212. Investment Advisers Act of 1940.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to safeguard the public from fraud in the financial services industry;

(2) to streamline the antifraud coordination efforts of Federal and State regulators and prevent failure to communicate essential information;

(3) to reduce duplicative information requests and other inefficiencies of financial services regulation;

(4) to assist financial regulators in detecting patterns of fraud, particularly patterns that only become apparent when viewed across the full spectrum of the financial services industry; and

(5) to take advantage of Internet technology and other advanced data-sharing technology to modernize the fight against fraud in all of its evolving manifestations and permutations.

TITLE I—ANTIFRAUD NETWORK

Subtitle A—Direction to Financial Regulators

SEC. 100. CREATION AND OPERATION OF THE NETWORK.

(a) SHARING OF PUBLIC INFORMATION.—The financial regulators shall, to the extent practicable and appropriate and in consultation with other relevant and appropriate agencies and parties—

(1) develop procedures to provide for a network for the sharing of antifraud information; and

(2) coordinate to further improve upon the antifraud efforts of the participants in the network as such participants deem appropriate over time.

(b) MINIMUM REQUIREMENTS.—The procedures described in subsection (a) shall—

(1) provide for the sharing of public final disciplinary and formal enforcement actions taken by the financial regulators that are accessible electronically relating to the conduct of persons engaged in the business of conducting financial activities that is fraudulent, dishonest, or involves a breach of trust or relates to the failure to register with the appropriate financial regulator as required by law;

(2) include a plan for considering the sharing among the participants of other relevant and useful antifraud information relating to companies and other persons engaged in conducting financial activities, to the extent practicable and appropriate when adequate privacy, confidentiality, and security safeguards governing access to, and the use of, such information have been developed that—

(A) is accessible by the public; or

(B) consists of information, that does not include personally identifiable information on consumers, on—

(i) licenses and applications, financial affiliations and name-relationships, aggregate trend data, appraisals, or reports filed by a regulated entity with a participant; or

(ii) similar information generated by or for a participant if—

(I) such information is being shared for the purpose of verifying an application or other report filed by a regulated entity; and

(II) the participant determines such information is factual and substantiated; and

(3) provide that, if a financial regulator takes an adverse action against a person engaged in the business of conducting financial activities on the basis of information described in paragraph (1) or (2) that was received from another participant through the network, the regulator shall—

(A) notify the person of the identity of the participant from whom such information was received;

(B) provide the person with a specific and detailed description of the information that was received from the other participant through the network and would be relied on in taking the adverse action; and

(C) notify the person of the right to a reasonable opportunity to respond to such information.

(c) PROVISIONS RELATING TO REQUIREMENTS.—

(1) TIME OF NOTICE.—The notice to any person, and the opportunity to respond, under subsection (b)(3) shall be provided to the person a reasonable period of time before any final action against the person which is based on information referred to in such paragraph is completed, unless the financial regulator determines that such advance notice and opportunity to respond is impracticable or inappropriate, in which case the notice and opportunity to respond shall be provided at the time of such final action.

(2) VERIFICATION OR SUBSTANTIATION OF INFORMATION.—With respect to subsection (b)(3), a delay in the consideration of a license, application, report, or other request for the purpose of verifying or substantiating information relating to such license, application, report, or other request shall not be treated as an adverse action if the verification or substantiation of such information is completed within a reasonable time.

(d) IMPLEMENTATION.—

(1) SUBMISSION OF PLAN.—Before the end of the 6-month period beginning on the date of the enactment of this Act, the Federal financial regulators shall submit to Congress a plan detailing how the financial regulators (and any association representing financial regulators) expect to meet the requirements of subsections (a) and (b).

(2) DEADLINE FOR IMPLEMENTATION.—Before the end of the 2-year period beginning on the date of the enactment of this Act, the financial regulators shall establish the network described in subsections (a) and (b).

(e) FINANCIAL REGULATORS DEFINED.—For the purposes of this section, the term ''financial regulators'' means the financial regulators described in subparagraphs (A) through (Q) of section 115(3).

(f) DETERMINATION OF IMPLEMENTATION OF SUBTITLE B.—

(1) IN GENERAL.—The provisions of subtitle B shall take effect only if the Secretary of the Treasury, or a designee of the Secretary, before the end of the 30-day period beginning at the end of the period referred to in—

(A) subsection (d)(1), does not determine that the Federal financial regulators have submitted a plan which substantially meets the requirements of such subsection; or

(B) subsection (d)(2), does not determine that the financial regulators have established a network that substantially complies with the requirements of subsections (a) and (b).

(2) SCOPE OF APPLICATION.—This subtitle shall cease to apply as of the date subtitle B takes effect.

(g) USE OF CENTRALIZED DATABASES.—

(1) IN GENERAL.—A financial regulator shall be deemed to have met the requirements of subsection (b)(1) if—

(A) the participants have access to a centralized database that contains information on public final disciplinary or formal enforcement actions similar to that described in such subsection; or

(B) the financial regulator makes the information described in such subsection available to the public over the Internet.

(2) STATE SUPERVISORS.—It is the sense of the Congress that the National Association of Insurance Commissioners, the Conference of State Bank Supervisors, the American Council of State Savings Supervisors, the National Association of State Credit Union Supervisors, and the North American Securities Administrators Association should develop model guidelines for regulators in their respective regulated financial industries, where appropriate, to promote uniform standards for sharing information with the network under this section.

(h) FINANCIAL REGULATOR CONTROL OF ACCESS.—

(1) IN GENERAL.—Except as provided in paragraph (4), each participant that allows access to its databases or information by other participants through the network may establish parameters for controlling or limiting such access, including the regulation of—

(A) the type or category of information that may be accessed by other participants and the extent to which any such type or category of information may be accessed;

(B) the participants that may have access to the database or any specific type or category of information in the database (whether for reasons of cost reimbursement, data security, efficiency, or otherwise); and

(C) the disclosure by any other participant of any type or category of information that may be accessed by the participant.

(2) PROCEDURES.—A participant may establish the parameters described in paragraph (1) by regulation, order, or guideline or on a case-by-case basis.

(3) DISCLAIMER.—

(A) IN GENERAL.—Each participant shall ensure that any transfer of information through the network under this section, other than information described in subsection (b)(1), from such participant to another participant is subject to a disclaimer that the information accessed may be unsubstantiated and may not be relied on as the basis for denying any application or license.

(B) REGULATORY FLEXIBILITY.—Each financial regulator may develop guidelines, as the regulator determines to be appropriate, governing the location, wording, and frequency of disclaimers under this paragraph and the manner in which any such disclaimer shall be made.

(4) FINAL DISCIPLINARY AND FORMAL ENFORCEMENT ACTIONS NOT SUBJECT TO LIMITATION.—This subsection, and standards or procedures adopted by any participant under this subsection, shall not apply with respect to information described in subsection (b)(1).

(5) NO EFFECT ON PUBLIC OR COMPANY ACCESS.—No provision of this section shall replace, supersede, or otherwise affect access to any databases maintained by any Federal or State regulator, or any entity representing any such regulator, which are accessible by the public or persons engaged in the business of conducting financial activities.

(i) ELIGIBILITY REQUIREMENTS FOR STATE SECURITIES ADMINISTRATORS.—

(1) IN GENERAL.—No State securities administrator shall be eligible to be a participant and access the network unless—

(A) such State securities administrator participates in a centralized database for broker-dealers, broker-dealer agents, investment advisers, and investment advisor representatives, registered or required to be registered, as designated by the North American Securities Administrators Association; and

(B) such State securities administrator requires the broker-dealer, broker-dealer agent, investment adviser, or investment adviser representative, currently registered or required to be registered, to file any application, amendment to an application, or a renewal of an application through the centralized registration database.

(2) TIME DELAY FOR PARTICIPATION IN DATABASES.—The provisions of paragraph (1) shall not become effective until 3 years after the date of enactment of this Act.

(j) ELIGIBILITY REQUIREMENTS FOR STATE INSURANCE COMMISSIONERS.—

(1) PARTICIPATION IN DATABASES.—No State insurance commissioner shall be eligible to access the network unless such commissioner participates with other State insurance commissioners—

(A) in a centralized database addressing disciplinary or enforcement actions taken against persons engaged in the business of insurance, such as the Regulatory Information Retrieval System maintained by the National Association of Insurance Commissioners or any network or database designated by such Association as a successor to such System; and

(B) in centralized databases addressing, with respect to persons engaged in the business of insurance—

(i) corporate and other business affiliations or relationships, such as the Producer Database maintained by the National Association of Insurance Commissioners or any network or database designated by such Association as a successor to such Database; and

(ii) consumer complaints, such as the Complaints Database maintained by the National Association of Insurance Commissioners or any network or database designated by such Association as a successor to such Database.

(2) TIME DELAY FOR PARTICIPATION IN DATABASES.—The provisions of subparagraph (1)(B) of this section shall not become effective until 3 years after the date of enactment of this Act.

(3) ACCREDITATION.—No State insurance commissioner shall be eligible to access the network unless the State insurance department which such commissioner represents meets 1 of the following accreditation requirements at the time of access to the network:

(A) Is accredited by the National Association of Insurance Commissioners.

(B) Has an application for accredited status pending with the National Association of Insurance Commissioners.

(k) STANDARDS.—Each financial regulator shall consider developing guidelines on—

(1) how to denote which types of information are to receive different levels of confidentiality protection; and

(2) how entities or associations that act as agents for financial regulators should denote such agency status when acting in that capacity.

(l) OTHER SHARING ARRANGEMENTS NOT AFFECTED.—No provision of this section shall be construed as limiting or otherwise affecting the authority of a financial regulator to provide any person, including another participant, access to any information in accordance with any provision of law other than this Act.

Subtitle B—Potential Establishment of Antifraud Subcommittee

SEC. 101. ESTABLISHMENT.

(a) IN GENERAL.—Unless the determinations described in section 100(f) are made, after the applicable date described in such section there shall be established within the President's Working Group on Financial Markets (as established by Executive Order No. 12631) a subcommittee to be known as the ''Antifraud Subcommittee'' (hereafter in this title referred to as the ''Subcommittee'') which shall consist of the following members:

(1) The Secretary of the Treasury, or a designee of the Secretary.

(2) The Chairman of the Securities and Exchange Commission or a designee of the Chairman.

(3) A State insurance commissioner designated by the National Association of Insurance Commissioners, or a designee of such commissioner.

(4) The Chairman of the Commodity Futures Trading Commission or a designee of such Chairman.

(5) A designee of the Chairman of the Federal Financial Institutions Examination Council.

(b) FINANCIAL LIAISONS.—The following shall serve as liaisons between the Subcommittee and the agencies represented by each such liaison:

(1) A representative of each Federal banking agency appointed by the head of each such agency.

(2) A representative of the National Credit Union Administration appointed by the National Credit Union Administration Board.

(3) A representative of the Farm Credit Administration, appointed by the Farm Credit Administration Board.

(4) A representative of the Federal Housing Finance Board, appointed by such Board.

(5) A representative of the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development appointed by the Director of such Office.

(6) A representative of the Appraisal Subcommittee of the Financial Institutions Examination Council designated by the Chairperson of the Appraisal Subcommittee.

(7) A representative of State bank supervisors designated by the Conference of State Bank Supervisors.

(8) A representative of State savings association supervisors designated by the American Council of State Savings Supervisors.

(9) A representative of State credit union supervisors designated by the National Association of State Credit Union Supervisors.

(10) A representative of State securities administrators designated by the North American Securities Administrators Association.

(11) A representative of the National Association of Securities Dealers appointed by the National Association of Securities Dealers.

(12) A representative of the National Futures Association appointed by the National Futures Association.

(13) Any other financial liaison as the Subcommittee may provide to represent any other financial regulator or foreign financial regulator, including self-regulatory agencies or organizations that maintain databases on persons engaged in the business of conducting financial activities, designated in the manner provided by the Subcommittee.

(c) OTHER LIAISONS.—

(1) LAW ENFORCEMENT LIAISONS.—The following shall serve as liaisons between the Subcommittee and the agencies represented by each such liaison:

(A) A representative of the Department of Justice appointed by the Attorney General.

(B) A representative of the Federal Bureau of Investigation appointed by the Director of such Bureau.

(C) A representative of the United States Secret Service appointed by the Director of such Service.

(D) A representative of the Financial Crimes Enforcement Network (as established by the Secretary of the Treasury) appointed by the Secretary of the Treasury.

(2) SUBCOMMITTEE APPOINTED LIAISONS.—The Subcommittee may provide for any other liaison to represent any other regulator, including self-regulatory agencies or organizations that maintain databases on persons engaged in the business of conducting financial activities, designated in the manner provided by the Subcommittee.

(d) VACANCY.—If, for any reason, the position of any member of or liaison to the Subcommittee is not filled within a reasonable period of time after being created or becoming vacant, the President shall appoint an individual to fill the position after consulting the agency or entity to be represented by such member or liaison, and to the extent possible, shall appoint such individual from a list of possible representatives submitted by such agency or entity.

(e) REORGANIZATION AUTHORITY.—

(1) IN GENERAL.—If the President disbands or otherwise significantly modifies the Working Group referred to in subsection (a), the President shall provide for the continuation of the Subcommittee's coordination functions.

(2) MEMBER AND LIAISON WITHDRAWAL.—If the President materially alters the structure or duties of the Subcommittee, any member of or liaison to the Subcommittee may withdraw from the Subcommittee.

SEC. 102. PURPOSES OF THE SUBCOMMITTEE.

(a) IN GENERAL.—The purposes of the Subcommittee are as follows:

(1) Coordinate access by the participants to antifraud databases of various regulators, by facilitating the establishment, maintenance, and use of a network of existing antifraud information maintained by such regulators with respect to persons engaged in the business of conducting financial activities.

(2) Coordinate access by each participant to such network in a manner that allows the participant to review, at a minimal cost, existing information in the databases of other regulators, as a part of licensure, change of control, or investigation, concerning any person engaged in the business of conducting financial activities.

(3) Coordinate information sharing, where appropriate, among State, Federal, and foreign financial regulators, and law enforcement agencies, where sufficient privacy and confidentiality safeguards exist.

(4) Consider coordinating development by participants of a networked name-relationship index for persons engaged in the business of conducting financial activities using information from the databases of regulators, to the extent such information is available.

(5) Advise participants on coordinating their antifraud databases with the network.

(6) Coordinate development of guidelines by participants for ensuring appropriate privacy, confidentiality, and security of shared information, including tracking systems or testing audits, as appropriate.

(b) CRITERIA FOR NETWORK WITH RESPECT TO ANY PERSON ENGAGED IN THE BUSINESS OF CONDUCTING FINANCIAL ACTIVITIES.—

(1) FINAL DISCIPLINARY AND FORMAL ENFORCEMENT ACTIONS.—Each financial regulator that is represented by a member of the Subcommittee under section 101(a) or by a financial liaison to the Subcommittee under section 101(b) shall allow any participant access, through the network, to any public final disciplinary or formal enforcement action by such regulator which is accessible electronically relating to the conduct of persons engaged in the business of conducting financial activities that is fraudulent or dishonest, involves a breach of trust, or relates to the failure to register with the appropriate financial regulator as required by law.

(2) SENSE OF THE CONGRESS ON OTHER INFORMATION.—It is the sense of the Congress that the financial regulators should consider sharing through the network other relevant and useful antifraud information relating to companies and other persons engaged in conducting financial activities, to the extent practicable and appropriate when adequate privacy, confidentiality, and security safeguards governing access to and the use of such information have been developed that—

(A) is accessible by the public; or

(B) consists of information, that does not include personally identifiable information on consumers, on—

(i) licenses and applications, financial affiliations and name-relationships, aggregate trend data, or reports filed by a regulated entity with the participant; or

(ii) similar information generated by or for a participant if—

(I) such information is being shared for the purpose of verifying an application or other report filed by a regulated entity; and

(II) the participant determines such information is factual and substantiated.

(3) NOTICE AND RESPONSE.—If a financial regulator takes an adverse action against a person engaged in the business of conducting financial activities on the basis of information described in paragraph (1) or (2) that was received from another participant through the network, the regulator shall—

(A) notify the person of the identity of the participant from whom such information was received;

(B) provide the person with a specific and detailed description of the information that was received from the other participant through the network and would be relied on in taking the adverse action; and

(C) notify the person of the right to a reasonable opportunity to respond to such information.

(4) PROVISIONS RELATING TO REQUIREMENTS.—

(A) TIME OF NOTICE.—Any notice to any person, and an opportunity to respond, under paragraph (3) shall be provided to the person a reasonable period of time before any final action against the person which is based on information referred to in such paragraph is completed, unless the financial regulator determines that such advance notice and opportunity to respond is impracticable or inappropriate, in which case the notice and opportunity to respond shall be provided at the time of such final action.

(B) VERIFICATION OR SUBSTANTIATION OF INFORMATION.—With respect to paragraph (3), a delay in the consideration of a license, application, report, or other request for the purpose of verifying or substantiating information relating to such license, application, report, or other request shall not be treated as an adverse action if the verification or substantiation of such information is completed within a reasonable time.

(5) USE OF CENTRALIZED DATABASES.—

(A) IN GENERAL.—A financial regulator shall be deemed to have met the requirements of paragraph (1) if the Subcommittee determines that the participants have access to a centralized database that contains information on public final disciplinary or formal enforcement actions similar to that described in paragraph (1) or if the financial regulator makes the information described in paragraph (1) available to the public over the Internet.

(B) FACTORS FOR DETERMINATION.—The Subcommittee shall make the determination under subparagraph (A) on an ongoing basis, considering both short-term costs and technological limitations, as well as the need for long-term comprehensive coverage, and other appropriate factors.

(C) STATE SUPERVISORS.—It is the sense of the Congress that the National Association of Insurance Commissioners, the Conference of State Bank Supervisors, the American Council of State Savings Supervisors, the National Association of State Credit Union Supervisors, and the North American Securities Administrators Association should develop model guidelines for regulators in their respective regulated financial industries, where appropriate, to promote uniform standards for sharing information with the network under this section.

(c) FINANCIAL REGULATOR CONTROL OF ACCESS.—

(1) IN GENERAL.—Except as provided in paragraph (4), each participant that allows access to its databases or information by other participants through the network may

establish parameters for controlling or limiting such access, including the regulation of—

(A) the type or category of information that may be accessed by other participants and the extent to which any such type or category of information may be accessed;

(B) the participants that may have access to the database or any specific type or category of information in the database (whether for reasons of cost reimbursement, data security, efficiency, or otherwise); and

(C) the disclosure by any other participant of any type or category of information that may be accessed by the participant.

(2) PROCEDURES.—A participant may establish the parameters described in paragraph (1) by regulation, order, or guideline or on a case-by-case basis.

(3) DISCLAIMER.—

(A) IN GENERAL.—Each participant shall ensure that any transfer of information through the network under this section, other than information described in paragraph (1) of subsection (b), from such participant to another participant is subject to a disclaimer that the information accessed may be unsubstantiated and may not be relied on as the basis for denying any application or license.

(B) SUBCOMMITTEE FLEXIBILITY.—The Subcommittee may prescribe such guidelines as the Subcommittee determines to be appropriate governing the location, wording, and frequency of disclaimers under this paragraph and the manner in which any such disclaimer shall be made.

(4) FINAL DISCIPLINARY AND FORMAL ENFORCEMENT ACTIONS NOT SUBJECT TO LIMITATION.—This subsection, and standards or procedures adopted by any participant under this subsection, shall not apply with respect to information described in paragraph (1) of subsection (b).

(5) NO EFFECT ON PUBLIC OR COMPANY ACCESS.—No provision of this section shall replace, supersede, or otherwise affect access to any databases maintained by any Federal or State regulator, or any entity representing any such regulator, which are accessible by the public or persons engaged in the business of conducting financial activities.

(d) ELIGIBILITY REQUIREMENTS FOR STATE SECURITIES ADMINISTRATORS.—

(1) IN GENERAL.—No State securities administrator shall be eligible to be a participant and access the network unless—

(A) such State securities administrator participates in a centralized database for broker-dealers, broker-dealer agents, investment advisers, and investment advisor representatives, registered or required to be registered, as designated by the North American Securities Administrators Association; and

(B) such State securities administrator requires the broker-dealer, broker-dealer agent, investment adviser, or investment adviser representative, currently registered or required to be registered, to file any application, amendment to an application, or a renewal of an application through the centralized registration database.

(2) TIME DELAY FOR PARTICIPATION IN DATABASES.—The provisions of paragraph (1) shall not become effective until 3 years after the date of enactment of this Act.

(e) ELIGIBILITY REQUIREMENTS FOR STATE INSURANCE COMMISSIONERS.—

(1) PARTICIPATION IN DATABASES.—No State insurance commissioner shall be eligible to access the network unless such commissioner participates with other State insurance commissioners—

(A) in a centralized database addressing disciplinary or enforcement actions taken against persons engaged in the business of insurance, such as the Regulatory Information Retrieval System maintained by the National Association of Insurance Commissioners or any network or database designated by such Association as a successor to such System; and

(B) in centralized databases addressing, with respect to persons engaged in the business of insurance—

(i) corporate and other business affiliations or relationships, such as the Producer Database maintained by the National Association of Insurance Commissioners or any network or database designated by such Association as a successor to such Database; and

(ii) consumer complaints, such as the Complaints Database maintained by the National Association of Insurance Commissioners or any network or database designated by such Association as a successor to such Database.

(2) TIME DELAY FOR PARTICIPATION IN DATABASES.—The provisions of subparagraph (1)(B) of this section shall not become effective until 3 years after the date of enactment of this Act.

(3) ACCREDITATION.—No State insurance commissioner shall be eligible to access the network unless the State insurance department which such commissioner represents meets 1 of the following accreditation requirements at the time of access to the network:

(A) Is accredited by the National Association of Insurance Commissioners.

(B) Has an application for accredited status pending with the National Association of Insurance Commissioners.

(C) Has a determination by the Subcommittee in effect that such State insurance department meets or exceeds the standards established by the National Association of Insurance Commissioners for accreditation.

(f) SUBCOMMITTEE STANDARDS.—The Subcommittee shall consider developing guidelines for participants on—

(1) how to denote which types of information are to receive different levels of confidentiality protection; and

(2) how entities or associations that act as agents for financial regulators should denote such agency status when acting in that capacity.

(g) REPORTING AND FEASIBILITY REQUIREMENTS AND REVIEW OF OPTIMAL NETWORKING METHODS.—

(1) REPORT.—Before the end of the 180-day period beginning on the date this subtitle takes effect in accordance with section 101(a), and again before the end of the 2-year period beginning on such date, the Subcommittee shall submit a report to the Congress regarding the methods the regulators plan to use to network information, and a description of any impediments to (or recommended additional legislation for) facilitating the appropriate sharing of such information.

(2) TIMEFRAME FOR NETWORKING.—

(A) IN GENERAL.—The networking of information required under subsection (b)(1) shall be established before the end of the 2-year period beginning on the date this subtitle takes effect, unless the Subcommittee determines, in conjunction with the liaisons, that such a network cannot be established within such time period in a practicable and cost-effective manner.

(B) REPORTS ON EFFORTS IF TIMEFRAME IS NOT MET.—If the Subcommittee makes such a determination, the Subcommittee shall report annually to the Congress on its efforts to coordinate the sharing of appropriate information among the regulators until the networking requirements are fulfilled.

(h) OTHER SHARING ARRANGEMENTS NOT AFFECTED.—No provision of this section shall be construed as limiting or otherwise affecting the authority of a financial regulator or other member or liaison of the Subcommittee to provide any person, including another participant, access to any information in accordance with any provision of law other than this Act.

(i) NO NEW DATABASES OR EXPENDITURES MANDATED.—In implementing this Act, the Subcommittee shall not have any authority to require a member or liaison to create a new database or otherwise incur significant costs in modifying existing databases for the networking of information.

SEC. 103. CHAIRPERSON; TERM OF CHAIRPERSON; MEETINGS; OFFICERS AND STAFF.

(a) CHAIRPERSON.—

(1) SELECTION.—The members of the Subcommittee shall select the Chairperson from among the members of the Subcommittee.

(2) TERM.—The term of the Chairperson shall be 2 years.

(b) MEETINGS.—The Subcommittee shall meet at the call of the Chairperson or a majority of the members when there is business to be conducted.

(c) QUORUM.—A majority of members of the Subcommittee shall constitute a quorum.

(d) MAJORITY VOTE.—Decisions of the Subcommittee shall be made by the vote of a majority of the members of the Subcommittee.

(e) OFFICERS AND STAFF.—The Chairperson of the Subcommittee may appoint such officers and staff as may be necessary to carry out the purposes of the Subcommittee.

SEC. 104. NONAGENCY STATUS.

The Subcommittee shall not be considered an advisory committee for purposes of the Federal Advisory Committee Act or as an agency for purposes of subchapter II of chapter 5 of title 5, United States Code.

SEC. 105. POWERS OF THE SUBCOMMITTEE.

(a) IN GENERAL.—The Subcommittee shall have such powers as are necessary to carry out the purposes of the Subcommittee under this title.

(b) INFORMATION TO FACILITATE COORDINATION.—Each agency and entity represented by a member or liaison shall, to the extent permitted by law, provide the Subcommittee with a description of the types of databases maintained by the agency or entity to assist the Subcommittee in carrying out the purposes described in section 102(a).

(c) SERVICE OF MEMBERS AND LIAISONS.—Members of and liaisons to the Subcommittee shall serve without additional compensation for their work on the Subcommittee.

(d) ADMINISTRATIVE AND TECHNICAL SUPPORT.—The Subcommittee may request that any agency or entity represented by a member or liaison provide the Subcommittee with any administrative, technical, or other support service that the Subcommittee determines is necessary or appropriate for it to carry out the purposes described in section 102(a).

SEC. 106. AGREEMENT ON COST STRUCTURE.

(a) IN GENERAL.—The Subcommittee shall determine, after consultation with the affected participants or their representatives, the means for providing for any costs the Subcommittee may incur in carrying out the purposes of this subtitle.

(b) CONSULTATION AND AGREEMENT ON FEES AND CONTRIBUTIONS.—Notwithstanding any other provision of this subtitle, the Subcommittee may not impose any fee or assessment on, or apportion any contribution against, any member or liaison under this section unless—

(1) the Subcommittee consults with such member or liaison; and

(2) the member or liaison consents to the amounts, or to a schedule, of such fees, assessments, or contributions.

(c) REIMBURSEMENT OF PARTICIPANT COSTS.—Before allowing access by the Subcommittee or a participant to any information described in section 102, other than access described in subsection (b)(1) of such section, a member or liaison may request the reimbursement of reasonable costs for providing such access.

Subtitle C—Regulatory Provisions

SEC. 111. AGENCY SUPERVISORY PRIVILEGE.

(a) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) SUPERVISORY PROCESS.—The term ''supervisory process'' means any activity engaged in by a financial regulator to carry out the official responsibilities of the financial regulator with regard to the regulation or supervision of persons engaged in the business of conducting financial activities, including examinations, inspections, visitations, investigations, consumer complaints, or any other regulatory or supervisory activities.

(2) CONFIDENTIAL SUPERVISORY INFORMATION.—Subject to paragraph (3), the term ''confidential supervisory information'' means any of the following information which is treated as, or considered to be, confidential information by a financial regulator, regardless of the form or format in which the information is created, conveyed, or maintained:

(A) Any report of examination, inspection, visitation, or investigation, and information prepared or collected by the financial regulator in connection with the supervisory process, including—

(i) any file, work paper, or similar information;

(ii) any correspondence, communication, or information exchanged, in connection with the supervisory process, between a financial regulator and a person engaged in the business of conducting financial activities; and

(iii) any information, including any report, created by or on behalf of a person engaged in the business of conducting financial activities that is required by, or is prepared at the request of, a financial regulator in connection with the supervisory process.

(B) Any record to the extent it contains information derived from any report, correspondence, communication or other information described in subparagraph (A).

(C) Any consumer complaints filed with the financial regulator by a consumer with respect to a person engaged in the business of conducting financial activities that have been identified by the financial regulator as requiring confidential treatment to protect the integrity of an investigation or the safety of an individual.

(3) EXCLUSIONS.—The term ''confidential supervisory information'' shall not include—

(A) any book, record, or other information, in the possession of, or maintained on behalf of, the person engaged in the business of conducting financial activities that—

(i) is not a report required by, or prepared at the request of, a financial regulator; and

(ii) is not, and is not derived from, confidential supervisory information that was created or prepared by a financial regulator; or

(B) any information required to be made publicly available by—

(i) any applicable Federal law or regulation; or

(ii) in the case of confidential supervisory information created by a State financial regulator or requested from a person engaged in the business of conducting financial activities by a State financial regulator, any applicable State law or regulation that specifically refers to such type of information.

(b) SHARING OF REPORTS.—

(1) IN GENERAL.—No provision of this section shall be construed as preventing—

(A) a person engaged in the business of conducting financial activities from providing a report that is required by, or prepared at the request of, a financial regulator (the originating financial regulator) to another financial regulator that has the authority to obtain the information from the person under any other provision of law;

(B) a financial regulator that obtains a report described in subparagraph (A) from a person engaged in the business of conducting financial activities from using or disclosing such report to the extent otherwise permitted by law; or

(C) a person engaged in the business of conducting financial activities from sharing confidential supervisory information with the person's attorneys, accountants, and auditors, solely for the purpose of providing legal, accounting, or auditing services, respectively, for such person, except that—

(i) such sharing shall not be considered a disclosure for any other purpose;

(ii) the attorneys, accountants, or auditors may not further disclose such information; and

(iii) such sharing shall be conducted in accordance with any other applicable governing laws and regulations.

(2) PRIVILEGE PRESERVED.—If a person provides a report referred to in paragraph (1) to a financial regulator other than the originating financial regulator, such action shall not affect the ability of the originating financial regulator to assert any privilege that such financial regulator may claim with respect to the report against any person that is not a financial regulator.

(c) FINANCIAL REGULATOR SUPERVISORY PRIVILEGE.—

(1) PRIVILEGE ESTABLISHED.—

(A) IN GENERAL.—All confidential supervisory information shall be privileged from disclosure to any person except as provided in this section.

(B) PROHIBITION ON UNAUTHORIZED DISCLOSURES.—No person in possession of confidential supervisory information may disclose such information, in whole or in part, without the prior authorization of the financial regulator that created the information, or requested the information from a person engaged in the business of conducting financial activities, except for a disclosure made in published statistical material that does not disclose, either directly or when used in conjunction with publicly available information, the affairs of any person or other personally identifiable information.

(C) AGENCY WAIVER.—The financial regulator that created the confidential supervisory information, or requested the confidential supervisory information from a person engaged in the business of conducting financial activities, may waive, in whole or in part, in the discretion of the regulator, any privilege established under this paragraph with respect to such information.

(2) EXCEPTIONS.—

(A) ACCESS BY GOVERNMENTAL BODIES.—

(i) CONGRESS AND GENERAL ACCOUNTING OFFICE.—No provision of paragraph (1) shall be construed as preventing access to confidential supervisory information by duly authorized committees of the Congress or the Comptroller General of the United States.

(ii) FINANCIAL REGULATOR OVERSIGHT.—No financial regulator which is described in subparagraph (P), (Q), or (R) of section 115(3) and is subject to the oversight of a Federal financial regulator may assert the privilege described in paragraph (1) to prevent access to confidential supervisory information by such Federal financial regulator.

(B) PRIVILEGE NOT WAIVED.—If a financial regulator provides access to confidential supervisory information to the Congress, the Comptroller General, or another financial regulator, such action shall not affect the ability of the financial regulator to assert any privilege associated with such information against any other person.

(d) TREATMENT OF FOREIGN SUPERVISORY INFORMATION.—In any proceeding before a Federal or State court of the United States, in which a person seeks to compel production or disclosure by a financial regulator of information or documents prepared or collected by a foreign financial regulator that would, had the information or document been prepared or collected by a financial regulator, be confidential supervisory information for purposes of this section, the information or document shall be privileged to the same extent that the information and documents of financial regulators are privileged under this title.

(e) OTHER PRIVILEGES NOT WAIVED BY DISCLOSURE TO FINANCIAL REGULATOR.—The submission by a person engaged in the business of conducting financial activities of any information to a financial regulator or a foreign financial regulator in connection with the supervisory process of such financial regulator or foreign financial regulator shall not waive, destroy, or otherwise affect any privilege such person may claim with respect to such information under Federal or State law as to a party other than such financial regulator or foreign financial regulator.

(f) DISCOVERY AND DISCLOSURE OF INFORMATION.—

(1) INFORMATION AVAILABLE ONLY FROM FINANCIAL REGULATOR.—

(A) IN GENERAL.—No person (other than the financial regulator that created the information or requested the information from a person engaged in the business of conducting financial activities) may disclose, in whole or in part, any confidential supervisory information to any person who seeks such information through subpoena, discovery procedures, or otherwise.

(B) PROCEDURE FOR REQUESTS SUBMITTED TO FINANCIAL REGULATOR.—

(i) IN GENERAL.—Any request for discovery or disclosure of confidential supervisory information shall be made to the financial regulator that created the information, or requested the information from a person engaged in the business of conducting financial activities.

(ii) PROCEDURE.—Upon receiving a request for confidential supervisory information, the financial regulator shall determine within a reasonable time period whether to disclose such information pursuant to procedures and criteria established by the financial regulator.

(C) NOTIFICATION.—

(i) IN GENERAL.—Before any financial regulator releases confidential supervisory information that was requested from a person engaged in the business of conducting financial activities to a person under subparagraph (B), notice and a reasonable time for comment shall be provided to the person from whom such information was requested unless such information—

(I) is being provided to another financial regulator, an agency or entity represented by a liaison to the Subcommittee, or a Federal, State, or foreign government (or any agency or instrumentality of any such government acting in any capacity);

(II) is being sought for use in a criminal proceeding or investigation, or a regulatory, supervisory, enforcement, or disciplinary administrative proceeding, civil action, or investigation; or

(III) was originally created, or included in information created, by the financial regulator.

(ii) PROCEDURES AND REQUIREMENTS.—A financial regulator may prescribe regulations, or issue orders, guidelines, or procedures, governing the notice and time period required by clause (i).

(2) FEDERAL COURT JURISDICTION OVER DISPUTES.—

(A) DECLARATORY JUDGMENT.—If a party seeks in any action or proceeding to compel disclosure of confidential supervisory information, a financial regulator may in a civil action for a declaratory judgment seek to prevent such disclosure.

(B) JUDICIAL REVIEW.—Judicial review of the final action of a financial regulator with regard to the disposition of a request for confidential supervisory information shall be before a district court of the United States of competent jurisdiction, subject to chapter 7 of part I of title 5, United States Code.

(g) AUTHORITY TO INTERVENE.—In the case of any action or proceeding to compel compliance with a subpoena, order, discovery request, or other judicial or administrative process with respect to any confidential supervisory information of a financial regulator concerning any person engaged in the business of conducting financial activities, the financial regulator may intervene in such action or proceeding, and such person may intervene with such regulator, for the purpose of—

(1) enforcing the limitations established in paragraph (1) of subsections (c) and (f);

(2) seeking the withdrawal of any compulsory process with respect to such information; and

(3) registering appropriate objections with respect to the action or proceeding to the extent the action or proceeding relates to or involves such information.

(h) RIGHT TO APPEAL.—Any court order that compels production of confidential supervisory information may be immediately appealed by the financial regulator and the order compelling production shall be automatically stayed, pending the outcome of such appeal.

(i) REGULATIONS.—

(1) AUTHORITY TO PRESCRIBE.—Each financial regulator may prescribe such regulations as the regulator considers to be appropriate, after consultation with the other financial regulators (to the extent the prescribing financial regulator considers appropriate and feasible), to carry out the purposes of this section.

(2) AUTHORITY TO REQUIRE NOTICE.—Any regulations prescribed by a financial regulator under paragraph (1) may require any person in possession of confidential supervisory information to notify the financial regulator whenever the person is served with a subpoena, order, discovery request, or other judicial or administrative process requiring the personal attendance of such person as a witness or requiring the production of such information in any proceeding.

(j) ABILITY TO PARTIALLY WAIVE PRIVILEGE WHERE NO OTHER PRIVILEGE APPLIES.—A financial regulator may, to the extent permitted by applicable law governing the disclosure of information by the regulator, authorize a waiver of the privilege established by this section to allow access by a person to confidential supervisory information created by such regulator (or requested by such regulator from any person engaged in the business of conducting financial activities), except that—

(1) the regulator may place appropriate limits on the use and disclosure of the information shared, and may continue to assert the privilege with respect to any other person that seeks access to the information; and

(2) such waiver shall not affect any other privilege or confidentiality protection that any party may assert against any person other than such financial regulator.

(k) SHARING OF CONFIDENTIAL SUPERVISORY INFORMATION AMONG FEDERAL FUNCTIONAL REGULATORS.—A Federal functional regulator (as defined in section 509 of the Gramm-Leach-Bliley Act) shall freely share, upon request, any confidential supervisory information created by it with another Federal functional regulator subject only to any existing legal restrictions on the regulator's authority to share or disclose information and to the following paragraphs:

(1) REQUESTS DIRECTED TO REGULATOR.—A Federal functional regulator may seek information described in this subsection solely from the Federal functional regulator that created the information (hereafter in this subsection referred to as the ''originating regulator''), and not from any other person (unless authorized by the originating regulator).

(2) REVIEW OF REQUESTS.—Notwithstanding any other provision of law, in response to a request for such information, the originating regulator may decline to provide any portion of the information if the originating regulator, in consultation with the requesting regulator and after giving due consideration to the request, determines that withholding the information is appropriate in the public interest.

(3) USE WITHIN AGENCY PERMITTED.—Any confidential supervisory information received by a requesting regulator under this subsection may be shared freely among personnel within the requesting regulator.

(4) APPROVAL REQUIRED FOR OTHER USES.—The requesting regulator shall obtain the approval of the originating regulator before any information described in this subsection is—

(A) made public;

(B) provided to any third person or agency; or

(C) cited or made a part of the record in the course of any enforcement action.

(l) ACCESS TO INFORMATION OF REGULATED ENTITY PRESERVED.—No provision of this section shall be construed as preventing a Federal functional regulator (as defined in section 509 of the Gramm-Leach-Bliley Act) from obtaining from any person, other than a Federal functional regulator, any book, record or information (other than confidential supervisory information created by a Federal functional regulator), including any book, record or other information referred to in, or constituting the underlying data for, any confidential supervisory information created by another Federal functional regulator.

(m) NO GRANT OF AUTHORITY.—No provision of this section shall be construed as providing any financial regulator any new authority to request or obtain information.

(n) NO WAIVER OF ANY PRIVILEGE OF ANY OTHER PARTY.—No provision of this Act shall be construed as providing a financial regulator with any new authority to disclose information in contravention of applicable law governing disclosure of information.

SEC. 112. CONFIDENTIALITY OF INFORMATION.

(a) IN GENERAL.—

(1) FINANCIAL REGULATORS.—Except as otherwise provided in this section or section 111, any requirement under Federal or State law regarding the privacy or confidentiality of any information or material in the possession of any participant, and any privilege arising under Federal or State law (including the rules of any Federal or State court) with respect to such information or material, shall continue to apply to such information or material after the information or material has been disclosed through the network to another participant or, if subtitle B has taken effect, the Subcommittee.

(2) CERTAIN INSURANCE INFORMATION.—Except as otherwise provided in this section or section 111, any requirement under Federal or State law regarding the privacy or confidentiality of any information or material in the possession of the National Association of Insurance Commissioners, or any member or affiliate of the Association, and any privilege arising under Federal or State law (including the rules of any Federal or State court) with respect to such information or material, shall continue to apply to such information or material after the information has been disclosed to the Association, or any other member or affiliate of the Association, through the computer databases maintained by the Association.

(3) NONAPPLICABILITY OF CERTAIN REQUIREMENTS.—Information or material that is subject to a privilege or confidentiality under any other paragraph of this subsection shall not be subject to—

(A) disclosure under any Federal or State law governing the disclosure to the public of information held by an officer or an agency of the Federal Government or the respective State; or

(B) subpoena or discovery, or admission into evidence, in any private civil action or administrative process,

unless with respect to any privilege held by a participant with respect to such information or material, the participant waives, in whole or in part, in the discretion of the participant, such privilege.

(b) PREEMPTION OF STATE LAW.—Any State law, including any State open record law, relating to the disclosure of confidential supervisory information or any information or material described in subsection (a) that is inconsistent with any provision of section 111 or subsection (a) of this section shall be superseded by the requirements of such provision to the extent State law provides less confidentiality or a weaker privilege.

(c) DUTY OF FINANCIAL REGULATOR TO MAINTAIN CONFIDENTIALITY.—A participant may not receive, download, copy, or otherwise maintain any information or material from any other member of or liaison to the Subcommittee through the network unless—

(1) the participant maintains a system that enables the participant to maintain full compliance with the requirements of sections 100, 102, and 111 and this section, with respect to such information and material; and

(2) if and to the extent required by the guidelines established under sections 100 and 102, a record is maintained of each attempt to access such information and material, and the identity of the person making the attempt, in order to prevent evasions of such requirements.

SEC. 113. LIABILITY PROVISIONS.

(a) NO LIABILITY FOR GOOD FAITH DISCLOSURES.—Any financial regulator, and any officer or employee of any financial regulator, shall not be subject to any civil action or proceeding for monetary damages by reason of the good faith action or omission of any officer or employee, while acting within the scope of office or employment, relating to collecting, furnishing, or disseminating regulatory or supervisory information concerning persons engaged in the business of conducting financial activities, to or from another financial regulator, whether directly or through the network.

(b) CRIMINAL LIABILITY FOR INTENTIONAL UNLAWFUL DISCLOSURES.—

(1) IN GENERAL.—It shall be unlawful to willfully disclose to any person any information concerning any person engaged in the business of conducting financial activities knowing the disclosure to be in violation of any provision of this title—

(A) requiring the confidentiality of such information; or

(B) establishing a privilege from disclosure for such information that has not been waived by the relevant financial regulator.

(2) PENALTY.—Notwithstanding section 3571 of title 18, United States Code, any person who violates paragraph (1) shall be fined an amount not to exceed the greater of $100,000 or the amount of the actual damages sustained by any person as a result of such violation, or imprisoned not more than 5 years, or both.

(c) FULL, CONTINUED PROTECTION UNDER THE SO-CALLED ''FEDERAL TORT CLAIMS ACT''.—No provision of this Act shall be construed as reducing or limiting any protection provided for any Federal agency, or any officer or employee of any Federal agency, under section 2679 of title 28, United States Code.

(d) PROTECTION APPLIED TO THE SUBCOMMITTEE.—For the purposes of this section, the term ''financial regulator'' includes the Subcommittee after subtitle B has taken effect.

SEC. 114. AUTHORIZATION FOR IDENTIFICATION AND CRIMINAL BACKGROUND CHECK.

(a) SHARING OF CRIMINAL RECORDS.—

(1) ATTORNEY GENERAL AUTHORIZATION.—Upon receiving a request from a financial regulator, the Attorney General shall—

(A) search the records of the Criminal Justice Information Services Division of the Federal Bureau of Investigation, and any other similar database over which the Attorney General has authority and deems appropriate, for any criminal background records (including wanted persons information) corresponding to the identification information provided under subsection (b); and

(B) either—

(i) shall provide any such records to any authorized agent of the financial regulator, which shall provide the relevant information to such regulator; or

(ii) may provide such records directly to the financial regulator if the Attorney General limits such provision of records to relevant information.

(2) AUTHORIZED AGENT DEFINED.—For purposes of this section, the term ''authorized agent'' means—

(A) any agent which has been recognized by the Attorney General for such purpose and authorized by at least 3 other financial regulators to receive such records and perform the information sharing requirements of paragraph (3);

(B) the State attorney general for the State in which the regulator is primarily located; and

(C) any law enforcement designee of the Attorney General or such State attorney general.

(3) INFORMATION SHARED.—

(A) IN GENERAL.—The authorized agent shall provide to the requesting financial regulator only any records that are relevant information.

(B) RELEVANT INFORMATION DEFINED.—For purposes of this section, the term ''relevant information'' means any of the following records:

(i) All felony convictions.

(ii) All misdemeanor convictions involving—

(I) violation of a law involving financial activities;

(II) dishonesty or breach of trust, within the meaning of section 1033 of title 18, United States Code, including taking, withholding, misappropriating, or converting money or property;

(III) failure to comply with child support obligations;

(IV) failure to pay taxes; and

(V) domestic violence, child abuse, or a crime of violence.

(C) CRIME OF VIOLENCE DEFINED.—For purposes of subparagraph (B)(ii)(V), the term ''crime of violence'' means a burglary of a dwelling and a criminal offense that has as an element the use or attempted use of physical force, or threat of great bodily harm, or the use, attempted use, or threatened use of a deadly weapon, against an individual, including committing or attempting to commit murder, manslaughter, kidnapping, aggravated assault, forcible sex offenses, robbery, arson, extortion, and extortionate extension of credit.

(4) STATE UNIFORM OR RECIPROCITY LAWS REQUIREMENT.—

(A) IN GENERAL.—The Attorney General may not provide any records under this subsection to an insurance regulator of a State, or agent of such regulator, if such State does not have in effect uniform or reciprocity laws and regulations governing the licensure of individuals and entities authorized to sell and solicit the purchase of insurance within the State as set forth in section 321 of P.L. 106-102.

(B) DETERMINATION OF RECIPROCITY.—The determination of whether or not a State has uniform or reciprocity laws or regulations in effect for purposes of subparagraph (A) shall be made by the Attorney General, with the advice and counsel of the National Association of Insurance Commissioners.

(C) EXCEPTION UNDER CERTAIN CIRCUMSTANCES.—Notwithstanding subparagraph (B), the Attorney General may provide records under this section to an insurance regulator of a State, or agent of such regulator, on the basis of a specific determination by the National Association of Insurance Commissioners that such State has in effect uniform or reciprocity laws and regulations referred to in subparagraph (A) if—

(i) a determination by the Attorney General under subparagraph (B) is pending; or

(ii) the Attorney General considers whether such State has in effect such uniform or reciprocity laws or regulations and fails to make a determination, unless the Attorney General subsequently determines that such State does not have in effect uniform or reciprocity laws or regulations.

(b) FORM OF REQUEST.—A request under subsection (a) shall include a copy of any necessary identification information required by the Attorney General, such as the name and fingerprints of the person about whom the record is requested and a statement signed by the person acknowledging that the regulator (or such regulator's designated agent under subsection (g)(1)) may request the search.

(c) LIMITATION ON PERMISSIBLE USES OF INFORMATION.—Information obtained under this section may—

(1) be used only for regulatory or law enforcement purposes; and

(2) be disclosed—

(A) only to other financial regulators or Federal or State law enforcement agencies; and

(B) only if the recipient agrees to—

(i) maintain the confidentiality of such information; and

(ii) limit the use of such information to appropriate regulatory and law enforcement purposes.

(d) PENALTY FOR IMPROPER USE.—

(1) IN GENERAL.—Whoever uses any information obtained under this section knowingly and willfully for an unauthorized purpose shall be fined under title 18, United States Code, imprisoned for not more than 2 years, or both.

(2) ADDITIONAL PENALTIES AND WAIVERS.—

(A) IN GENERAL.—Any authorized agent who violates paragraph (1), or any individual who directs such agent to violate such paragraph, shall be barred from engaging in or regulating any activities related to the business of insurance.

(B) WAIVER AUTHORIZED.—The Attorney General, in the discretion of the Attorney General, may waive the bar in subparagraph (A), as appropriate.

(e) RELIANCE ON INFORMATION.—A financial regulator (or such regulator's designated agent under subsection (g)(1)) who reasonably relies on information provided under this section shall not be liable in any action for using information as permitted under this section in good faith.

(f) CLARIFICATION OF SECTION 1033.—With respect to any action brought under section 1033(e)(1)(B) of title 18, United States Code, no person engaged in the business of conducting financial activities shall be subject to any penalty resulting from such section if the individual who the person permitted to engage in the business of insurance is licensed, or approved (as part of an application or otherwise), by a State insurance regulator that performs criminal background checks under this section, unless such person knows that the individual is in violation of section 1033(e)(1)(A) of such title.

(g) DESIGNATION OF AGENT.—

(1) IN GENERAL.—A financial regulator may designate an agent for facilitating requests and exchanges of information under this section between or among the financial regulator, the Attorney General, and any other authorized agent.

(2) SENSE OF CONGRESS REGARDING AGENTS OF INSURANCE REGULATORS.—It is the sense of the Congress that—

(A) each State insurance commissioner should designate the National Association of Insurance Commissioners as an agent under paragraph (1);

(B) persons engaged in the business of insurance should be able to use the National Association of Insurance Commissioners to facilitate obtaining fingerprints and supplying identification information for use in background checks under this section on a multijurisdictional basis;

(C) the National Association of Insurance Commissioners should maintain a database to obtain records under this section for use by State insurance commissioners to reduce multiple or duplicative fingerprinting requirements and criminal background checks, except that any such record shall not be maintained for more than 1 year without performing a new background check to determine if the criminal background record has changed;

(D) other financial regulators that require fingerprints and criminal background checks should similarly coordinate efforts to reduce duplication for persons engaged in the business of conducting multiple types of financial activities; and

(E) the National Association of Insurance Commissioners, and other financial regulators that use this section, should consult with the Attorney General to consider the feasibility of developing an on-going notification system that would allow the Attorney General to notify such Association when a licensed or approved insurance professional is convicted of a relevant crime.

(h) FEES.—The Attorney General may charge a reasonable fee for the provision of information under this section.

(i) RULE OF CONSTRUCTION.—This section shall not—

(1) provide independent authorization for a financial regulator to require fingerprinting as a part of a licensure or other application;

(2) require a financial regulator to perform criminal background checks under this section; or

(3) supersede or otherwise limit any other authority that allows access to criminal background records.

(j) REGULATIONS.—The Attorney General may prescribe regulations to carry out this section.

SEC. 115. DEFINITIONS.

For purposes of this title, the following definitions shall apply:

(1) FEDERAL BANKING AGENCY.—The term ''Federal banking agency'' has the same meaning as given in section 3(z) of the Federal Deposit Insurance Act.

(2) FINANCIAL ACTIVITIES.—

(A) IN GENERAL.—The term ''financial activities''—

(i) means banking activities (including the ownership of a bank), securities activities, insurance activities, or commodities activities; and

(ii) includes all activities that are financial in nature or are incidental to a financial activity (as defined under section 4(k) of the Bank Holding Company Act of 1956).

(B) RULE OF CONSTRUCTION.—Subparagraph (A) shall not be construed as creating any inference, including any negative inference, concerning the types or extent of activities that are appropriately recognized as activities that are financial in nature, or are incidental to a financial activity, for purposes of section 4 of the Bank Holding Company Act of 1956.

(3) FINANCIAL REGULATOR.—The term ''financial regulator'' means—

(A) each Federal banking agency;

(B) the Securities and Exchange Commission;

(C) the Commodity Futures Trading Commission;

(D) the National Credit Union Administration;

(E) the Farm Credit Administration;

(F) the Federal Housing Finance Board;

(G) the Federal Trade Commission, to the extent the Commission has jurisdiction over financial activities being conducted by a person engaged in the business of conducting financial activities;

(H) the Secretary of the Treasury, to the extent the Secretary has jurisdiction over financial activities being conducted by a person engaged in the business of conducting financial activities;

(I) the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development;

(J) the Appraisal Subcommittee of the Financial Institutions Examination Council;

(K) any State bank supervisor (as defined in section 3(r) of the Federal Deposit Insurance Act), including the Conference of State Bank Supervisors only to the extent such conference is acting as an agent of, and is subject to the oversight of, any such State bank supervisor;

(L) any State savings association supervisor, including the American Council of State Savings Supervisors only to the extent such conference is acting as an agent of, and is subject to the oversight of, any such State savings association supervisor;

(M) any State insurance commissioner, including the National Association of Insurance Commissioners only to the extent such association is acting as the agent of, and is subject to the oversight of, any such insurance commissioner;

(N) any State securities administrator, including the North American Securities Administrators Association only to the extent such association is acting as the agent of, and is subject to the oversight of, any such securities administrator;

(O) any State credit union supervisor, including the National Association of State Credit Union Supervisors only to the extent such association is acting as the agent of, and is subject to the oversight of, any such credit union supervisor;

(P) the National Association of Securities Dealers, only to the extent that—

(i) such association is acting in connection with the financial services industry; and

(ii) the association and the relevant actions are subject to the oversight of the Securities and Exchange Commission;

(Q) the National Futures Association, only to the extent that—

(i) such association is acting in connection with the financial services industry; and

(ii) the association and the relevant actions are subject to the oversight of the Commodity Futures Trading Commission or the Securities and Exchange Commission; and

(R) any other self-regulatory organization that engages in or coordinates regulatory and supervisory activities, with respect to any person engaged in the business of conducting financial activities, and is subject to the oversight of the Securities and Exchange Commission or the Commodity Futures Trading Commission, but only to the extent that the organization engages in such activities and is subject to such oversight.

(4) FOREIGN FINANCIAL REGULATOR.—The term ''foreign financial regulator'' means any agency, entity, or body (including a self-regulatory organization) that is empowered by the laws of a foreign country to supervise and regulate persons engaged in the business of conducting financial activities, but only to the extent of such supervisory and regulatory activities.

(5) PARTICIPANT.—The term ''participant'' means any entity described in section 101 as being represented by a member of, or a liaison to, the Subcommittee (regardless of whether subtitle B has taken effect) but only to the extent the regulator provides or obtains access to information through the network.

(6) PERSON.—The term ''person'' includes any financial regulator.

(7) PERSON ENGAGED IN THE BUSINESS OF CONDUCTING FINANCIAL ACTIVITIES.—The term ''person engaged in the business of conducting financial activities'' includes, to the extent appropriate under the laws applicable to the jurisdiction of a financial regulator over such person—

(A) any director, officer, employee, or controlling stockholder of, or agent for, any such person;

(B) any other person who has filed or is required to file a change-in-control notice with the appropriate financial regulator before acquiring control of such person; and

(C) any person who has sought approval from a financial regulator to engage in the business of conducting financial activities, or that was engaged in such business and subject to the jurisdiction of a financial regulator; and

(D) any shareholder, consultant, joint venture partner, and any other person, including an independent contractor, as determined by the appropriate financial regulator (by regulation or case-by-case) who participates in the conduct of the affairs of such person.

(8) STATE INSURANCE COMMISSIONER.—The term ''State insurance commissioner'' means any officer, agency, or other entity of any State which has primary regulatory authority over the business of insurance and over any person engaged in the business of insurance to the extent of such activities, in such State.

(9) STATE SECURITIES ADMINISTRATOR.—The term ''State securities administrator'' means the securities commission (or any agency or office performing like functions) of any State.

SEC. 116. TECHNICAL AND CONFORMING AMENDMENTS TO OTHER ACTS.

(a) Subsection (b) of section 552a of title 5, United States Code, is amended—

(1) by striking ''and'' at the end of paragraph (11);

(2) by striking the period at the end of paragraph (12) and inserting ''; or''; and

(3) by inserting after paragraph (12) the following new paragraph:

''(13) for recordkeeping, licensing, and other regulatory and law enforcement purposes in accordance with title I of the Financial Services Antifraud Network Act of 2001—

''(A) through a network or name-relationship index maintained under such title; or

''(B) to a multistate database maintained by the National Association of Insurance Commissioners and any subsidiary or affiliate of such association, subject to the requirements of such title.''.

(b) Section 1113 of the Financial Institutions Regulatory and Interest Rate Control Act of 1978 (12 U.S.C. 3413) is amended by adding at the end the following new subsection:

''(r) This title shall not apply to disclosure by a financial regulator of information pursuant to subtitle A or B of title I of the Financial Services Antifraud Network Act of 2001 to the extent the disclosure is made in accordance with the requirements of such Act.''.

(c) Section 602 of the Consumer Credit Protection Act (15 U.S.C. 1681) is amended by adding at the end the following new subsection:

''(c) This title shall not apply to a communication between participants, as defined in the Financial Services Antifraud Network Act of 2001, to the extent the communication is made in accordance with such Act.''.

SEC. 117. AUDIT OF STATE INSURANCE REGULATORS.

(a) IN GENERAL.—At the request of the Congress, the Comptroller General shall audit a State insurance regulator or any person who maintains information on behalf of such regulator.

(b) LIMITATIONS ON DISCLOSURE OF INFORMATION.—Except as provided in this subsection, an officer or employee of the General Accounting Office may not disclose information identifying an open insurance company or a customer of an open or closed insurance company. The Comptroller General may disclose information related to the affairs of a closed insurance company only if the Comptroller General believes the customer had a controlling influence in the management of the closed insurance company or was related to or affiliated with a person or group having a controlling influence.

(c) COORDINATION WITH STATE REGULATOR.—An officer or employee of the General Accounting Office may discuss a customer or insurance company with an official of a State insurance regulator and may report an apparent criminal violation to an appropriate law enforcement authority of the United States Government or a State.

(d) CONGRESSIONAL OVERSIGHT.—This subsection shall not be construed as authorizing an officer or employee of a State insurance regulator to withhold information from a committee of the Congress authorized to have the information.

(e) ADMINISTRATIVE ASPECTS OF AUDIT.—

(1) IN GENERAL.—To carry out this section, all records and property of or used by a State insurance regulator, including samples of reports of examinations of an insurance company the Comptroller General considers statistically meaningful and workpapers and correspondence related to the reports shall be made available to the Comptroller General. The Comptroller General shall give a State insurance regulator a current list of officers and employees to whom, with proper identification, records and property may be made available, and who may make notes or copies necessary to carry out an audit.

(2) PREVENTION OF UNAUTHORIZED ACCESS.—The Comptroller General shall prevent unauthorized access to records or property of or used by a State insurance regulator that the Comptroller General obtains during an audit.

(f) CONFIDENTIALITY.—

(1) IN GENERAL.—The Comptroller General shall maintain the same level of confidentiality for a record made available under this section as is required of the head of the State insurance regulator from which it is obtained.

(2) PREVENTION OF INVASION OF PERSONAL PRIVACY.—The Comptroller General shall keep information described in section 552(b)(6) of title 5, United States Code, that the Comptroller General obtains in a way that prevents unwarranted invasions of personal privacy.

(3) AVAILABILITY OF INFORMATION.—Except as provided in subsection (b), no provision of this section shall be construed as authorizing any information to be withheld from the Congress.

(g) AVAILABILITY OF INFORMATION AND INSPECTION OF RECORDS.—The right of access of the Comptroller General to information under this section shall be enforceable under section 716 of title 31, United States Code.

(h) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) STATE INSURANCE REGULATOR DEFINED.—The term ''State insurance regulator'' means the principal insurance regulatory authority of a State, the District of Columbia, any territory of the United States, Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Virgin Islands, and the Northern Mariana Islands.

(2) INSURANCE COMPANY.—The term ''insurance company'' includes any person engaged in the business of insurance to the extent of such activities.

Subtitle D—Anti-Terrorism

SEC. 121. PREVENTING INTERNATIONAL TERRORISM.

(a) IN GENERAL.—The financial regulators shall coordinate the network established under sections 100 and 101 with their foreign counterparts, to the extent the regulators deem possible, practicable, and appropriate, to help uncover, hinder, and prosecute the financial activities of terrorists.

(b) REPORT REQUIRED.—The entities described in section 101(a) shall report to the Congress by the end of the 6-month period beginning on the date of the enactment of this Act their further recommendations to the Congress for achieving the goals of subsection (a).

TITLE II—SECURITIES INDUSTRY COORDINATION

Subtitle A—Disciplinary Information

SEC. 201. INVESTMENT ADVISERS ACT OF 1940.

(a) AMENDMENT.—Section 204 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–4) is amended—

(1) by striking ''Every investment'' and inserting the following:

''(a) IN GENERAL.—Every investment''; and

(2) by adding at the end the following:

''(b) FILING DEPOSITORIES.—The Commission, by rule, may require an investment adviser—

''(1) to file with the Commission any fee, application, report, or notice required to be filed by this title or the rules issued under this title through any entity designated by the Commission for that purpose; and

''(2) to pay the reasonable costs associated with such filing and the establishment and maintenance of the systems required by subsection (c).

''(c) ACCESS TO DISCIPLINARY AND OTHER INFORMATION.—

''(1) MAINTENANCE OF SYSTEM TO RESPOND TO INQUIRIES.—The Commission shall require the entity designated by the Commission under subsection (b)(1)—

''(A) to establish and maintain a toll-free telephone listing or other readily accessible electronic process to receive inquiries regarding disciplinary actions and proceedings and other information involving investment advisers and persons associated with investment advisers; and

''(B) to respond promptly to such inquiries.

''(2) RECOVERY OF COSTS.—An entity designated by the Commission under subsection (b)(1) may charge persons, other than individual investors, reasonable fees for responses to inquiries made under paragraph (1).

''(3) LIMITATION ON LIABILITY.—An entity designated by the Commission under subsection (b)(1) shall not have any liability to any person for any actions taken or omitted in good faith under this subsection.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 203A of the Investment Advisers Act of 1940 (15 U.S.C. 80b-3a) is amended—

(A) by striking subsection (d); and

(B) by redesignating subsection (e) as subsection (d).

(2) Section 306 of the National Securities Markets Improvement Act of 1996 (15 U.S.C. 80b-10, note; P.L. 104-290; 110 Stat. 3439) is repealed.

SEC. 202. SECURITIES EXCHANGE ACT OF 1934.

Subsection (i) of section 15A of the Securities Exchange Act of 1934 (15 U.S.C. 78o–3) is amended to read as follows:

''(i) OBLIGATION TO MAINTAIN DISCIPLINARY AND OTHER DATA.—

''(1) MAINTENANCE OF SYSTEM TO RESPOND TO INQUIRIES.—A registered securities association shall—

''(A) establish and maintain a toll-free telephone listing or other readily accessible electronic process to receive inquiries regarding disciplinary actions and proceedings and other information involving its members and their associated persons and regarding disciplinary actions and proceedings and other information that has been reported to the Central Registration Depository by any registered national securities exchange involving its members and their associated persons; and

''(B) promptly respond to such inquiries.

''(2) RECOVERY OF COSTS.—Such association may charge persons, other than individual investors, reasonable fees for responses to such inquiries.

''(3) LIMITATION ON LIABILITY.—Such an association or exchange shall not have any liability to any person for any actions taken or omitted in good faith under this subsection.''.

Subtitle B—Preventing Migration of Rogue Financial Professionals to the Securities Industry

SEC. 211. SECURITIES EXCHANGE ACT OF 1934.

(a) BROKERS AND DEALERS.—Section 15(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(b)) is amended—

(1) in paragraph (4), by striking subparagraphs (F) and (G) and inserting the following:

''(F) is subject to any order of the Commission barring or suspending the right of the person to be associated with a broker or dealer.

''(G) has been found by a foreign financial regulatory authority to have—

''(i) made or caused to be made in any application for registration or report required to be filed with a foreign financial regulatory authority, or in any proceeding before a foreign financial regulatory authority with respect to registration, any statement that was at the time and in the light of the circumstances under which it was made false or misleading with respect to any material fact, or omitted to state in any such application, report, or proceeding any material fact that is required to be stated therein;

''(ii) violated any foreign statute or regulation regarding securities, banking, thrift activities, credit union activities, insurance, or contracts of sale of a commodity for future delivery, traded on or subject to the rules of a contract market or any board of trade; or

''(iii) aided, abetted, counseled, commanded, induced, or procured the violation by any other person of any provision of any statutory provisions enacted by a foreign government, or rules or regulations thereunder, regarding securities, banking, thrift activities, credit union activities, insurance, or contracts of sale of a commodity for future delivery traded on or subject to the rules of a contract market or any board of trade, or to have failed reasonably to supervise, with a view to preventing violations of such statutory provisions, rules, and regulations, another person who commits such a violation, if such other person is subject to his supervision.

''(H) is subject to any final order of a State securities commission (or any agency or officer performing like functions), State authority that supervises or examines banks, thrifts, or credit unions, State insurance commission (or any agency or office performing like functions), an appropriate Federal banking agency (as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)), or the National Credit Union Administration, that—

''(i) bars such person from association with an entity regulated by such commission, authority, agency, or officer, or from engaging in the business of securities, insurance, banking, thrift activities, or credit union activities; or

''(ii) constitutes a final order based on violations of any laws or regulations that prohibit fraudulent, manipulative, or deceptive conduct.''; and

(2) in paragraph (6)(A)(i), by striking ''or omission enumerated in subparagraph (A), (D), (E), or (G)'' and inserting '', or is subject to an order or finding, enumerated in subparagraph (A), (D), (E), (G), or (H)''.

(b) MUNICIPAL SECURITIES BROKERS AND DEALERS.—Section 15B(c) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–4(c)) is amended—

(1) in paragraph (2)—

(A) by striking ''or omission enumerated in subparagraph (A), (D), (E), or (G)'' and inserting '', or is subject to an order or finding, enumerated in subparagraph (A), (D), (E), (G), or (H)''; and

(B) by striking ''ten'' and inserting ''10''; and

(2) in paragraph (4) by striking ''or omission enumerated in subparagraph (A), (D), (E), or (G)'' and inserting '', or is subject to an order or finding, enumerated in subparagraph (A), (D), (E), (G), or (H)''.

(c) GOVERNMENT SECURITIES BROKERS AND DEALERS.—Section 15C(c)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–5(c)(1)) is amended—

(1) in subparagraph (A), by striking ''or omission enumerated in subparagraph (A), (D), (E), or (G)'' and inserting '', or is subject to an order or finding, enumerated in subparagraph (A), (D), (E), (G), or (H)''; and

(2) in subparagraph (C), by striking ''or omission enumerated in subparagraph (A), (D), (E), or (G)'' and inserting '', or is subject to an order or finding, enumerated in subparagraph (A), (D), (E), (G), or (H)''.

(d) CLEARANCE AND SETTLEMENT.—Section 17A(c) of the Securities Exchange Act of 1934 (15 U.S.C. 78q–1(c)) is amended—

(1) in paragraph (3)(A), by striking ''enumerated in subparagraph (A), (D), (E), or (G)'' and inserting '', or is subject to an order

or finding, enumerated in subparagraph (A), (D), (E), (G), or (H)''; and

(2) in paragraph (4)(C)—

(A) by striking ''enumerated in subparagraph (A), (D), (E), or (G)'' and inserting '', or is subject to an order or finding, enumerated in subparagraph (A), (D), (E), (G), or (H)''; and

(B) by striking ''ten years'' and inserting ''10 years''.

(e) DEFINITION OF STATUTORY DISQUALIFICATION.—Section 3(a)(39)(F) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(39)(F)) is amended by striking ''has committed or omitted any act enumerated in subparagraph (D), (E), or (G)'' and inserting ''has committed or omitted any act, or is subject to an order or finding, enumerated in subparagraph (D), (E), (G), or (H)''.

SEC. 212. INVESTMENT ADVISERS ACT OF 1940.

(a) AUTHORITY TO DENY OR REVOKE REGISTRATION BASED ON STATE (AND OTHER GOVERNMENTAL) ADMINISTRATIVE ACTIONS.—Section 203(e) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–3(e)) is amended by striking paragraphs (7) and (8) and inserting the following:

''(7) is subject to any order of the Commission barring or suspending the right of the person to be associated with an investment adviser.

''(8) has been found by a foreign financial regulatory authority to have—

''(A) made or caused to be made in any application for registration or report required to be filed with a foreign securities authority, or in any proceeding before a foreign securities authority with respect to registration, any statement that was at the time and in light of the circumstances under which it was made false or misleading with respect to any material fact, or has omitted to state in any such application, report, or proceeding any material fact that is required to be stated therein;

''(B) violated any foreign statute or regulation regarding securities, banking, thrift activities, credit union activities, insurance, or contracts of sale of a commodity for future delivery traded on or subject to the rules of a contract market or any board of trade;

''(C) aided, abetted, counseled, commanded, induced, or procured the violation by any other person of any foreign statute or regulation regarding securities, banking, thrift activities, credit union activities, insurance, or contracts of sale of a commodity for future delivery traded on or subject to the rules of a contract market or any board of trade, or to have failed reasonably to supervise, with a view to preventing violations of statutory provisions, and rules and regulations promulgated thereunder, another person who commits such a violation, if such other person is subject to his supervision.

''(9) is subject to any final order of a State securities commission (or any agency or officer performing like functions), State authority that supervises or examines banks, thrifts, or credit unions, State insurance commission (or any agency or office performing like functions), an appropriate Federal banking agency (as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)), or the National Credit Union Administration, that—

''(A) bars such person from association with an entity regulated by such commission, authority, agency, or officer, or from engaging in the business of securities, insurance, banking, thrift activities, or credit union activities; or

''(B) constitutes a final order based on violations of any laws or regulations that prohibit fraudulent, manipulative, or deceptive conduct.''.

(b) BARS ON FELONS ASSOCIATED WITH INVESTMENT ADVISERS.—Section 203(f) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–3(f)) is amended—

(A) by striking ''or (8)'' and inserting ''(8), or (9)''; and

(B) by inserting ''or (3)'' after ''paragraph (2)''.

□ 1430

The SPEAKER pro tempore (Mr. CULBERSON). Pursuant to the rule, the gentleman from Alabama (Mr. BACHUS) and the gentleman from Mississippi (Mr. SHOWS) each will control 20 minutes.

The Chair recognizes the gentleman from Alabama (Mr. BACHUS).

GENERAL LEAVE

Mr. BACHUS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation, and to include extraneous material in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. BACHUS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 1408, the Financial Services Antifraud Network Act of 2001. This bill is the product of long and careful deliberations in the Committee on Financial Services and the Subcommittee on Financial Institutions and Consumer Credit, which I have the honor of chairing.

I want to thank the subcommittee's ranking member, the gentlewoman from California (Ms. WATERS), for working with me in the spirit of bipartisanship to develop legislation that commands the broad consensus in the committee and deserves similar support on the House floor today.

Let me also commend the chairman of the full committee, the gentleman from Ohio (Mr. OXLEY), who made this bill one of the committee's highest priorities upon assuming his chairmanship at the beginning of this year, and then fought tenaciously to see it through to completion.

The gentleman from Michigan (Mr. ROGERS), more than anyone in this House, deserves enormous credit as both the principal architect of the legislation and its most forceful advocate in the committee.

As former FBI special agents who have investigated at the street level, both the gentleman from Ohio (Chairman OXLEY) and the gentleman from Michigan (Mr. ROGERS) are as well qualified as anyone in this body to lead an effort to shore up the antifraud capabilities of our Federal, State, and local authorities.

Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. ROGERS), the chief architect and chief sponsor of this legislation.

Mr. ROGERS of Michigan. Mr. Speaker, I thank the gentleman for yielding time to me.

I want to thank the gentleman from Alabama (Chairman BACHUS) and the gentleman from Ohio (Chairman OXLEY) for their quick and decisive role in moving this bill, and for working with me and many others to get this bill to the floor today.

I also want to thank the ranking member, the gentleman from New York (Mr. LAFALCE) and the gentlewoman from California (Ms. WATERS) for sitting down and working through the differences that we had on this bill, and for coming up with what I think is a very, very good product that is going to do great things to protect senior citizens and those who are most at risk of losing their financial savings and investments around the country.

Mr. Speaker, the chairman of the Committee on the Judiciary, the gentleman from Wisconsin (Mr. SENSENBRENNER), also was very gracious. I had a good conversation with him this morning, and I thank him for working with us and allowing us to get this bill to the floor of the House.

We have spent some time here, Mr. Speaker, working on terrorism and focusing the energies and resources of this great body on making sure that the President and this country had all the resources necessary to fight, defend, track down, and stop terrorism, both in the United States and abroad very important issues.

However, Mr. Speaker, there is that other person who is lying in the weeds, that other dangerous character who is, as we unfortunately know, in every community in America, who is just waiting for the opportunity to contact a senior citizen or someone who is not quite paying attention and bilk them out of the very precious savings that they have to get them through their golden years or get their kids through college or get that house payment made at the end of the month.

What we found in this financial services community that we have that is as different and diverse as it has ever been, and coming together with the Gramm-Leach-Bliley Act that has been passed in the past Congress, the lines have been blurred, but for the better.

One place where we had not caught up was the fact that we could drive a truck through the loopholes we have created between the different regulators of the different industries: the insurance industry, the securities industry, and the banking industry.

They are all different regulators having a horrible time communicating together to catch individuals who might steal from the securities field, and then move to the insurance field with no catch in the system that would stop them from doing that, and then again move to the banking and financial services realm and do it again.

Nothing under the current system would allow them to get caught or stop them from getting a license in each of those three, even if they had been barred from those other industries or from serving in that particular industry.

Mr. Speaker, I say this because there are two cases in Michigan which are

happening today which are extremely important.

We had a case in Michigan where an individual from Flint sold securities in the form of promissory notes on a casino company, LTD, went to these elderly individuals and sold them the idea of riches in a hurry, and if they invest in this key company they would reap the benefits of all the casino gaming industries in Michigan.

We soon found out, much to the peril of those investing, many of whom were senior citizens, that that money in fact was being used to pay his expenses and pay the expenses of his other companies, and paying off other loans that he had made throughout time, better known in the criminal world as a Ponzi scheme. He would take the money in to pay the others off, and continue doing this, to live off of those savings of so many individuals.

There is nothing in the law today to stop these individuals, even if they were barred from the securities industry forevermore, from going into the insurance products industry and doing something equally as dastardly with a license.

So what we have said is this. We said, we are not going to create a new database. There is no new information that is going to be sent here, Mr. Speaker. The Federal Government is not going to collect information on consumers or regulators all around the country. That is simply not going to happen.

But we are going to set up a system. We are going to be the traffic cop that allows these 250 regulators of securities and banking and insurance to talk to each other; to say that, hey, the gentleman from Michigan (Mr. ROGERS) is applying in Ohio and Michigan to get involved in the insurance industry. He is also applying in Ohio and Illinois for the securities industry. What do we know about him? If we know that the securities industry has barred him, we can also stop him from getting in the insurance industry.

Mr. Speaker, this is simple but extremely important because we are in a time when so many resources are being diverted away from white-collar crime, and rightly so, as our country demands it; yet this is a great opportunity for those who are of a scheming mind, those who will rob, again, those precious resources from so many around the country in a way that is white-collar oriented, sneaky. They can pack up in the middle of the night and be gone and have half of the town's savings are in their pocket.

This is extremely important legislation, Mr. Speaker, and there are some safeguards. I just want to cover them quickly.

The information cannot include, in this system, personally identifiable information on consumers. The consumers are protected in this law.

There is due process notice. The bill creates a new due process right for persons to receive notice when any regulator uses information from the anti-fraud network to take action against them. This includes a description of the information used, where the information came from, and a reasonable opportunity to respond.

In the privacy sector, Mr. Speaker, to protect information shared between regulators, the bill establishes certain confidentiality and liability provisions of regulatory information.

Insurance regulators were given increased information when performing criminal background checks on financial professionals.

Further safeguards were also added governing the use of such information, as well as strong penalties for the misuse of an individual's criminal records.

Again, I want to say this clearly, because there was some concern as this went through all of the committees that this would not create a new database on this type of information to be held in the custody of the Federal Government.

It simply does not do that. It allows banking regulators to talk to insurance regulators to talk to security regulators so we can all be on the same sheet of music. When we find that bad apple, that scam artist who is going after Grandma, this bill and this ability will allow us to say no and protect those very, very precious savings.

Mr. Speaker, today the House will consider H.R. 1408, the Financial Services Antifraud Network Act, which is legislation that will help safeguard the American public from fraud in the financial services industry.

While the technology needed to create this network may be technical and complex, the purpose of this legislation is not: protecting consumers from financial scams.

As a former special agent for the Federal Bureau of Investigation, I know firsthand that criminals come in all shapes and sizes. Advances in modern technology and the internet have created a new frontier for criminals, allowing them to defraud consumers with a mere click of a computer mouse. Our regulators need the same technological tools. Electronically linking regulators and law enforcement closes a loophole and averts schemes aimed at the American public.

In fact, following the events of September 11 and the efforts to crack worldwide terrorism cells, it is even more important that we give our law enforcement officials and regulators the tools they need to prevent fraud and potential abuses in the United States financial services system.

The need for this common-sense legislation is clear. Currently, there are over 250 Federal and State financial regulators and self-regulating financial organizations, each with their own separate filing systems for antifraud records. Most regulators have already computerized their records and have been working on efforts to coordinate databases within their industries. Recently, some of the larger regulators have begun developing individual information sharing agreements with other regulators across the financial industry.

Unfortunately, effectuating individual coordination among all these regulators would require tens of thousands of separate agreements. At a March 6, 2001 Financial Services Committee hearing, several regulators testified that federal legislation is necessary to establish confidentiality and liability protections so that financial regulators do not compromise existing legal privileges when sharing supervisory data with other regulators and law enforcement agencies. Also, the Financial Services Roundtable testified that financial fraud costs consumers and the industry about $100 billion annually, and that greater information sharing will significantly reduce this fraud.

The primary focus of H.R. 1408 is to help the financial regulators coordinate their antifraud efforts, particularly by coordinating computer protocols so that their systems can seamlessly communicate and share critical information. It is important to point out that this network will not be a database; instead, it directs the regulators to establish computer connections allowing regulators' existing databases to exchange data.

The regulators themselves will have the initial opportunity to establish the mechanics of the network. H.R. 1408 gives the regulators six months to develop a proposal and two years to implement it. If the regulators fail to do this on their own, H.R. 1408 then creates a Subcommittee with representative regulators from each of the financial industries to make decisions regarding network protocols. This Subcommittee would then have a similar timeframe to plan and establish the network in conjunction with the other regulators, unless they determine that it is impracticable or not cost efficient.

The bill provides critical safeguards to govern information sharing among regulators. The measure prohibits information from being shared through the network unless the regulators determine that adequate privacy and confidentiality safeguards exist. The regulators are only directed to share public final disciplinary and formal enforcement actions taken against financial companies and professionals. Additionally, H.R. 1408 expresses a sense of the Congress that the regulators should consider sharing additional anti-fraud information that is publicly accessible, as well as information from financial reports, affiliations, and applications, which are factual and substantiated and do not include personally identifiable information on consumers. The measure also creates a new due process right for persons to receive notice when any regulator uses information from the anti-fraud network to take an action against them. This includes a description of the type of information used, where the information came from, and a reasonable opportunity to respond.

To protect information shared between regulators, the measure establishes certain limited legal privileges and confidentiality and liability protections for regulatory and supervisory information. H.R. 1408 also allows state insurance regulators to perform FBI fingerprint background checks on insurance applicants to obtain relevant criminal records, subject to certain protections against misuse. The fingerprinting section also clarifies that employers relying on a state insurance regulator's background approval of an insurance agent are not subject to liability for failing to conduct additional background checks.

I believe the Financial Services Antifraud Network Act is carefully crafted bipartisan legislation that is a positive step toward preventing fraud across financial service industry sectors. I would like to thank Financial Services Committee Chairman MIKE OXLEY and Financial Institutions Subcommittee Chairman

SPENCER BACHUS for their leadership on this issue, as well as Committee Ranking Member JOHN LAFALCE and Subcommittee Ranking Member MAXINE WATERS for their willingness to work together on this much-needed legislation. I would also like to thank Judiciary Committee Chairman JIM SENSENBRENNER and Agriculture Committee Chairman LARRY COMBEST, whose committees shared jurisdiction over H.R. 1408.

Finally, many thanks to staff for the hard work and long hours of negotiation that produced the final product. Among House Financial Service Committee staff that deserve special recognition are Robert Gordon, Charles Symington, Tom McCrocklin, Jim Clinger, Bob Foster, and Terry Haines, as well as Matt Strawn from my personal office.

Again, we need to catch financial perpetrators before they strike. I believe H.R. 1408 is a positive step in that direction and urge my colleagues to support its adoption.

Mr. SHOWS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I was an original cosponsor of H.R. 1408, the Financial Services Antifraud Network Act of 2001. I rise in support of this adoption today by the full House.

Mr. Speaker, this legislation will enhance cooperation among a vast array of Federal and State financial agencies and self-regulatory organizations, fight against those who defraud the consumer of financial services, and ensure that criminals like Martin Frankel are not able to slip into one financial services industry after being booted out of another.

The bill envisions the creation of a technological link between Federal and State banking, securities, insurance, and other financial regulators so they can easily share the information that is a product of final adjudication in disciplinary proceedings brought against financial companies and professionals.

The bill makes common-sense changes to the securities laws by allowing security regulators to bar persons from the security industry when they have been barred from the banking or insurance industries by appropriate regulators.

Finally, the bill promotes effective regulation of financial companies by providing judicial protection for examination reports under appropriate circumstances.

In the beginning, many Democratic members of the Committee on Financial Services had serious concerns about early versions of the Financial Services Antifraud Network Act of 2001.

Most of these concerns have been substantially diminished through a bipartisan negotiation initiated by the leaders of the Subcommittee on Financial Institutions and Consumer Credit, the gentleman from Alabama (Mr. BACHUS) and the ranking member, the gentlewoman from California (Ms. WATERS), supported by the gentleman from Ohio (Chairman OXLEY) and the ranking member, the gentleman from New York (Mr. LAFALCE).

We on our side raised legitimate questions about the reliability of the information that could be disseminated over the network envisioned by prior versions of the legislation, and the ability of individuals to correct information about themselves that was to be carried out over the network.

These concerns were apparently shared by the administration and the financial services industry. The bill we adopt today goes a long way toward ensuring that unsubstantiated rumors and unfounded allegations will not be broadcast throughout the regulatory community over the antifraud network.

Most significantly, as a result of concerns raised by Democratic members, the compromise bill makes clear that participants in the network are required to give an individual notice of any adverse information obtained from the network and to afford the individual an opportunity to respond to such adverse information.

Many Democratic members raised concerns that prior versions of the legislation needlessly created a new bureaucracy. In response to this concern, the bill provides the financial regulators an opportunity to develop an antifraud network without the assistance of an antifraud committee, which is a potential new mechanism contemplated by the bill. If the regulators do not meet the deadlines for establishing that network, then a fraud subcommittee will be created.

The current version has improved provisions allowing insurance commissioners access to the criminal history data of current and potential insurance professionals, while addressing legitimate privacy concerns raised by insurance agents. These provisions have the potential of providing the insurance commissioners the tools needed to ensure that criminals are not operating within the insurance industry. I urge the adoption of the bill.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BACHUS. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, better coordination of the antifraud efforts of the more than 250 Federal, State, and local agencies that regulate the banking, securities, and insurance industry is long overdue. As my colleagues know, it is often society's most vulnerable members, including our senior citizens, older veterans, and the terminally ill that are the targets of financial scam artists. In fact, they fashion their pitch towards these groups. They also feed on charitable schemes where they misrepresent that they are raising money for charity.

In light of what happened September 11, I think this country has no toleration for those who go out as a financial scam and take advantage of tragedies such as September 11 to raise money with no intention of giving that money to help in the cause. The cost of these outrageous scams is estimated to exceed $100 billion annually in this country.

By breaking down the barriers to information exchange that have hampered antifraud initiatives at the national level and among State regulators, H.R. 1408 will go a long way in reducing the risk to average American consumers and investors of losing their life savings due to financial fraud.

As I mentioned at the onset, this legislation was the subject of extensive consideration over a 4-month period by the Subcommittee on Financial Institutions and Consumer Credit. In addition, the Committee on the Judiciary, on which I serve, marked up the legislation after it was reported by the Committee on Financial Services.

The gentleman from Wisconsin (Chairman SENSENBRENNER) is entitled to praise. He was committed to bringing this bill to the floor. It would not be on the floor today if we did not have a commitment and the cooperation of the Committee on the Judiciary. I thank the Committee on the Judiciary and its staff, as well as the staff of the Committee on Financial Services.

What emerged from this cooperative effort, both between committees and between the minority and the majority, is a bill that enhances the capability of regulators to put financial defrauders out of business, while at the same time guaranteeing, as the gentleman from Michigan (Mr. ROGERS) said, due process rights of the accused, and safeguarding the information shared by regulators against improper disclosure or other misuse.

□ 1445

Evidence has emerged in the wake of the September 11 attacks on the World Trade Center and the Pentagon that terrorist cells in this country may be financing their operations in part through financial crimes possibly and specifically involving stolen or false identities.

Facilitating the exchange of information on these activities, shutting down funding for terrorists not only protects American consumers but it may also help regulators and law enforcement authorities identify and apprehend potential terrorists and those who provide them with the financial support they need before further acts of mass murder can be committed against innocent U.S. citizens.

As I mentioned before, at the State, Federal and local level there are more than 20 different agencies charged with regulating banks, security firms, and insurance companies. However, to date, there has been little coordination among them. This lack of coordination was evidenced when recently indicted financier Martin Frankel, after being barred from securities activities, slid over to insurance where he proceeded to bilk the industry of some $200 million over 8 years.

Frankel's ability to move from securities to insurance and from State to State and ease with which he flaunted

financial regulators may have been deterred. In fact, we had testimony before our committee that it was handicapped because of lack of communication among State regulators and between agencies, both local, State, and Federal.

The antifraud network established by this legislation will help level the playing field between the Martin Frankels of this world and the financial regulators charged with policing fraud and protecting consumers.

We also had testimony, Mr. Speaker, of situations where someone would start a financial or insurance or securities game in the State of Iowa. They would then be barred from the State of Iowa from further activity. The State of Iowa would understand the scheme; they would move against it; they would bring criminal charges against this person or this group of people. What also happens is even though there is a conviction against one person, another person sort of takes up the mantle and they would move to another State. They would start this all over. There would be another round of fraud.

Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. OXLEY), the chairman of the full committee.

(Mr. OXLEY asked and was given permission to revise and extend his remarks.)

Mr. OXLEY. Mr. Speaker, let me thank the gentleman from Alabama (Mr. BACHUS) for his good work, the chairman of the subcommittee, along with the gentleman from Michigan (Mr. ROGERS), my good friend, who worked very hard on this issue; and we are finally reaching a point now where we can pass this antifraud legislation.

As I am sure other speakers have said, we had numerous hearings on this issue. All of us are painfully aware of the Martin Frankel situation that resulted in such a terrible outcome for numerous people who invested their savings, only to be defrauded and losing millions, first in the securities industry and then as he artfully moved to the insurance side of thing, the same thing happened.

This bill, of course, was designed to allow for information-sharing among the various regulators and to focus in on people like Martin Frankel who would take advantage of innocent people and their life savings. So this is a wonderful step forward that all of us can be very, very pleased about.

I want to thank the gentleman from Mississippi (Mr. SHOWS) for carrying the bill today for his side of the aisle, also the gentleman from New York (Mr. LAFALCE), the ranking member, and other members of our committee, as well as the Members on the Republican side. This is a truly bipartisan effort. Indeed, without the help also of the Committee on the Judiciary and the gentleman from Wisconsin (Mr. SENSENBRENNER), we would not be able to bring this bill to the floor today.

My congratulations to all those concerned, and we hope and trust that the other body will take this up with some degree of swiftness so that we can get this legislation signed by the President and on the books, therefore protecting the American consumer from these con artists.

On September 11, 2001, the forces of terror struck the first blow in a cowardly attack against our nation. President Bush has now struck back to defend America, using the might of our armed forces to drive the terrorists back into hiding. But to clear our skies for freedom, we need to defend against not only the planes and bombs of the enemy, but also the reach of their financial empire.

Osama bin Laden and the al Qaeda network survive and thrive on an illegal network of financial crime and corruption. To end terrorism, we need to go beyond the training camps and drive a stake through the heart of their financial network.

The Antifraud Network Act was originally conceived as a consumer protection solution. Our financial regulators currently do not have any system in place for the comprehensive inter-industry oversight of company's financial activities. Instead, government agencies are currently sharing information on financial companies and professionals on an ad-hoc basis without any standards for disclosure or recourse when information is used against someone.

This bill creates consumer protection standards for the sharing of information among agencies, while giving our regulators additional tools to help integrate the regulation of our financial markets. It also significantly increases the information available to each regulator when tracking down fraud and corruption across industries. We are thus not only protecting our American consumers from domestic fraud artists, but also strengthening the ability of our government to track down and break apart the financial network of international terrorists.

Financial fraud costs our nation over 100 billion dollars a year, hurting the lives of millions of Americans and their families. Now with the war on terrorism, the stakes are even higher. The Rogers bill protects consumers and protects our nation. It was passed out by a new unanimous bipartisan vote in both the Financial Services and Judiciary Committee after having been reviewed by hundreds of lawyers from all spectrums of the financial services and law enforcement systems.

Mr. Speaker, I am also including for the RECORD an exchange of correspondence between Chairman COMBEST and myself regarding the jurisdiction of the Committee on Agriculture on this legislation. I thank him for his assistance in bringing this legislation forward and appreciate his cooperation. I also want to thank the Chairman of the Judiciary Committee, Mr. SENSENBRENNER for his ongoing commitment to bring this legislation to the floor. Finally, I want to thank the members of the Committee on Financial Services, including Chairman BACHUS, Ranking Member LAFALCE, and Subcommittee Ranking Member WATERS for their cooperation and hard work on this legislation. And of course, much of the credit for this goes to a Committee freshman and FBI alum, MIKE ROGERS from Michigan

It is the right bill for the right time to protect consumers and stop terrorism. I urge your support for Mr. ROGERS' Antifraud legislation.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON AGRICULTURE,
Washington, DC, July 31, 2001.

Hon. MICHAEL G. OXLEY,
Chairman, Committee on Financial Services, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN OXLEY: I understand that the Committee on Financial Services recently ordered reported H.R. 1408, the Financial Services Antifraud Network Act of 2001. As you know, the legislation contains provisions which fall within the jurisdiction of the Committee on Agriculture pursuant to clause 1(a) of Rule X of the Rules of the House of Representatives.

Beacuse of your willingness to consult with the Committee on Agriculture regarding this matter and the need to move this legislation expeditiously, I will waive consideration of the bill by the Committee on Agriculture. By agreeing to waive its consideration of the bill, the Agriculture Committee does not waive its jurisdiction over H.R. 1408. In addition, the Committee reserves its authority to seek conferees on any provisions of the bill that are within the Agriculture Committee's jurisdiction during any House-Senate conference that may be convened on this legislation.

I request that you include this letter and your response as part of your committee's report on the bill and the Congressional Record during consideration of the legislation on the House floor.

Thank you for your attention to these matters,

Sincerely,

LARRY COMBEST,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FINANCIAL SERVICES,
Washington, DC, August 1, 2001.

Hon. LARRY COMBEST,
Chairman, Committee on Agriculture, Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN COMBEST: Thank you for your letter regarding your Committee's jurisdictional interest in H.R. 1408, the Financial Services Antifraud Network Act of 2001.

I acknowledge your committee's jurisdictional interest in this legislation and appreciate your cooperation in moving the bill to the House floor expeditiously. I agree that your decision to forego further action on the bill will not prejudice the Committee on Agriculture with respect to its jurisdictional prerogatives on this or similar legislation. I will include a copy of your letter and this response in the Committee's report on the bill and the Congressional Record when the legislation is considered by the House. Additionally, I will support any request you might make for conferees, should a conference be necessary.

Thank you again for your cooperation

Sincerely,

MICHAEL G. OXLEY,
Chairman.

Mr. BACHUS. Mr. Speaker, I yield myself such time as I may consume.

I do not know that we have any other speakers wishing to be heard. I want to again second what the gentleman from Ohio (Mr. OXLEY), the chairman of the full committee, said.

The cooperation that we have received from the gentleman from Mississippi (Mr. SHOWS), from the gentleman from New York (Mr. LAFALCE), from the gentlewoman from California (Ms. WATERS) has been tremendous. The gentleman from Mississippi (Mr. SHOWS) was an original cosponsor of

this legislation. This truly is a bipartisan, or nonpartisan, effort; and I think it shows what this Congress can do when they put aside their petty differences on many occasions and work for the common good of the people, and they have done that.

Ms. WATERS. Mr. Speaker, I am very pleased to proceed with floor consideration of H.R. 1408, the Financial Services Antifraud Network Act of 2001. When we initially considered marking up this legislation in the Financial Institutions subcommittee, there were a number of problems with the structure and the content of that version. I want to thank my colleague, Mr. BACHUS for his willingness to postpone that markup so that we could work together to improve this bill. A number of improvements have been made to this legislation since it was introduced. The structure for information sharing among the regulators has been greatly simplified. The categories of information to be shared among the regulators have been narrowed, and safeguards have been put in place to protect individuals. In addition, certain due process protections have been added to the bill, which grant individuals the right to receive notice and respond when information from the network is used to take action against them. Finally, this bill provides insurance regulators with increased access to information when conducting criminal background checks on financial professionals. Additional safeguards are provided governing the use of this information.

I want to thank my colleagues Chairman BACHUS, Congressman ROGERS, Congressman MOORE, Congressman GONZALEZ, Ranking Member LAFALCE and Chairman OXLEY as well as their staffs for working cooperatively to improve this legislation. I am pleased that the process went so well and has resulted in a better bill, and that agreement has been reached on the final outstanding issue regarding financial regulators' access to confidential supervisory information. This issue is not a partisan one. We all want to combat fraud and protect consumers. In light of the events of September 11, it has become even more crucial to ensure that criminals do not evade detection merely by varying their methodology.

I think that once we began working together, in a bipartisan manner, on this legislation, we realized that common ground was not an elusive goal. I would hope that we can continue to work together across the aisle on other issues of mutual concern as this Congress continues. Once again, I thank my colleagues for their hard work.

Mr. BACHUS. Mr. Speaker, there being no further requests for time, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CULBERSON). The question is on the motion offered by the gentleman from Alabama (Mr. BACHUS) that the House suspend the rules and pass the bill, H.R. 1408, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. BACHUS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RADIO FREE AFGHANISTAN ACT OF 2001

Mr. ROYCE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2998) to authorize the establishment of Radio Free Afghanistan, as amended.

The Clerk read as follows:

H.R. 2998

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 ''Radio Free Afghanistan Act of 2001''.

SEC. 2. ESTABLISHMENT OF RADIO FREE AFGHANISTAN.

(a) ESTABLISHMENT.—The Broadcasting Board of Governors is authorized to make grants for surrogate radio broadcasting by RFE/RL, Incorporated (also known as Radio Free Europe/Radio Liberty) to the people of Afghanistan in languages spoken in Afghanistan, such broadcasts to be designated ''Radio Free Afghanistan''.

(b) SUBMISSION OF PLAN TO BROADCASTING BOARD OF GOVERNORS.—Not later than 15 days after the date of the enactment of this Act, RFE/RL, Incorporated, shall submit to the Broadcasting Board of Governors a detailed plan for the establishment of the surrogate radio broadcasting described in subsection (a).

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) INTERNATIONAL BROADCASTING OPERATIONS.—In addition to such sums as are otherwise authorized to be appropriated for ''International Broadcasting Operations'', there are authorized to be appropriated for ''International Broadcasting Operations'' $9,500,000 for the fiscal year 2002 and $8,000,000 for the fiscal year 2003 for broadcasting to Afghanistan described in subsection (a).

(2) BROADCASTING CAPITAL IMPROVEMENTS.—In addition to such sums as are otherwise authorized to be appropriated for ''Broadcasting Capital Improvements'', there are authorized to be appropriated for ''Broadcasting Capital Improvements'' $10,000,000 for the fiscal year 2002 for transmitting broadcasts into Afghanistan.

SEC. 3. REPEAL OF BAN ON UNITED STATES TRANSMITTER IN KUWAIT.

The Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236) is amended—

(1) by striking section 226; and

(2) by striking the item relating to section 226 in the table of contents.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. ROYCE) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. ROYCE).

GENERAL LEAVE

Mr. ROYCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROYCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to thank the gentleman from Illinois (Mr. HYDE) for his leadership on the Committee on International Relations where this bill, the Radio Free Afghanistan Act, passed by voice vote last Thursday. I would also like to acknowledge the work of my co-author, the gentleman from California (Mr. BERMAN), who is traveling back from business in the district and could not be here yet today.

Mr. Speaker, the primary source of current news and information for the people of Afghanistan is the radio. Eighty-five percent of Afghans get their information from the radio. They do not have television there. That was banned under the Islamic law that the Taliban enforces. All of the televisions were destroyed. So Afghans saw no footage of the devastation at the World Trade Center. They had not had the opportunity to see what happened at our Pentagon.

Throughout that country on September 11 people held up small transistor radios to their ears to listen to news accounts. However, the news accounts they heard are far different from those that we heard in this country. Throughout the region, they heard that the attacks on the World Trade Center were the work of the Israel Government, the work of the Israelis with help from the Indian Government with the United States trying to cover this up. Why? Why did they believe this? Well, they were told by al-Qaeda and others that there were 4,000 Jewish Americans who did not go to work that day because they were tipped off; there was a plot to blame all this on Osama bin Laden.

We know that, in fact, is a lie; but they do not have access to that information. Because long before the terrorist attacks of September 11, bin Laden sympathizers waged a psychological war for the minds of Afghans. They shrewdly used radio to spread hatred of the United States, hatred of democracy, hatred of Israel, and hatred of Muslims who rejected their hate.

I believe that the establishment of a Radio Free Afghanistan by Radio Free Europe is essential to winning the information war. Radio Free Europe, Radio Liberty does one thing very well. It engages in surrogate broadcasting, and they will operate as if Afghanistan had a free and vibrant press. They will counter these lies.

The Taliban and the terrorists they are harboring use propaganda, and they use censorship to maintain power. They must be countered.

As William Safire points out in last Thursday's New York Times, he says, ''That message that is sent should be the Taliban are corrupting the Koran, the Taliban and their terrorist guest bin Laden are the cause of Afghan casualties. As soon as the fanatic Saudi outsiders surrender then peace and food and jobs will come to the country.''

I have been calling for Radio Free Afghanistan for several years, since 1996; and I think it is fair to say that the previous administration had little interest in this type of aggressive broadcasting in Afghanistan. I talked to the former Under Secretaries of State. I talked to the Secretary of State about this, and at one point I argued in committee that Afghanistan would pose a national security threat to the United States if what was happening there was not countered.

If we had Radio Free Afghanistan up and running for several years, the terrorists would not have had the fertile ground they have found in Afghanistan to prepare, to train, to be funded. It is very hard to organize like this when you are on the run.

I believe Radio Free Europe, Radio Liberty is the best organization for broadcasting to Afghanistan for the following reasons: first, it had an outstanding impact behind the Iron Curtain during the Cold War; second, there are eight employees there who ran Radio Free Afghanistan during the Soviet invasion in 1985. It has the experience, the expertise. It was helpful at rallying the Afghan people against the Soviets, and I think it will have the best chance of providing information that will help turn the Afghan people against the Taliban and other extremists.

It is the voice of Afghans talking about the radicalism of the Taliban, frankly, that will be our best ally.

This legislation will provide for 12 hours of broadcasting a day; 6 in Pashto, 6 in Dari, the two major languages. In addition, this legislation provides for three transmitters to be moved from Spain to Kuwait. They are not currently being used. Kuwait is an ideal location geographically for transmission to Afghanistan. Although it is my intention that these transmitters be primarily used to broadcast to Afghanistan, they may also be used to broadcast throughout the Middle East or to China.

The concept behind Radio Free Afghanistan is to do what was done with Radio Free Europe in Poland and in the Czech Republic and across Eastern Europe. When we talk with leaders of Poland, Lech Walesa, when we talk to Vaclav Havel of the Czech Republic, they say that the hearts and minds of those people in those countries were turned by the opportunity to listen daily to a radio broadcast which explained what was actually happening inside their society.

These broadcasts were able to explain and put in context what they would be hearing from the Soviet broadcasts. Over time we know from these leaders that this was the most effective single thing that changed the attitudes of the average person in Eastern Europe.

□ 1500

We know what happened to the Berlin Wall, and part of this was because they had access to information. Radio Free Europe broadcast to all of Eastern Europe during the Cold War except for one country, and that country was the former Yugoslavia. We all know the atrocities that have taken place there.

I remember a young Croatian journalist telling me, if only we had had the type of broadcast they had in Czechoslovakia in Yugoslavia we would not have had the slaughter. We would have been able to teach people about political pluralism and tolerance and democracy.

So we know that surrogate broadcasting works. China spends a tremendous amount of time attempting to jam the broadcasts in Radio Free Asia. Saddam Hussein has long complained about Radio Free Iraq, calling these broadcasts an act of aggression. The Iraqi dictator has apparently become so irked by this attempt to undermine his control over the media, that intelligence officials have recently uncovered a plot by Iraq to bomb Radio Free Europe's headquarters in Prague.

Evil regimes like the Taliban hold power through ignorance and propaganda. The Afghan people deserve something better. They deserve to hear the truth, and I hope my colleagues will support this bill for Radio Free Afghanistan.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Madam Speaker, I yield myself such time as I may consume, and I rise in strong support of this bill.

Madam Speaker, this is an extremely important piece of legislation, and I want to commend my good friend and distinguished colleague, the gentleman from California (Mr. ROYCE), for introducing this legislation and being its principal sponsor. He deserves enormous credit. I also want to commend our colleague, the gentleman from California (Mr. BERMAN), for being the principal Democratic author, and the gentleman from Illinois (Mr. HYDE) for expediting the handling of the legislation.

Madam Speaker, as our military is executing our plans in Afghanistan with extraordinary skill, we are falling behind in the battle for the minds and hearts and souls of the people of Afghanistan. It is almost incomprehensible that our values should be challenged and questioned by the barbaric nihilists of Osama bin Laden and the Taliban leadership. I support this legislation because it is evident that we need to increase dramatically our public diplomacy not just in Afghanistan but across the Muslim world.

The Middle East Broadcasting initiative, announced by the administration, and Radio Free Afghanistan, established by this legislation, introduced by the gentleman from California (Mr. ROYCE), are two important initiatives that will help us reach tens of millions of Muslims to provide fair, accurate, dependable information about the United States, our values and our policies.

I remember well during the Second World War how powerful it was to listen to the British Broadcasting Corporation and the American Voice of Freedom as a counterweight to the vicious propaganda of Hitler and Goebbels. We are in a somewhat similar fight, confronting a totalitarian, nihilistic, barbarian enemy that is ready to resort to nonstop lies and distortions to make their case.

We must do much more than just pass this legislation, Madam Speaker, to reach the disaffected youth in the Middle East, in Central Asia, but also in Africa, East Asia, and across the globe. We must intensify all of our Voice of America broadcasting, and the broadcasting of Free Asia and Free Afghanistan, and we must increase our educational and cultural programs. We must come up with new and innovative ways to reach the young people who live on the outer fringes of all these societies. Marginalized youth who live without hope and without opportunity grow up into hate-filled men and women who choose to bring death and destruction to themselves and to those around them.

H.R. 2998 is an important piece of legislation and moves us in the right direction of presenting the case of freedom and truth in Afghanistan. I strongly urge all of my colleagues to support it.

Madam Speaker, I reserve the balance of my time.

Mr. ROYCE. Madam Speaker, I yield myself such time as I may consume to express my appreciation to the gentleman from California (Mr. LANTOS), the ranking member of the House Committee on International Relations, who is a strong supporter of public diplomacy based upon his own unique experiences. I look forward to continuing to work with him in the future in doing more in this critical area, and I thank him for the focus he has brought to this.

Mr. LANTOS. Madam Speaker, I thank my friend.

Mr. ROYCE. Madam Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. ENGLISH).

Mr. ENGLISH. Madam Speaker, I would like to publicly thank both gentlemen from California for their excellent efforts in this area.

Madam Speaker, Shakespeare wrote ''Time's glory is to calm contending kings, to unmask falsehood, and bring truth to light.'' The truth is a powerful foundation for freedom, and it is a powerful weapon on behalf of freedom. I propose that we enlist it in the current conflict in Afghanistan.

That is why I rise in strong support of H.R. 2998, the Radio Free Afghanistan Act. As a cosponsor of this legislation, I recognize the need to counter the negative propaganda that the Taliban government is force-feeding the Afghan people. We must let the Afghan people know the truth about the war we are fighting and what the United States is prepared to do to help

them as innocent victims of the Taliban regime.

The people need to know the truth about the cause and effect of harboring the agents of terrorism. The people of Afghanistan are not hearing our message, but instead are being filled with the lies of the Taliban. This has to stop. We must let them know that the war we are fighting is not with them, but rather with the Taliban, who have been systematically stripping away the common individual's liberties since they came to power.

During the Cold War, as the gentleman from California (Mr. ROYCE) noted, similar radio broadcasts spread information and ideas, including the presentation of the democratic ideal, which proved fatal to the Eastern Bloc. I believe this same tool can be devastating to the Taliban. These radio broadcasts are absolutely essential to this freedom struggle.

I urge my colleagues to join me in supporting the spread of truth and vote in favor of this legislation, because, as we know, only the truth shall set us free.

Mr. ROYCE. Madam Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Madam Speaker, I rise today in strong support of the bill, H.R. 2998, authored by the gentleman from California (Mr. ROYCE), recreating Radio Free Afghanistan.

Radio Free Europe/Radio Liberty previously broadcast to Afghanistan from 1985 to the end of fiscal year 1993. Although it broadcast to Afghanistan during the last half of the Soviet-Afghan war, RFE/RL had been reporting on the war and its happenings in Afghanistan since the 1979 invasion through its other services in Russian, Turkmen, Tajik, and Uzbek.

Radio Free Europe/Radio Liberty has a 50-year-plus history of delivering accurate and timely information to areas that would not otherwise receive it. The creation of Radio Free Asia in the 1990s built on this tradition. Currently, Afghans are in desperate need of access to this information.

Although RFE/RL is currently not broadcasting into Afghanistan, it is providing vital information about the war through its other services to other countries in the region. One example can be found in the case of Afghan resistance general Abdurashid Dustom. Recently, Russian TV programs reported the killing of this prominent anti- Taliban general. The reports were picked up by media in various Central Asian countries and broadcast throughout the region. Just 2 hours after the first Russian report, RFE/RL's Tajik service aired an interview with General Dustom himself, denying the false reports. Subsequently, RFE/RL's Turkmen, Uzbek, and Persian services also broadcast the interview.

A 1999 study conducted by the U.S. Broadcasting Board of Governors, concluded that 80 percent of Afghan men listen to the Voice of America. The need to provide these men with accurate information from their country and around the world has never been greater.

I also want to thank the Czech people for their decision to host RFE/RL in Central Europe. Building on Vaclav Havel's experience as a prisoner of conscience listening to Radio Liberty underscores the value of this service.

Unlike BBC World Service and other radios, RFE/RL provides unbiased news about unfree societies in their own language about their own society. The difference is key and the service is invaluable.

I want to thank the gentleman from California (Mr. ROYCE) for introducing this bill, and also the gentleman from Illinois (Mr. HYDE), the chairman, and Congress' hero on human rights, the gentleman from California (Mr. LANTOS) for bringing it to the floor today. This is one of the many tools we will need to fight terrorism around the globe, and arming citizens with the truth is the best way to bring about change, victory and reducing American casualties.

Mr. LANTOS. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. ROYCE. Madam Speaker, I yield myself such time as I may consume.

I want to thank my colleagues for their support. Now, some might question whether broadcasts to this part of the world would really make that much of a difference. I suggest that if done right, these broadcasts would make a profound difference in our war on terrorism, and I want to give an example.

Yesterday, the Wall Street Journal reported that on the streets of Tehran in Iraq, young people, Iranians born after the revolution of Ayatollah Khomeini and fed up with extreme theocracy, are in the streets, in the streets last night, chanting ''We love the USA.'' Yes, ''We love the USA.'' That is what was occurring in the streets in Iran. And these young people, because they want freedom, are our allies and our friends. The hard-line mullahs, who have run on the ''America is the great Satan'' line for years, are deadly fearful of these rumblings.

What is being credited with prompting these expressions is a message of freedom that is being sent by a private television station in Los Angeles, run by Iranian expatriates. These broadcasts are challenging the power of the repressive theocracy, the power of the mullahs who would control every aspect of Iranian lives. And these broadcasts are speaking to Iranian women's desires to play a role in modern society. These and other broadcasts are revolutionary and, in this case, it is an Iranian revolution in America's favor.

Now, Iran is not Afghanistan, that is true, but there are parallels, and what is the same is the power of ideas, the urge for freedom and for individual dignity. That is the desire that Radio Free Afghanistan will be able to bolster, which will significantly aid our war against terrorism. And that is why I urge my colleagues to pass this legislation and why I urge final passage of the bill.

Mr. GILMAN. Madam Speaker, I want to commend Committee Chairman HYDE for bringing this bill before the House and I commend Subcommittee Chairman ROYCE for crafting this important initiative.

For the past several years, the people of Afghanistan have been manipulated by foreign forces who are motivated by selfish evil intentions. Saudi Arabia, along with Pakistan, have created a radical Islamic fundamentalist movement in Afghanistan which threatens international stability. While we work to ensure that the governments of those two countries permanently change their policy, the only way that the world will be safe from the disaster that they have created is by helping the Afghan people to liberate themselves from the Taliban and bin Laden, and to give them the tools to put together a broad based representative form of government.

For the past several years, members of our Committee have been working with the former King and the Northern Alliance to ensure that our government support the Afghan people's desire for a free and democratic Afghanistan. A Radio Free Afghanistan can play a significant role in this endeavor. Accordingly, I urge my colleagues to support this measure.

Mr. HOEFFEL. Madam Speaker, I rise today in strong support of H.R. 2998, the ''Radio Free Afghanistan Act.'' I would first like to thank my House International Relations Committee colleagues, ED ROYCE and HOWARD BERMAN, for their hard work in introducing this important piece of legislation, and to acknowledge their commitment to free speech and freedom in Afghanistan.

The importance of the Radio Free Afghanistan Act should not be underestimated. Under this bill, Radio Free Europe/Radio Liberty would expand to create Radio Free Afghanistan. Radio Free Europe/Radio Liberty has effectively developed over the past 50 years the ''surrogate broadcasting'' concept of local, regional and international news in native languages in countries that do not enjoy freedom of the press.

The principle of broadcasting news and factual information free of the propaganda of repressive states is well established. Bringing the truth of the Taliban's actions to the Afghan people would continue a long-held tradition of bringing the voice of liberty and personal freedom to people around the world.

The Radio Free Afghanistan Act would simply allow the Afghan people to learn the hard-hitting truth about what is happening in their own country. As we all know, knowledge is power.

In the war against terrorism, we must blanket the people of Afghanistan with the voice of freedom, truth and democracy as we blanket the Taliban with bombs. I strongly urge my colleagues to support this vitally important piece of legislation.

Mr. ROYCE. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from California (Mr. ROYCE) that the House suspend the rules and pass the bill, H.R. 2998, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LANTOS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1515

NATHANIEL R. JONES AND FRANK J. BATTISTI FEDERAL BUILDING AND UNITED STATES COURTHOUSE

Mr. REHBERG. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 852) to designate the Federal building and United States courthouse to be constructed at 10 East Commerce Street in Youngstown, Ohio, as the ''Nathaniel R. Jones and Frank J. Battisti Federal Building and United States Courthouse''.

The Clerk read as follows:

H.R. 852

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

SECTION 1. DESIGNATION.

The Federal building and United States courthouse to be constructed at 10 East Commerce Street in Youngstown, Ohio, shall be known and designated as the ''Nathaniel R. Jones and Frank J. Battisti Federal Building and United States Courthouse''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in section 1 shall be deemed to be a reference to the ''Nathaniel R. Jones and Frank J. Battisti Federal Building and United States Courthouse''.

The SPEAKER pro tempore (Mrs. BIGGERT). Pursuant to the rule, the gentleman from Montana (Mr. REHBERG) and the gentlewoman from California (Mrs. TAUSCHER) each will control 20 minutes.

The Chair recognizes the gentleman from Montana (Mr. REHBERG).

Mr. REHBERG. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 852 designates the Federal building and United States courthouse to be constructed at 10 East Commerce Street in Youngstown, Ohio, as the Nathaniel R. Jones and Frank J. Battisti Federal Building and United States Courthouse.

Judge Nathaniel R. Jones was born in Youngstown, Ohio, in 1926. After serving in the United States Air Force during World War II, he earned his undergraduate degree and law degree from Youngstown State University. Judge Jones was the editor of the Buckeye Review newspaper before serving as executive director of the Fair Employment Commission in the city of Youngstown. He also served on the Mayor's Human Rights Commission.

Judge Jones had a distinguished legal career before being appointed to the Federal bench. He was in private practice for 2 years; he served as Assistant United States Attorney for the Northern District of Ohio from 1961 until 1967; as general counsel for the NAACP on civil disorder; and as general counsel of the NAACP for 10 years.

In 1979, Judge Jones was appointed to the United States Court of Appeals for the Sixth Circuit. While sitting on the Federal bench, Judge Jones has been active in legal education at Case Western Reserve University School of Law, City University of New York School of Law, University of Cincinnati College of Law, Harvard Law School, North Carolina Central Law School, Indiana University School of Law, Northern Kentucky State University Salmon P. Chase College of Law, and Nova University Law Center in Florida. He has also received numerous honors and awards from universities throughout the United States.

In 1985, Judge Jones traveled to South Africa on behalf of the Lawyers' Committee for Civil Rights, where he was a legal observer at a treason trial. He has continued to be active in civil rights law in South Africa. Judge Jones took senior status in 1995 and maintains a busy docket.

The second judge being honored with this courthouse designation is Frank J. Battisti. Judge Battisti was born in Youngstown, Ohio, and graduated from Ohio University. He then went on to earn his law degree at Harvard University. In 1950, he was admitted to the Ohio bar and served as Ohio Assistant Attorney General. In the early 1950s, Judge Battisti was a legal advisor for the Army Corps of Engineers. He also entered private practice and started teaching at Youngstown University Law School until he was elected a Common Pleas judge in 1958.

In 1961, President Kennedy appointed Judge Battisti to the Federal bench. At the time he was the youngest Federal appointed judge. He served as Chief Judge from 1969 until 1990, and took senior status that April. Judge Battisti presided over the Cleveland public school desegregation case, a public housing desegregation case, and in 1974, the trial of eight members of the Ohio National Guard accused of violating the civil rights of four Kent State students who were shot during student demonstrations in 1970. Judge Battisti passed away on October 19, 1994.

This is a fitting honor for two extraordinary Federal judges from Youngstown. Similar legislation passed the House last year, but was never enacted. I support this bill, and ask my colleagues to support it as well.

Madam Speaker, I reserve the balance of my time.

Mrs. TAUSCHER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I support H.R. 852, a bill to designate the new courthouse and Federal building under construction in Youngstown, Ohio, as the Nathaniel R. Jones and Frank J. Battisti Federal Building and United States Courthouse.

These two native sons of Youngstown, Ohio, have contributed to the excellence of the judicial system and dedicated their lives to preserving the notion of equal justice under the law.

Judge Battisti was born and brought up in Youngstown. After attending Ohio University, in 1950 he received his J.D. from Harvard Law School. Judge Battisti was Assistant Attorney General and a law instructor at Youngstown State University. Later in his career, he was elected judge of the Common Pleas Court of Mahoning County, Ohio.

In 1961, he was appointed to the United States District Court for the Northern District of Ohio by President Kennedy. In 1969 he became the Chief Judge.

Judge Nathaniel Jones was also born and brought up in Youngstown and is a World War II veteran.

His civic and public appointments include serving as director of the Fair Employment Practices Commission and executive director of the Mayor's Human Rights Commission.

Attorney General Robert Kennedy appointed Judge Jones as an Assistant U.S. Attorney for the Northern District of Ohio, based in Cleveland.

In 1969 Roy Wilkins, executive director of the NAACP, asked Judge Jones to serve as the NAACP's general counsel. Judge Jones accepted the offer and served at the NAACP for a decade, from 1969 until 1979. In 1979, President Carter appointed Judge Jones to the U.S. Court of Appeals, Sixth Circuit. Both gentlemen have been active in numerous community and civic organizations. They were personal friends and professional colleagues. It is very fitting and proper that we support this naming bill, and I urge my colleagues to join me in supporting H.R. 852.

Madam Speaker, I reserve the balance of my time.

Mr. REHBERG. Madam Speaker, I reserve the balance of my time.

Mrs. TAUSCHER. Madam Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Madam Speaker, naming a Federal courthouse in Youngstown after Nathaniel Jones and Frank Battisti is an ideal way to mark the contributions these men have made to their profession and their communities. Judge Nathaniel Jones once said he ''saw law as a way to effect meaningful changes in society and shape the destiny of individuals locked into second class status.''

The son of a steelworker and World War II veteran, Judge Jones spent his career as an advocate for better, fairer schools and discrimination-free workplaces. He worked alongside some of the greatest legal minds of our time, including Supreme Court Justice Thurgood Marshall.

His accomplishments as the general counsel to the NAACP caught the attention of President Carter, who appointed him to the U.S. Court of Appeals for the Sixth Circuit. President Carter recognized that Judge Jones's exceptional understanding of how the legal process could remedy some of society's shortcomings would serve the country well on the bench. Many of us who have known Judge Jones over his career believe that if President Carter would have been reelected in 1980, he would have chosen Judge Jones to be a member of the United States Supreme Court.

We can say the same kinds of accolades about Judge Battisti, who had the same kind of passion for social justice. He was an outstanding public servant appointed by President Kennedy. Judge Battisti never shied away from controversy. As others mentioned, his career on the bench included rulings on the antiwar protest at Kent State University and ending school desegregation in Cleveland.

Madam Speaker, I thank my colleagues, the gentleman from Ohio (Mr. TRAFICANT) and others, for giving us an opportunity to pay tribute to these distinguished sons of Ohio.

Mrs. TAUSCHER. Madam Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Madam Speaker, both of these men contributed tremendously to desegregation of public schools in the United States of America. Most importantly, both of them were Youngstown, Ohio, natives, born and raised there, and very well respected. The community is very pleased that this Federal building and U.S. courthouse is being named in their honor. I think the most important thing that can be said about both is that they were not afraid to tackle controversial issues. When we talk about desegregation, our Congress looks towards fairness in America; these were two of the trailblazers of desegregation.

Their participation at their respective levels had a trickle-down effect on this entire Nation, and that would be the legacy probably of both men. Hopefully, this bill will be passed into law, and I believe it would signal the first time that a U.S. Federal building and courthouse has been named for both an outstanding African American and white member of the Federal bench. That in itself would be a significant landmark. It would be a fine building.

Madam Speaker, I ask for the House to move this bill through the other body so that this great building can be named for these two outstanding members of our Federal court system.

Mr. PORTMAN. Madam Speaker, I rise today in strong support of H.R. 852, legislation to name the federal building and U.S. courthouse to be built in downtown Youngstown, Ohio after former Federal Judge Frank J. Battisti and United States Court of Appeals Judge Nathaniel R. Jones. Both Judge Battisti and Judge Jones are natives of Youngstown, Ohio, and naming this federal building and courthouse after them would be a source of pride for the residents of that fine city.

Judge Battisti served in many capacities during his distinguished career. None was more notable than his tenure as Chief Judge of the United States District Court for the Northern District of Ohio.

Judge Nathaniel Jones is a personal friend. I have had the pleasure of working with him on the National underground Railroad Freedom Center project in Cincinnati, Ohio and on other projects. Judge Jones serves as the Co-Chair of the Board of Trustees for the Freedom Center and his leadership has been critical. Through my work with the Freedom Center, I have come to admire Judge Jones for his commitment to racial healing and cooperation.

Judge Jones was born and raised in Youngstown, Ohio. He served in the U.S. Army Air Corps in World War II, and later went on to attend Youngstown State University where he received undergraduate and law degrees. Judge Jones later went on to serve as General Counsel for the NAACP where he helped coordinate efforts to end school segregation. In 1979, President Carter appointed him to serve on the United States Court of Appeals for the Sixth Circuit where he serves to this day.

I have great respect for Judge Jones. In all of his accomplishments, perhaps none rank higher than his wife Lillian and their four wonderful children, one of whom—Stephanie J. Jones—is chief of staff for our colleague, STEPHANIE TUBBS JONES. There are few people more dedicated to public service than Judge Jones.

The naming of the federal building and courthouse in Youngstown, Ohio after Judge Battisti and Judge Jones is a fitting tribute to two worthy men. I thank my colleague JIM TRAFICANT for introducing this measure and my colleague STEVEN LATOURETTE for helping move the bill to the floor. I am honored to cosponsor this legislation, and am grateful to see us take action on it.

Mrs. JONES of Ohio. Madam Speaker, it is my pleasure and honor to stand in support of H.R. 852, which names the Federal Building and United States Courthouse in Youngstown, Ohio after my dear friend Judge Nathaniel R. Jones and the late Judge Frank Battisti. No two men are worthier of this recognition.

It is particularly significant that this courthouse is being named after these two wonderful sons of Youngstown who have done so much for their community and for our nation. It is my understanding that this is the first time anywhere in the country that the names of two people of different races have been joined together to name a federal building. How fitting this is. Judge Battisti devoted his life—often at great cost—to reaching across the racial divide and to removing those divides altogether. Judge Jones has committed himself to securing justice for all and healing a divided nation. I am so pleased that these two men will be honored together in this way.

This bill has particular meaning to me, professionally and personally. I first came to know both Judge Jones and Judge Battisti through their involvement in the landmark school desegregation case in my hometown of Cleveland, Ohio. Judge Battisti showed great courage in his rulings and his willingness to force the overhaul of an illegally segregated school system, not a popular thing to do at the time. And Judge Jones' commitment to the law for the highest purposes earned my admiration long before I knew him personally.

Over the years, I have come to know this thoughtful, generous and humble man and am proud to say that he is my mentor and friend. He's also the father of my Chief of Staff Stephanie J. Jones. Judge Jones and I often joke about the unlikely coincidence of Stephanie and I sharing the same name. In fact, he now refers to me as his ''other daughter,'' as honorary title I'm proud to hold.

Judge Jones has traveled the world, counseled Presidents, walked with great leaders, earned the respect of all who know him and achieved great renown. Yet he has never forgotten his roots and the lessons he learned at his mother's knee. He has always lived by the simple admonition he learned in Sunday School—''brighten the corner where you are.''

I had the pleasure of meeting Judge Jones' mother, Lillian Brown Jones Rafe not long before she died and, through her, came to appreciate even more the son she called her ''keen-eyed child.'' This great-grandson of slaves, whose parents moved from the rural south to Youngstown, Ohio seeking opportunities for their children, has risen to heights even a proud mother never imagined, but has never forgotten his roots. Through it all, he remains a child of Youngstown.

It is appropriate that less than two miles away from the street on which he was born, along the route his weary but determined mother walked selling household products and newspaper subscriptions to support her family during the Depression, up the street from the movie theater his father cleaned at night, on a site where he played as a boy, near the small office in which he once toiled as editor of the Buckeye Review newspaper, down the hill from Youngstown University, where he earned his bachelor and law degrees (and fought for equal rights for all students), across the square from the small building that housed his first law office, a few miles from his beloved parents gravesite, will stand a United States Courthouse engraved with the name of Nathaniel R. Jones.

It is truly an honor and a pleasure for me to stand in support of this bill honoring my friend Judge Nathaniel Jones and the late Judge Frank Battisti. This Courthouse, like the remarkable men for which it is named, will brighten its corner, where it will long stand as a reminder and beacon to all who desire and work for justice, equality and mercy.

Mrs. TAUSCHER. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. REHBERG. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Montana (Mr. REHBERG) that the House suspend the rules and pass the bill, H.R. 852.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. REHBERG. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the

Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. REHBERG. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 852.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Montana?

There was no objection.

EXPRESSING SENSE OF CONGRESS REGARDING WTO ROUND OF NEGOTIATIONS IN DOHA, QATAR

Mr. ENGLISH. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 262) expressing the sense of Congress that the President, at the WTO round of negotiations to be held at Doha, Qatar, from November 9–13, 2001, and at any subsequent round of negotiations, should preserve the ability of the United States to enforce rigorously its trade laws and should ensure that United States exports are not subject to the abusive use of trade laws by other countries.

The Clerk read as follows:

H. Con. Res. 262

Whereas members of the World Trade Organization (WTO) have expressed an interest in improving and clarifying antidumping provisions contained in the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994 (commonly referred to as the ''Antidumping Agreement'') and subsidy provisions contained in the Agreement on Subsidies and Countervailing Measures at the Fourth Ministerial Conference of the WTO to be held in Doha, Qatar, from November 9–13, 2001;

Whereas the recent pattern of decisions by WTO dispute settlement panels and the WTO Appellate Body to impose obligations and restrictions on the use of antidumping and countervailing measures by WTO members under the Antidumping Agreement and the Agreement on Subsidies and Countervailing Measures has raised concerns; and

Whereas Congress is concerned that WTO dispute settlement panels and the WTO Appellate Body appropriately apply the standard of review contained in Article 17.6 of the Antidumping Agreement, to provide deference to a WTO member's permissible interpretation of provisions of the Agreement, and to a WTO member's evaluation of the facts where that evaluation is unbiased and objective and the establishment of the facts is proper: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that the President, at the WTO round of negotiations to be held at Doha, Qatar, from November 9–13, 2001, and at any subsequent round of negotiations of the WTO, should—

(1) preserve the ability of the United States to enforce rigorously its trade laws, including the antidumping and countervailing duty laws, and avoid agreements which lessen the effectiveness of domestic and international disciplines on unfair trade, especially dumping and subsidies, in order to ensure that United States workers, agricultural producers, and firms can compete fully on fair terms and enjoy the benefits of reciprocal trade concessions; and

(2) ensure that United States exports are not subject to the abusive use of trade laws, including antidumping and countervailing duty laws, by other countries.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. ENGLISH) and the gentleman from Michigan (Mr. LEVIN) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. ENGLISH).

GENERAL LEAVE

Mr. ENGLISH. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 262.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. ENGLISH. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the WTO negotiations in Qatar later this week are going to be enormously important. They are going to create an opportunity to move the world trading system in a direction which will allow us to provide not only freer trade but also fairer trade. We see an opportunity for a new agenda to emerge for the WTO out of this discussion, a new round which we think will yield positive results for America as well as the balance of our trading partners.

But as we move forward and see that agenda take shape, it is very important that the United States Congress weigh-in particularly on one issue which should not be included on that agenda and has been long negotiated and long established. Here I am referring to the antidumping code.

As we engage in a new round of global trade talks, we do not want to see a reopening of the antidumping and countervailing duty laws which have already been negotiated to a conclusion through the WTO.

□ 1530

The history, Madam Speaker, is quite clear on this point. In a previous round, we had an opportunity to negotiate and to compromise, and all parties signed off on an antidumping code that establishes clear parameters by which domestic antidumping protections can be established, administered and moved forward fairly to all parties concerned.

We in America have maintained our antidumping laws well within those parameters, and we have every right to do so. We have not only an opportunity but also an obligation to maintain strong laws on the books that allow us to provide for a level playing field for American workers and American companies and insist that international standards be followed when it comes to trade practices. We have an opportunity and an obligation, in short, to police our own markets, and that is all that we have done.

I went to the Seattle WTO conclave, which unfortunately did not yield a new round of talks, and at Seattle my role, as part of the official delegation, was to argue against a rising chorus of our trading partners who wanted to reopen the antidumping code, who saw the new round as an opportunity to water down antidumping and countervailing duties, who saw this as an opportunity to open up American markets in a way that would provide us with few options if faced with unfair trading practices.

The Seattle Round never materialized, but this weekend we have an opportunity in Qatar to see a new round initiated. Once again, some of our trading partners have come forward. All too often those trading partners, which have a history of having been guilty of dumping on our markets, have been found guilty in the past of having engaged in unfair trading practices as well as some partners who, we suspect, may simply want to muddy the waters, who do not want to go forward on some of the issues that are difficult to them, so they want to reintroduce other issues to slow down the process.

So far, the Bush administration has adopted a strong position, and I salute them. They have had the courage to say that the antidumping code has already been negotiated and it should be left off the agenda of the new round. I salute them for their firmness on this point, and I propose that the House, through this resolution, join them in offering strong support for the notion that the antidumping laws should not be included as part of this WTO round.

As I said, some countries found guilty in the past of dumping in the U.S. market are desperately trying to reopen the U.S. antidumping and countervailing duty laws despite the best efforts of the Bush administration. In my view, this would be counterproductive for the United States.

I urge my colleagues in the House to take the same bold stance as the Bush administration by supporting this resolution today. I urge my colleagues to put the House on record as strongly opposed to including the antidumping and countervailing duty laws on the agenda of a new WTO negotiating round. This would send a clear and unambiguous message to our trading partners, we will not tolerate unfair trading practices, we will provide a level playing field for our workers, and we will not leave our markets vulnerable to predatory trade practices.

Our antidumping and countervailing duty protections are, in my view, absolutely essential for allowing this country to participate in the world trading system; they are important for policing our markets, and they are very important for ensuring that our partners' trade practices conform to the international standards that they have agreed to and that they play by the rules.

This resolution moves in the direction of providing better fair trade for American workers and for American companies at a time when we are clearly entering a recession. I hope it will enjoy strong support. It already enjoys strong bipartisan support. I want to thank my colleagues for that.

Madam Speaker, I reserve the balance of my time.

Mr. LEVIN. Madam Speaker, I yield myself such time as I may consume.

(Mr. LEVIN asked and was given permission to revise and extend his remarks.)

Mr. LEVIN. Madam Speaker, I rise in support of this resolution. I regret that it has been brought up with very little notice so that many of my colleagues who would like to participate will not be able to do that, the gentleman from Indiana (Mr. VISCLOSKY) and the gentleman from Maryland (Mr. CARDIN), for example, who are sponsors of this resolution, as well as members in the Steel Caucus.

I do support it because trade remedy laws are critical to U.S. workers and farmers and industry. They are a central pillar of a rule-based system. They were negotiated in the Uruguay Round. It was a product of hard negotiations, of lengthy discussions. The gentleman from New York (Mr. HOUGHTON) and I were able to be there at the end of those discussions, and I can say firsthand that it was very much give and take. There was final agreement. We should resist efforts to unravel that agreement.

Trade remedies are really part of a free market system. A free market system means that one party should not rig the market to their advantage, to distort a free market to their advantage and the disadvantage of another. The rules against dumping, the antidumping laws, are critical to ensuring that market distortions in one country do not undermine another through their exports, through their dumping below cost.

The countervailing duty provisions try to assure that one country does not gain an unfair advantage through large subsidies. Subsidies undercut a free market. The safeguard rules are there to make sure that if there is a major surge, a country is not left without, as the word connotes, a ''safeguard.'' And so I think that these trade remedies, negotiated through hard discussions with give and take, should not be opened up.

What has happened in recent years, though, is that the WTO rules have been undercut by some unfortunate decisions of WTO dispute settlement bodies. What they have done, in a word, is to misinterpret in some cases the actual language and to impose new and never-agreed-to obligations on WTO members. We do not want to make it worse by now reopening this very language which was worked out through such hard discussions.

I want to comment, if I might, on a couple of aspects. One is the second part of this resolution, paragraph No. 2; it talks about ensuring that U.S. exports are not subject to the abusive use of trade laws, including antidumping and countervailing duty laws, by other countries. I think that is a useful provision. However, I do not think in any way paragraph 2 should be used to moderate or modify paragraph 1. As hard as we negotiate at Doha regarding paragraph 2, I hope in no way will it undercut our determination as expressed in paragraph 1 of this resolution.

In that regard, I comment next on the ministerial language that has been drafted. It is not acceptable. Essentially what it does is to commit the parties to a renegotiation. It may not say that directly, but that is the implication. It is the implication because, unlike for other provisions where there is first a discussion and then a decision on negotiation, the way the present draft language reads, there would essentially be a commitment to renegotiation, and that is not acceptable.

I want to close by indicating that while I support this resolution, and I very much support it, I do not want anyone to think that it is a substitute for clear language in any Fast Track/TPA bill. It is important that any Fast Track/TPA have, in unambiguous principal negotiating objectives, a statement that there will not be, as far as the U.S. is concerned, any renegotiation of the language in the Uruguay Round document that we negotiated it in good faith, and we will not agree to renegotiate it now.

The bill that the gentleman from New York (Mr. RANGEL) and others and I have presented states clearly among the principal negotiating objectives that there will be, as far as the U.S. is concerned, no such renegotiation, while the bill of the gentleman from California (Mr. THOMAS) does not say that clearly as a principal negotiating objective. I think it is important that whatever might come out of Doha, and I think it is critical that there be no renegotiation, that we state in Fast Track/TPA language what is the position of this Congress. One bill does that and another bill, the Thomas bill, does not.

I rise in support. I hope we will have a strong vote for this bill. Again, I regret that some of my colleagues who otherwise would be here to speak on this will not be able to do so because they did not have notice that it was coming up.

Madam Speaker, I reserve the balance of my time.

Mr. ENGLISH. Madam Speaker, I yield 5 minutes to the gentleman from Idaho (Mr. OTTER), a strong supporter of this resolution and a strong advocate of American interests in trade.

(Mr. OTTER asked and was given permission to revise and extend his remarks.)

Mr. OTTER. Madam Speaker, I rise today in support of this resolution offered by my good friend, the gentleman from Pennsylvania (Mr. ENGLISH). This resolution urges Ambassador Zoellick to defend the ability of the United States to use antidumping and countervailing duty laws to protect against unfair trade practices.

I am and have always been a supporter of free and fair trade. In my previous career, I was an international businessman and traveled to some 81 foreign countries. I know that Idaho and all U.S. businesses can successfully compete against products from anywhere in the world. Government intervention, rather than foreign competition, is the only threat to the productivity of my constituents.

Today, Idaho and U.S. computer chip manufacturers are threatened by the Government of South Korea. In violation of international trading rules, South Korea is forcing its banks to exchange thousands of dollars of loans in Hynix for worthless shares in the company. Hynix even gets $500 million in new loans from government-controlled banks at much lower rates. Two private banks who are creditors refused to give additional credit as they saw the futility of doing so.

This massive injection of capital into Hynix makes it possible for them to undercut the prices offered by other private companies. Competitive chip manufacturers within both the United States and overseas will be driven out of business by these actions if positive steps, such as we are suggesting in this resolution today, are not taken to oppose them.

The ability of the United States to bring antidumping and countervailing duty cases against foreign manufacturers is an important shield against the actions taken by the South Korean Government and others who would try to bail out their failing companies and industries. While the World Trade Organization plays a very vital and important role in ensuring that international trading nations play by the rules, it currently lacks the speed and the flexibility to protect nations against unfair trade practices. Our antidumping and countervailing duty legislation gives this Nation the ability to protect itself from all unfair competition.

□ 1545

I am pleased to rise before this House and give my full support to this resolution. I also offer this warning to those nations who would seek to undermine fair trade: this Congress will not stand for and will be prepared to take whatever steps are necessary to defend itself against economic aggression.

I will support, nay, Madam Speaker, I will champion, any additional authorities that our trade representatives need to defend America's workers and industries.

Mr. LEVIN. Madam Speaker, I yield 4 minutes to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Madam Speaker, I thank the gentleman for yielding

me time, and I rise in support of H. Con. Resolution 262, offered by the gentleman from Pennsylvania (Mr. ENGLISH) and the gentleman from Michigan (Mr. LEVIN).

As thousands of steelworkers have discovered, the United States has become the world's steel dumping ground. During the 1998 steel crisis, steel imports into the United States exceeded steel exports by a record 36 million tons. The trade deficit in steel was a record $11 billion dollars, accounting for nearly 7 percent of our overall trade and growing trade imbalance. The vast majority of these imports were subsidized by foreign governments and dumped at below-market prices in our country.

The American steel industry relies on anti-dumping laws as their last line of defense against unfairly traded imports. Unfortunately, since the Uruguay Round agreements, the steel industry's ability to defend itself has been severely weakened.

At the upcoming World Trade Organization ministerial in Doha, Qatar, several nations that export steel to the United States have set the weakening of international rules on trade laws as a major priority to be negotiated. Robert Zoellick, the U.S. Trade Representative, simply cannot be allowed to travel to Qatar and negotiate away the remaining safety measures the steel industry has.

That is why I support this resolution. Many of us are concerned about this WTO ministerial. We are, first of all, concerned because of the place it is located. It is located in a country which does not allow free elections. It is located in a country which does not allow freedom of expression. It is located in a country where women are treated not much differently from the way women are treated by the Taliban in Afghanistan. It is held in a country where public worship by non-Muslims is banned.

The message that that sends to people around the world, that the trade ministers are meeting in a city and country where public protests will not be allowed, where free speech is not allowed, where public expression is not allowed, where freedom of worship is not allowed, where free elections are not allowed, is troubling.

It is troubling because all too often our own trade minister, in this case Mr. Zoellick, has used in the past language to suggest that those of us that do not support his free trade agenda, his agenda to weaken environmental and labor standards around the world, that do not support his agenda are in some way unpatriotic or somewhat indifferent to the counterterrorism efforts promoted by the administration.

While all of us I believe in Congress support the President's efforts to combat terrorism, both domestically and abroad, we do not subscribe to the values that Mr. Zoellick and others, and in part of the U.S. Trade Representative's office journey to Qatar, tend to suggest.

That means that we hope coming out of this ministerial, again, even though it is located in a place that sends a message not of freedom, but of much less than that, we hope that the message that comes out of this meeting in Qatar is sort of the opposite of what goes in in terms of the message that holding in Qatar means, that we care about labor standards, environmental standards, free elections, freedom of worship, all the values that we in this country fight for and we in this country hold dear.

That is another reason I think it is important to join the efforts of the gentleman from Michigan (Mr. LEVIN) and the gentleman from Pennsylvania (Mr. ENGLISH) in support of H. Con. Res. 262. I ask House support for the resolution.

Mr. LEVIN. Madam Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. VISCLOSKY).

Mr. VISCLOSKY. Madam Speaker, I appreciate the gentleman yielding me time; and I also want to compliment the gentleman and my good friend, the gentleman from Pennsylvania (Mr. ENGLISH), who has introduced this resolution. The gentleman is the chairman of the Congressional Steel Caucus in the House.

The resolution that we have here before us today is very important because the industry, as I think all of my colleagues understand, is imploding as we debate this resolution today. I think the first order of business is to make sure that we do not backslide in any way, shape, or form as far as the existing protections that are put into law.

Why do we need the gentleman's resolution today? First of all, we want to ensure that there is a clear message from the House of Representatives to the new administration that preserving our trade laws as they exist today is a primary focus and of primary importance to us.

Second, it is clear that some would like to see our antidumping and antisubsidy laws changed, and it is important to also send our trading partners a clear message that we will not tolerate this.

Finally, some of our strongest allies, because of travel uncertainties, may not be at the WTO conference in the coming week to assist us in ensuring that there is no backsliding on this issue.

But while I am here to congratulate my good friend, the gentleman from Pennsylvania (Mr. ENGLISH), and to fully support the legislation he has introduced, which I am a cosponsor of, I would also use my time today to remind our colleagues that the task is not yet finished as far as assistance to the domestic steel industry.

I would point out to my colleagues that Al Tech Specialty Steel Corporation of the State of New York ceased operations on June 29 of this year. Laclede Steel Company in the State of Missouri ceased operation in August this year. I would remind Members that Qualitech Steel in Indiana ceased operations on January 26 of this year. I would remind my colleagues that Gulf States Steel in the State of Alabama ceased operations in this year, the month of January. I would remind my colleagues that on May 18 of this year, Northwestern Steel and Wire, located in the State of Illinois, ceased operations. I would remind my colleagues that CSC Limited in the State of Ohio ceased operations this year. I would further remind my colleagues that Trico Steel also in the State of Alabama ceased operations this year. Great Lakes Metals, Limited, in East Chicago, Indiana, my congressional district, ceased operations in July of this year. Edgewater Steel, Limited, of Oakmont, Pennsylvania, ceased operations on September 28 of this year, as well as Acme Steel Corporation, also of the State of Illinois.

It is not just companies that have ceased operations. It is not just the 10 million additional tons of steel that are no longer melted and produced in the United States of America that are important to all of us. What is important are the 140 people that lost their job in Pennsylvania on September 28. What is important are the 40 people in East Chicago, Indiana, who lost their jobs this year. What is important are the 320 people in Alabama who lost their jobs this year. What is important is the 1,225 people in Warren, Ohio, who lost their jobs this year, or the 1,600 people who lost their jobs at Northwestern Steel and Wire. What is important are the 1,906 people in Gadsden, Alabama, who lost their jobs this year, or the 350 people who used to have a job at Qualitech Steel in the State of Indiana, or those who also worked at Al Tech Specialty Steel, 790 individuals who lost jobs.

I would emphasize that these are individual citizens we are here to represent, and those are good-paying jobs with good benefits; and there are families and households and mortgages that attach to this issue.

We have jobs, we have people, and we have a national defense issue here. Over the last 23 years we have seen 30 million tons of steel capacity closed in the United States of America. In the last 12 to 18 months, we have added another 10 million tons of capacity that have now closed. The problem as I see it is we are the only industrialized Nation on the planet Earth who cannot produce enough steel now to meet our own needs.

I am very pleased that because of the pressure many of us brought with H.R. 808, that the gentleman is also a cosponsor of, that more than a majority of the House have cosponsored, the administration has initiated an investigation by the ITC.

The ITC last month found, to no one's surprise, that serious injury has occurred to the domestic steel industry. There is a remedy phase, and then

the administration must make a decision as far as the implementation of that remedy.

We have also seen an improvement as far as changing the existing loan guarantee program that was put in place in 1999, increasing that guarantee from 85 percent to 95 percent to give qualified steel companies who have a good business and a reasonable chance of success of making it.

But the industry also needs financial help. Several weeks ago I attempted to have an amendment offered on the House floor to provide $800 million a year for 3 years to help ameliorate the problems that the industry is facing as far as their legacy costs. My concern is if we do not act between now and the middle of December in this body to provide this industry with those dollars, it will cease to exist.

I have five major facilities along the southern shore of Lake Michigan. I would not represent to the Speaker or to any of my Members that those facilities are going to disappear. But my great fear on behalf of the people involved, on behalf of the communities involved, and on behalf of our national defense is when they cease to operate, foreign investors will buy parts. They will close all of our melting capacity. We will no longer make steel in the Great Lakes States. We will process steel in the Great Lakes States. I think that would be a travesty, and I would use my time allotted by the gentleman from Michigan to make that point and implore my colleagues to consider the financing that is necessary for the domestic steel industry to solve their problems.

Mr. LEVIN. Madam Speaker, I yield such time as he may consume to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Madam Speaker, I thank the gentleman for yielding me this time and for his leadership on strengthening our antidumping and countervailing duty laws. I thank the gentleman from Pennsylvania (Mr. ENGLISH) for his strong leadership in this area.

Madam Speaker, I strongly support this resolution. We must make sure that in negotiating in the next trade rounds, that we do not do anything that can compromise our current laws that we have in effect that deal with antidumping and countervailing duties.

Madam Speaker, I must say we even have to go further than that. We need to strengthen our laws consistent with our World Trade Organization obligations. I think that we need to strengthen those laws. It is interesting that the gentleman from Pennsylvania (Mr. ENGLISH) and the gentleman from Michigan (Mr. LEVIN) are both cosponsors and sponsors of legislation in order to do that.

The problem is it takes too long to provide relief to industries that have been hurt by dumped products. The steel industry, of course, is a classic example. Too many of our steel companies have gone out of business because it has taken over 3 years since we have had illegal imports for the system to provide the appropriate relief. So we should be talking about strengthening those laws, not weakening them.

I think this resolution makes it clear that we are going to draw a line in the sand that we are not going to weaken our current protections that we have against illegally dumped steel. It is an important statement for us to go on record.

I applaud my colleagues for bringing forward this resolution and urge all my colleagues to support it.

Mr. LEVIN. Madam Speaker, I believe we have covered our position well; and, therefore, I yield back the balance of my time.

Mr. ENGLISH of Pennsylvania. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I want to thank the gentlemen who have participated in this debate today, because their presence here has highlighted the importance of this resolution in sending a message to the world that the United States Congress feels very strongly that the U.S. needs to have strong antidumping protections, needs to have a strong trade policy, and is fully prepared to take that position and stress it this coming weekend in Doha.

□ 1600

I particularly want to thank the American Iron and Steel Institute for their support of our resolution. I want to thank the Steel Caucus, of which I am chairman and of which the gentleman from Indiana (Mr. VISCLOSKY) is vice chairman. I want to particularly single him out for thanks for his participation not only in this effort, but in all of the efforts of the Steel Caucus and his photo finish appearance on the floor today from traveling. I want to thank the gentleman from Michigan (Mr. LEVIN) for his wisdom and his institutional memory. He has been a major figure in all of our trade debates of the last few years, and we look forward to his major contribution in the coming days to the trade debates that are before us.

I also want to thank the gentleman from Maryland (Mr. CARDIN), my friend, who has really been an extraordinary advocate of strengthening the antidumping laws, and I have had the privilege of the working with him on this issue now in two different Congresses. I also want to thank the gentleman from Ohio who spoke earlier for giving me the opportunity to correct the record, since he created the impression that this resolution was in some way binding the Bush administration, restricting the Bush administration and the position they might take in the negotiations on the next WTO Round. Nothing could be further from the truth.

Madam Speaker, what is fairly clear from the record is that this administration has consistently come out against putting our antidumping laws on the chopping block and negotiating them away. They have consistently been advocates of a stronger trade policy for America. They have been consistently willing to stand up for steel. As chairman of the Steel Caucus, I would like to take a moment right now to thank them for having the courage to stand up at considerable political expense in some circles to themselves and being willing to fight for American steel workers, fight for our basic capacity to produce our own steel. That is so fundamental to us as a strategic asset and our American steel-making capacity, if it survives in coming years, will be much through the effort of this Bush administration.

So Mr. Zoellick, when he goes to Doha, will have a strong record as a friend of steel, as a friend of American workers and American manufacturers, and also as a strong advocate of a firm U.S. position when it comes to the antidumping laws.

Madam Speaker, in conclusion, I think we all look at the trade issue from the perspective of our local communities. I come from northwestern Pennsylvania, from a community with the largest concentration of manufacturing jobs in our entire State, also the largest concentration of export-related jobs in our State. We have seen a winnowing out of this manufacturing capacity. Over the last few months, we have lost permanently 6 percent of our manufacturing base, and that was before the announcement of just a week ago that International Paper is closing a plant that has sustained our community as a major source of jobs for the last 100 years.

Madam Speaker, looking at this from northwestern Pennsylvania, we know we have neighbors in need. We know we have workers throughout America who have had good skilled jobs, whose jobs have been at risk; and in many cases, they have recently lost them. Madam Speaker, I imagine many of those workers are at home watching this debate; and I would like to be able to reassure them, send them a strong message, even as we send our trading partners a strong message, that this Congress will not stand by while some of our trading partners try to get us to negotiate away an important part of the trade protections that we are currently allowed to have under international law.

Madam Speaker, I urge the passage of this resolution to send a strong, bipartisan message that this Congress is committed to a strong trade policy.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT). The Chair would remind that all comments should be addressed to the Chair.

Mr. ENGLISH. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. ENGLISH) that the House suspend the

rules and agree to the concurrent resolution, H. Con. Res. 262.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. ENGLISH. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 5:30 p.m.

Accordingly (at 4 o'clock and 5 minutes p.m.), the House stood in recess until approximately 5:30 p.m.

□ 1745

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LAHOOD) at 5 o'clock and 45 minutes p.m.

AVIATION SECURITY ACT

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1447) to improve aviation security, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?

There was no objection.

The Clerk read the Senate bill, as follows:

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Aviation Security Act''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—AVIATION SECURITY

Sec. 101. Findings.
Sec. 102. Transportation security function.
Sec. 103. Aviation Security Coordination Council.
Sec. 104. Improved flight deck integrity measures.
Sec. 105. Deployment of Federal air marshals.
Sec. 106. Improved airport perimeter access security.
Sec. 107. Enhanced anti-hijacking training for flight crews.
Sec. 108. Passenger and property screening.
Sec. 109. Training and employment of security screening personnel.
Sec. 110. Research and development.
Sec. 111. Flight school security.
Sec. 112. Report to Congress on security.
Sec. 113. General aviation and air charters.
Sec. 114. Increased penalties for interference with security personnel.
Sec. 115. Security-related study by FAA.
Sec. 116. Air transportation arrangements in certain States.
Sec. 117. Airline computer reservation systems.
Sec. 118. Security funding.
Sec. 119. Increased funding flexibility for aviation security.
Sec. 120. Authorization of funds for reimbursement of airports for security mandates.
Sec. 121. Encouraging airline employees to report suspicious activities.
Sec. 122. Less-than-lethal weaponry for flight deck crews.
Sec. 123. Mail and freight waivers.
Sec. 124. Safety and security of on-board supplies.
Sec. 125. Flight deck security
Sec. 126. Amendments to airmen registry authority.
Sec. 127. Results-based management.
Sec. 128. Use of facilities.
Sec. 129. Report on national air space restrictions put in place after terrorist attacks that remain in place.
Sec. 130. Voluntary provision of emergency services during commercial flights.
Sec. 131. Enhanced security for aircraft.
Sec. 132. Implementation of certain detection technologies.
Sec. 133. Report on new responsibilities of the Department of Justice for aviation security.
Sec. 134. Definitions.

TITLE II—DEPLOYMENT AND USE OF SECURITY TECHNOLOGIES

Subtitle A—Expanded Deployment and Utilization of Current Security Technologies and Procedures

Sec. 201. Expanded deployment and utilization of current security technologies and procedures.

Subtitle B—Short-Term Assessment and Deployment of Emerging Security Technologies and Procedures

Sec. 211. Short-term assessment and deployment of emerging security technologies and procedures.

Subtitle C—Research and Development of Aviation Security Technology

Sec. 221. Research and development of aviation security technology.

TITLE I—AVIATION SECURITY

SEC. 101. FINDINGS.

The Congress finds the following:

(1) The safety and security of the civil air transportation system is critical to the United States' security and its national defense.

(2) A safe and secure United States civil air transportation system is essential to the basic freedom of Americans to move in intrastate, interstate, and international transportation.

(3) The terrorist hijackings and crashes of passenger aircraft on September 11, 2001, converting civil aircraft into guided bombs for strikes against civilian and military targets requires the United States to change fundamentally the way it approaches the task of ensuring the safety and security of the civil air transportation system.

(4) The existing fragmentation of responsibility for that safety and security among government agencies and between government and nongovernment entities is inefficient and unacceptable in light of the hijackings and crashes on September 11, 2001.

(5) The General Accounting Office has recommended that security functions and security personnel at United States airports should become a Federal government responsibility.

(6) Although the number of Federal air marshals is classified, their presence on both international and domestic flights would have a deterrent effect on hijacking and would further bolster public confidence in the safety of air travel.

(7) The effectiveness of existing security measures, including employee background checks and passenger pre-screening, is impaired because of the inaccessibility of, or the failure to share information among, data bases maintained by different Federal and international agencies for criminal behavior or pertinent intelligence information.

SEC. 102. TRANSPORTATION SECURITY FUNCTION.

(a) IN GENERAL.—Section 102 of title 49, United States Code, is amended—

(1) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g); and

(2) by inserting after subsection (c) the following:

''(d) DEPUTY SECRETARY FOR TRANSPORTATION SECURITY.—

''(1) IN GENERAL.—The Department has a Deputy Secretary for Transportation Security, who shall be appointed by the President, by and with the advice and consent of the Senate. The Deputy Secretary for Transportation Security shall carry out duties and powers prescribed by the Secretary relating to security for all modes of transportation.

''(2) AVIATION-RELATED DUTIES.—The Deputy Secretary—

''(A) shall coordinate and direct, as appropriate, the functions and responsibilities of the Secretary of Transportation and the Administrator of the Federal Aviation Administration under chapter 449;

''(B) shall work in conjunction with the Administrator of the Federal Aviation Administration with respect to any actions or activities that may affect aviation safety or air carrier operations; and

''(C) shall actively cooperate and coordinate with the Attorney General, the Secretary of Defense, and the heads of other appropriate Federal agencies and departments with responsibilities for national security and criminal justice enforcement activities that are related to aviation security through the Aviation Security Coordination Council.

''(3) NATIONAL EMERGENCY RESPONSIBILITIES.—Subject to the direction and control of the Secretary, the Deputy Secretary shall have the following responsibilities:

''(A) To coordinate domestic transportation during a national emergency, including aviation, rail, and other surface transportation, and maritime transportation (including port security).

''(B) To coordinate and oversee during a national emergency the transportation-related responsibilities of other departments and agencies of the Federal Government other than the Department of Defense and the military departments.

''(C) To establish uniform national standards and practices for transportation during a national emergency.

''(D) To coordinate and provide notice to other departments and agencies of the Federal Government, and appropriate agencies of State and local governments, including departments and agencies for transportation, law enforcement, and border control, about threats to transportation during a national emergency.

''(E) To carry out such other duties, and exercise such other powers, relating to transportation during a national emergency as the Secretary of Transportation shall prescribe.

''(4) RELATIONSHIP TO OTHER TRANSPORTATION AUTHORITY.—The authority of the

Deputy Secretary under paragraph (3) to coordinate and oversee transportation and transportation-related responsibilities during a national emergency shall not supersede the authority of any other department or agency of the Federal Government under law with respect to transportation or transportation-related matters, whether or not during a national emergency.

''(5) ANNUAL REPORT.—The Deputy Secretary shall submit to the Congress on an annual basis a report on the activities of the Deputy Secretary under paragraph (3) during the preceding year.

''(6) NATIONAL EMERGENCY.—The Secretary of Transportation shall prescribe the circumstances constituting a national emergency for purposes of paragraph (3).''.

(b) ATTORNEY GENERAL RESPONSIBILITIES.—The Attorney General of the United States—

(1) is responsible for day-to-day Federal security screening operations for passenger air transportation or intrastate air transportation under sections 44901 and 44935 of title 49, United States Code;

(2) shall work in conjunction with the Administrator of the Federal Aviation Administration with respect to any actions or activities that may affect aviation safety or air carrier operations;

(3) is responsible for hiring and training personnel to provide security screening at all United States airports involved in passenger air transportation or intrastate air transportation, in consultation with the Secretary of Transportation, the Secretary of Defense, and the heads of other appropriate Federal agencies and departments; and

(4) shall actively cooperate and coordinate with the Secretary of Transportation, the Secretary of Defense, and the heads of other appropriate Federal agencies and departments with responsibilities for national security and criminal justice enforcement activities that are related to aviation security through the Aviation Security Coordination Council.

(c) REVIEW AND DEVELOPMENT OF WAYS TO STRENGTHEN SECURITY.—Section 44932(c) of title 49, United States Code, is amended—

(1) by striking ''x-ray'' in paragraph (4);

(2) by striking ''and'' at the end of paragraph (4);

(3) by striking ''passengers.'' in paragraph (5) and inserting ''passengers;''; and

(4) by adding at the end the following:

''(6) to strengthen and enhance the ability to detect nonexplosive weapons, such as biological, chemical, or similar substances; and

''(7) to evaluate such additional measures as may be appropriate to enhance physical inspection of passengers, luggage, and cargo.''.

(d) TRANSITION.—Until the Deputy Secretary for Transportation Security takes office, the functions of the Deputy Secretary that relate to aviation security shall be carried out by the Assistant Administrator for Civil Aviation Security of the Federal Aviation Administration.

SEC. 103. AVIATION SECURITY COORDINATION COUNCIL.

(a) IN GENERAL.—Section 44911 of title 49, United States Code, is amended by adding at the end the following:

''(f) AVIATION SECURITY COORDINATION COUNCIL.—

''(1) IN GENERAL.—There is established an Aviation Security Coordination Council.

''(2) FUNCTION.—The Council shall work with the intelligence community to coordinate intelligence, security, and criminal enforcement activities affecting the safety and security of aviation at all United States airports and air navigation facilities involved in air transportation or intrastate air transportation.

''(3) CHAIR.—The Council shall be chaired by the Secretary of Transportation or the Secretary's designee.

''(4) MEMBERSHIP.—The members of the Council are:

''(A) The Secretary of Transportation, or the Secretary's designee.

''(B) The Attorney General, or the Attorney General's designee.

''(C) The Secretary of Defense, or the Secretary's designee.

''(D) The Secretary of the Treasury, or the Secretary's designee.

''(E) The Director of the Central Intelligence Agency, or the Director's designee.

''(F) The head, or an officer or employee designated by the head, of any other Federal agency the participation of which is determined by the Secretary of Transportation, in consultation with the Attorney General, to be appropriate.

''(g) CROSS-CHECKING DATA BASE INFORMATION.—The Secretary of Transportation, acting through the Aviation Security Coordination Council, shall—

''(1) explore the technical feasibility of developing a common database of individuals who may pose a threat to aviation or national security;

''(2) enter into memoranda of understanding with other Federal agencies to share or otherwise cross-check data on such individuals identified on Federal agency data bases, and may utilize other available data bases as necessary; and

''(3) evaluate and assess technologies in development or use at Federal departments, agencies, and instrumentalities that might be useful in improving the safety and security of aviation in the United States.''.

(b) POLICIES AND PROCEDURES.—Section 44911(b) of title 49, United States Code, is amended by striking ''international''.

(c) STRATEGIC PLANNING.—Section 44911(c) of title 49, United States Code, is amended by striking ''consider placing'' and inserting ''place''.

SEC. 104. IMPROVED FLIGHT DECK INTEGRITY MEASURES.

(a) IN GENERAL.—As soon as possible after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall—

(1) issue an order (without regard to the provisions of chapter 5 of title 5, United States Code)—

(A) prohibiting access to the flight deck of aircraft engaged in passenger air transportation or intrastate air transportation except to authorized personnel;

(B) requiring the strengthening of the flight deck door and locks on any such aircraft operating in air transportation or intrastate air transportation that has a rigid door in a bulkhead between the flight deck and the passenger area to ensure that the door cannot be forced open from the passenger compartment;

(C) requiring that such flight deck doors remain locked while any such aircraft is in flight except when necessary to permit the flight deck crew access and egress; and

(D) prohibiting the possession of a key to any such flight deck door by any member of the flight crew who is not assigned to the flight deck; and

(2) take such other action, including modification of safety and security procedures, as may be necessary to ensure the safety and security of the aircraft.

(b) COMMUTER AIRCRAFT.—The Administrator shall investigate means of securing, to the greatest feasible extent, the flight deck of aircraft operating in air transportation or intrastate air transportation that do not have a rigid fixed door with a lock between the passenger compartment and the flight deck and issue such an order as the Administrator deems appropriate (without regard to the provisions of chapter 5 of title 5, United States Code) to ensure the inaccessibility, to the greatest extent feasible, of the flight deck while the aircraft is so engaged.

SEC. 105. DEPLOYMENT OF FEDERAL AIR MARSHALS.

(a) AIR MARSHALS UNDER ATTORNEY GENERAL GUIDELINES.—The Attorney General shall prescribe guidelines for the training and deployment of individuals authorized, with the approval of the Attorney General, to carry firearms and make arrests under section 44903(d) of title 49, United States Code. The Secretary of Transportation shall administer the air marshal program under that section in accordance with the guidelines prescribed by the Attorney General.

(b) DEPLOYMENT.—Section 44903(d) of title 49, United States Code, is amended—

(1) by inserting ''(1)'' before ''With'';

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B); and

(3) by adding at the end the following:

''(2) The Secretary—

''(A) may place Federal air marshals on every scheduled passenger flight in air transportation and intrastate air transportation; and

''(B) shall place them on every such flight determined by the Secretary to present high security risks.

''(3) In making the determination under paragraph (2)(B), nonstop longhaul flights, such as those targeted on September 11, 2001, should be a priority.''.

(c) TRAINING, SUPERVISION, AND FLIGHT ASSIGNMENT.—Within 30 days after the date of enactment of this Act, the Secretary of Transportation, under the authority of subsections (d) and (e) of section 44903 of title 49, United States Code, shall—

(1) provide for deployment of Federal air marshals on flights in air transportation and intrastate air transportation;

(2) provide for appropriate background and fitness checks for candidates for appointment as Federal air marshals;

(3) provide for appropriate training, supervision, and equipment of Federal air marshals; and

(4) require air carriers to provide seating for Federal air marshals on any flight without regard to the availability of seats on that flight.

(d) INTERNATIONAL FLIGHTS.—The Secretary shall work with the International Civil Aviation Organization and with appropriate civil aviation authorities of foreign governments under section 44907 of title 49, United States Code, to address security concerns on flights by foreign air carriers to and from the United States.

(e) INTERIM MEASURES.—The Secretary may, after consultation with the heads of other Federal agencies and departments, use personnel from those agencies and departments to provide air marshal service on domestic and international flights, and may use the authority provided by section 324 of title 49, United States Code, for such purpose.

(f) REPORTS.—

(1) IN GENERAL.—The Attorney General and the Secretary of Transportation shall submit the following reports in classified form, if necessary, to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure:

(A) Within 18 months after the date of enactment of this Act, an assessment of the program carried out under section 44903(d) of title 49, United States Code.

(B) Within 120 days after such date, an assessment of the effectiveness of the security screening process for carry-on baggage and checked baggage.

(C) Within 6 months after the date of enactment of this Act, an assessment of the safety and security-related training provided to flight and cabin crews.

(2) RECOMMENDATIONS.—The Attorney General and the Secretary may submit, as part of any report under this subsection or separately, any recommendations they may have for improving the effectiveness of the Federal air marshal program or the security screening process.

(g) COOPERATION WITH OTHER AGENCIES.—The last sentence of section 106(m) of title 49, United States Code, is amended by striking ''supplies and'' and inserting ''supplies, personnel, services, and''.

(h) AUTHORITY TO APPOINT RETIRED LAW ENFORCEMENT OFFICERS.—Notwithstanding any other provision of law, the Secretary of Transportation may appoint an individual who is a retired law enforcement officer or a retired member of the Armed Forces as a Federal air marshal, regardless of age, or an individual discharged or furloughed from a commercial airline cockpit crew position, if the individual otherwise meets the background and fitness qualifications required for Federal air marshals.

SEC. 106. IMPROVED AIRPORT PERIMETER ACCESS SECURITY.

(a) IN GENERAL.—Section 44903 of title 49, United States Code, is amended by adding at the end the following:

''(h) IMPROVED AIRPORT PERIMETER ACCESS SECURITY.—

''(1) IN GENERAL.—The Secretary of Transportation, in consultation with the airport operator and law enforcement authorities, may order the deployment of such personnel at any secure area of the airport as necessary to counter the risk of criminal violence, the risk of aircraft piracy at the airport, the risk to air carrier aircraft operations at the airport, or to meet national security concerns.

''(2) SECURITY OF AIRCRAFT AND GROUND ACCESS TO SECURE AREAS.—In determining where to deploy such personnel, the Secretary shall consider the physical security needs of air traffic control facilities, parked aircraft, aircraft servicing equipment, aircraft supplies (including fuel), automobile parking facilities within airport perimeters or adjacent to secured facilities, and access and transition areas at airports served by other means of ground or water transportation. The Secretary of Transportation, after consultation with the Aviation Security Coordination Council, shall consider whether airport, air carrier personnel, and other individuals with access to such areas should be screened to prevent individuals who present a risk to aviation security or national security from gaining access to such areas.

''(3) DEPLOYMENT OF FEDERAL LAW ENFORCEMENT PERSONNEL.—The Secretary of Transportation may enter into a memorandum of understanding or other agreement with the Attorney General or the head of any other appropriate Federal law enforcement agency to deploy Federal law enforcement personnel at an airport in order to meet aviation safety and security concerns.''.

(b) SMALL AND MEDIUM AIRPORTS.—The Administrator of the Federal Aviation Administration shall develop a plan to provide technical support to small and medium airports to enhance security operations, including screening operations, and to provide financial assistance to those airports to defray the costs of enhancing security. The Federal Aviation Administration in consultation with the appropriate State or local government law enforcement authorities, shall reexamine the safety requirements for small community airports, to reflect a reasonable level of threat to those individual small community airports, including the parking of passenger vehicles within 300 feet of the airport terminal building with respect to that airport.

(c) CHEMICAL AND BIOLOGICAL WEAPON DETECTION.—Section 44903(c)(2)(C) of title 49, United States Code, is amended to read as follows:

''(C) MAXIMUM USE OF CHEMICAL AND BIOLOGICAL WEAPON DETECTION EQUIPMENT.—The Secretary of Transportation shall require airports to maximize the use of technology and equipment that is designed to detect potential chemical or biological weapons.''.

(d) IMPROVEMENT OF SECURED-AREA ACCESS CONTROL.—Section 44903(g)(2) of title 49, United States Code, is amended—

(1) by striking ''weaknesses by January 31, 2001;'' in subparagraph (A) and inserting ''weaknesses;'';

(2) by striking subparagraph (D) and inserting the following:

''(D) on an ongoing basis, assess and test for compliance with access control requirements, report annually findings of the assessments, and assess the effectiveness of penalties in ensuring compliance with security procedures and take any other appropriate enforcement actions when noncompliance is found;'';

(3) by striking ''program by January 31, 2001;'' in subparagraph (F) and inserting ''program;''; and

(4) by striking subparagraph (G) and inserting the following:

''(G) work with airport operators to strengthen access control points in secured areas (including air traffic control operations areas, maintenance areas, crew lounges, baggage handling areas, concessions, and catering delivery areas) to ensure the security of passengers and aircraft and consider the deployment of biometric or similar technologies that identify individuals based on unique personal characteristics.''.

(e) AIRPORT SECURITY PILOT PROGRAM.—Section 44903(c) of title 49, United States Code, is amended by adding at the end the following:

''(3) The Administrator shall establish pilot programs in no fewer than 20 airports to test and evaluate new and emerging technology for providing access control and other security protections for closed or secure areas of the airports. Such technology may include biometric or other technology that ensures only authorized access to secure areas.''.

(f) AIRPORT SECURITY AWARENESS PROGRAMS.—The Secretary of Transportation shall require air carriers and airports involved in air transportation or intrastate air transportation to develop security awareness programs for airport employees, ground crews, and other individuals employed at such airports.

SEC. 107. ENHANCED ANTI-HIJACKING TRAINING FOR FLIGHT CREWS.

(a) IN GENERAL.—The Secretary of Transportation shall develop a mandatory air carrier program of training for flight and cabin crews of aircraft providing air transportation or intrastate air transportation in dealing with attempts to commit aircraft piracy (as defined in section 46502(a)(1)(A) of title 49, United States Code). The Secretary shall ensure that the training curriculum is developed in consultation with Federal law enforcement agencies with expertise in terrorism, self-defense, hijacker psychology, and current threat conditions.

(b) NOTIFICATION PROCEDURES.—The Administrator of the Federal Aviation Administration shall revise the procedures by which cabin crews of aircraft can notify flight deck crews of security breaches and other emergencies and implement any new measures as soon as practicable.

SEC. 108. PASSENGER AND PROPERTY SCREENING.

(a) IN GENERAL.—Section 44901 of title 49, United States Code, is amended to read as follows:

''§ 44901. Screening passengers, individuals with access to secure areas, and property

''(a) IN GENERAL.—The Attorney General, in consultation with the Secretary of Transportation, shall provide for the screening of all passengers and property, including United States mail, cargo, carry-on and checked baggage, and other articles, that will be carried aboard an aircraft in air transportation or intrastate air transportation. The screening shall take place before boarding and, except as provided in subsection (c), shall be carried out by a Federal government employee (as defined in section 2105 of title 5, United States Code). The Attorney General, in consultation with the Secretary, shall provide for the screening of all persons, including airport, air carrier, foreign air carrier, and airport concessionaire employees, before they are allowed into sterile or secure areas of the airport, as determined by the Attorney General. The screening of airport, air carrier, foreign air carrier, and airport concessionaire employees, and other nonpassengers with access to secure areas, shall be conducted in the same manner as passenger screenings are conducted, except that the Attorney General may authorize alternative screening procedures for personnel engaged in providing airport or aviation security at an airport. In carrying out this subsection, the Attorney General shall maximize the use of available nonintrusive and other inspection and detection technology that is approved by the Administrator of the Federal Aviation Administration for the purpose of screening passengers, baggage, mail, or cargo.

''(b) DEPLOYMENT OF ARMED PERSONNEL.—

''(1) IN GENERAL.—The Attorney General shall order the deployment of law enforcement personnel authorized to carry firearms at each airport security screening location to ensure passenger safety and national security.

''(2) MINIMUM REQUIREMENTS.—Except at airports required to enter into agreements under subsection (c), the Attorney General shall order the deployment of at least 1 law enforcement officer at each airport security screening location. At the 100 largest airports in the United States, in terms of annual passenger enplanements for the most recent calendar year for which data are available, the Attorney General shall order the deployment of additional law enforcement personnel at airport security screening locations if the Attorney General determines that the additional deployment is necessary to ensure passenger safety and national security.

''(c) SECURITY AT SMALL COMMUNITY AIRPORTS.—

''(1) PASSENGER SCREENING.—In carrying out subsection (a) and subsection (b)(1), the Attorney General may require any nonhub airport (as defined in section 41731(a)(4)) or smaller airport with scheduled passenger operations to enter into an agreement under which screening of passengers and property will be carried out by qualified, trained State or local law enforcement personnel if—

''(A) the screening services are equivalent to the screening services that would be carried out by Federal personnel under subsection (a);

''(B) the training and evaluation of individuals conducting the screening or providing security services meets the standards set forth in section 44935 for training and evaluation of Federal personnel conducting screening or providing security services under subsection (a);

''(C) the airport is reimbursed by the United States, using funds made available by the Aviation Security Act, for the costs incurred in providing the required screening, training, and evaluation; and

''(D) the Attorney General has consulted the airport sponsor.

''(2) DETERMINATION OF LIMITED REQUIREMENTS.—The Attorney General, in consultation with the Secretary of Transportation, may prescribe modified aviation security measures for a nonhub airport if the Attorney General determines that specific security measures are not required at a nonhub airport at all hours of airport operation because of—

''(A) the types of aircraft that use the airport;

''(B) seasonal variations in air traffic and types of aircraft that use the airport; or

''(C) other factors that warrant modification of otherwise applicable security requirements.

''(3) ADDITIONAL FEDERAL SECURITY MEASURES.—At any airport required to enter into a reimbursement agreement under paragraph (1), the Attorney General—

''(A) may provide or require additional security measures;

''(B) may conduct random security inspections; and

''(C) may provide assistance to enhance airport security at that airport.

''(d) MANUAL PROCESS.—

''(1) IN GENERAL.—The Attorney General shall require a manual process, at explosive detection system screening locations in airports where explosive detection equipment is underutilized, which will augment the Computer Assisted Passenger Prescreening System by randomly selecting additional checked bags for screening so that a minimum number of bags, as prescribed by the Attorney General, are examined.

''(2) LIMITATION ON STATUTORY CONSTRUCTION.—Paragraph (1) shall not be construed to limit the ability of the Attorney General or the Secretary of Transportation to impose additional security measures when a specific threat warrants such additional measures.

''(3) MAXIMUM USE OF EXPLOSIVE DETECTION EQUIPMENT.—In prescribing the minimum number of bags to be examined under paragraph (1), the Attorney General shall seek to maximize the use of the explosive detection equipment.

''(e) FLEXIBILITY OF ARRANGEMENTS.—In carrying out subsections (a), (b), and (c), the Attorney General may use memoranda of understanding or other agreements with the heads of appropriate Federal law enforcement agencies covering the utilization and deployment of personnel of the Department of Justice or such other agencies.''.

(b) DEPUTIZING OF STATE AND LOCAL LAW ENFORCEMENT OFFICERS.—Section 512 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century is amended—

(1) by striking ''purpose of'' in subsection (b)(1)(A) and inserting ''purposes of (i)'';

(2) by striking ''transportation;'' in subsection (b)(1)(A) and inserting ''transportation, and (ii) regulate the provisions of security screening services under section 44901(c) of title 49, United States Code;'';

(3) by striking ''NOT FEDERAL RESPONSIBILITY'' in the heading of subsection (b)(3)(b);

(4) by striking ''shall not be responsible for providing'' in subsection (b)(3)(B) and inserting ''may provide'';

(5) by striking ''flight.'' in subsection (c)(2) and inserting ''flight and security screening functions under section 44901(c) of title 49, United States Code.'';

(6) by striking ''General'' in subsection (e) and inserting ''General, in consultation with the Secretary of Transportation,''; and

(7) by striking subsection (f).

(c) TRANSITION.—The Attorney General shall complete the full implementation of section 44901 of title 49, United States Code, as amended by subsection (a), as soon as is practicable but in no event later than 9 months after the date of enactment of this Act. The Attorney General may make or continue such arrangements, including arrangements under the authority of sections 40110 and 40111 of that title, for the screening of passengers and property under that section as the Attorney General determines necessary pending full implementation of that section as so amended.

SEC. 109. TRAINING AND EMPLOYMENT OF SECURITY SCREENING PERSONNEL.

(a) IN GENERAL.—Section 44935 of title 49, United States Code, is amended—

(1) by redesignating subsection (f) as subsection (i); and

(2) by striking subsection (e) and inserting the following:

''(e) SECURITY SCREENERS.—

''(1) TRAINING PROGRAM.—The Attorney General, in consultation with the Secretary of Transportation, shall establish a program for the hiring and training of security screening personnel.

''(2) HIRING.—

''(A) QUALIFICATIONS.—The Attorney General shall establish, within 30 days after the date of enactment of the Aviation Security Act, qualification standards for individuals to be hired by the United States as security screening personnel. Notwithstanding any provision of law to the contrary, those standards shall, at a minimum, require an individual—

''(i) to have a satisfactory or better score on a Federal security screening personnel selection examination;

''(ii) to have been a national of the United States, as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)), for a minimum of 5 consecutive years;

''(iii) to have passed an examination for recent consumption of a controlled substance;

''(iv) to meet, at a minimum, the requirements set forth in subsection (f); and

''(v) to meet such other qualifications as the Attorney General may establish.

''(B) BACKGROUND CHECKS.—The Attorney General shall require that an individual to be hired as a security screener undergo an employment investigation (including a criminal history record check) under section 44936(a)(1).

''(C) DISQUALIFICATION OF INDIVIDUALS WHO PRESENT NATIONAL SECURITY RISKS.—The Attorney General, in consultation with the heads of other appropriate Federal agencies, shall establish procedures, in addition to any background check conducted under section 44936, to ensure that no individual who presents a threat to national security is employed as a security screener.

''(3) EXAMINATION; REVIEW OF EXISTING RULES.—The Attorney General shall develop a security screening personnel examination for use in determining the qualification of individuals seeking employment as security screening personnel. The Attorney General shall also review, and revise as necessary, any standard, rule, or regulation governing the employment of individuals as security screening personnel.

''(f) EMPLOYMENT STANDARDS FOR SCREENING PERSONNEL.—

''(1) SCREENER REQUIREMENTS.—Notwithstanding any provision of law to the contrary, an individual may not be employed as a security screener unless that individual meets the following requirements:

''(A) The individual shall possess a high school diploma, a General Equivalency Diploma, or experience that the Attorney General has determined to have equipped the individual to perform the duties of the position.

''(B) The individual shall possess basic aptitudes and physical abilities including color perception, visual and aural acuity, physical coordination, and motor skills to the following standards:

''(i) Screeners operating screening equipment shall be able to distinguish on the screening equipment monitor the appropriate imaging standard specified by the Attorney General. Wherever the screening equipment system displays colors, the operator shall be able to perceive each color.

''(ii) Screeners operating any screening equipment shall be able to distinguish each color displayed on every type of screening equipment and explain what each color signifies.

''(iii) Screeners shall be able to hear and respond to the spoken voice and to audible alarms generated by screening equipment in an active checkpoint environment.

''(iv) Screeners performing physical searches or other related operations shall be able to efficiently and thoroughly manipulate and handle such baggage, containers, and other objects subject to security processing.

''(v) Screeners who perform pat-downs or hand-held metal detector searches of individuals shall have sufficient dexterity and capability to thoroughly conduct those procedures over a individual's entire body.

''(C) The individual shall be able to read, speak, and write English well enough to—

''(i) carry out written and oral instructions regarding the proper performance of screening duties;

''(ii) read English language identification media, credentials, airline tickets, and labels on items normally encountered in the screening process;

''(iii) provide direction to and understand and answer questions from English-speaking individuals undergoing screening; and

''(iv) write incident reports and statements and log entries into security records in the English language.

''(D) The individual shall have satisfactorily completed all initial, recurrent, and appropriate specialized training required by the security program, except as provided in paragraph (2).

''(2) EXCEPTIONS.—An individual who has not completed the training required by this section may be employed during the on-the-job portion of training to perform functions if that individual—

''(A) is closely supervised; and

''(B) does not make independent judgments as to whether individuals or property may enter a sterile area or aircraft without further inspection.

''(3) REMEDIAL TRAINING.—No individual employed as a security screener may perform a screening function after that individual has failed an operational test related to that function until that individual has successfully completed the remedial training specified in the security program.

''(4) ANNUAL PROFICIENCY REVIEW.—The Attorney General shall provide that an annual evaluation of each individual assigned screening duties is conducted and documented. An individual employed as a security screener may not continue to be employed in that capacity unless the evaluation demonstrates that the individual—

''(A) continues to meet all qualifications and standards required to perform a screening function;

''(B) has a satisfactory record of performance and attention to duty based on the standards and requirements in the security program; and

''(C) demonstrates the current knowledge and skills necessary to courteously, vigilantly, and effectively perform screening functions.

''(5) OPERATIONAL TESTING.—In addition to the annual proficiency review conducted under paragraph (4), the Attorney General shall provide for the operational testing of such personnel.

''(g) TRAINING.—

''(1) USE OF OTHER AGENCIES.—The Attorney General shall enter into a memorandum of understanding or other arrangement with any other Federal agency or department with appropriate law enforcement responsibilities, to provide personnel, resources, or other forms of assistance in the training of security screening personnel.

''(2) TRAINING PLAN.—The Attorney General shall, within 60 days after the date of enactment of the Aviation Security Act, develop a plan for the training of security screening personnel. The plan shall, at a minimum, require that before being deployed as a security screener, an individual—

''(A) has completed 40 hours of classroom instruction or successfully completed a program that the Attorney General determines will train individuals to a level of proficiency equivalent to the level that would be achieved by such classroom instruction;

''(B) has completed 60 hours of on-the-job instruction; and

''(C) has successfully completed an on-the-job training examination prescribed by the Attorney General.

''(3) EQUIPMENT-SPECIFIC TRAINING.—An individual employed as a security screener may not use any security screening device or equipment in the scope of that individual's employment unless the individual has been trained on that device or equipment and has successfully completed a test on the use of the device or equipment.

''(h) TECHNOLOGICAL TRAINING.—The Attorney General shall require training to ensure that screeners are proficient in using the most up-to-date new technology and to ensure their proficiency in recognizing new threats and weapons. The Attorney General shall make periodic assessments to determine if there are dual use items and inform security screening personnel of the existence of such items. Current lists of dual use items shall be part of the ongoing training for screeners. For purposes of this subsection, the term 'dual use' item means an item that may seem harmless but that may be used as a weapon.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 44936(a)(1)(A) is amended by inserting ''as a security screener under section 44935(e) or a position'' after ''a position''.

(2) Section 44936(b) of title 49, United States Code, is amended—

(A) by inserting ''the Attorney General,'' after ''subsection,'' in paragraph (1); and

(B) by striking ''An'' in paragraph (3) and inserting ''The Attorney General, an''.

(3) Section 44936(a)(1)(E) is amended by striking clause (iv).

(c) TRANSITION.—The Attorney General shall complete the full implementation of section 44935 (e), (f), (g), and (h) of title 49, United States Code, as amended by subsection (a), as soon as is practicable. The Attorney General may make or continue such arrangements for the training of security screeners under that section as the Attorney General determines necessary pending full implementation of that section as so amended.

(d) SCREENER PERSONNEL.—Notwithstanding any other provision of law, the Attorney General may employ, appoint, discipline, terminate, and fix the compensation, terms, and conditions of employment of Federal service for such a number of individuals as the Attorney General determines to be necessary to carry out the passenger security screening functions of the Attorney General under section 44901 of title 49, United States Code.

(e) STRIKES PROHIBITED.—An individual employed as a security screener under section 44901 of title 49, United States Code, is prohibited from participating in a strike or asserting the right to strike pursuant to section 7311(3) or 7116(b)(7) of title 5, United States Code.

(f) BACKGROUND CHECKS FOR EXISTING EMPLOYEES.—

(1) IN GENERAL.—Section 44936 of title 49, United States Code, is amended by inserting ''is or'' before ''will'' in subsection (a)(1)(B)(i).

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) apply with respect to individuals employed on or after the date of enactment of the Aviation Security Act in a position described in subparagraph (A) or (B) of section 44936(a)(1) of title 49, United States Code. The Secretary of Transportation may provide by order for a phased-in implementation of the requirements of section 44936 of that title made applicable to individuals employed in such positions at airports on the date of enactment of this Act.

SEC. 110. RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—Section 44912(b)(1) of title 49, United States Code, is amended—

(1) by striking ''complete an intensive review of'' and inserting ''periodically review'';

(2) by striking ''commercial aircraft in service and expected to be in service in the 10-year period beginning on November 16, 1990;'' in subparagraph (B) and inserting ''aircraft in air transportation;''; and

(3) by redesignating subparagraphs (D) through (F) as subparagraphs (E) through (G), respectively, and inserting after subparagraph (C) the following:

''(D) the potential release of chemical, biological, or similar weapons or devices either within an aircraft or within an airport;''.

(b) ADDITIONAL MATTERS REGARDING RESEARCH AND DEVELOPMENT.—

(1) ADDITIONAL PROGRAM REQUIREMENTS.—Subsection (a) of section 44912 of title 49, United States Code, is amended—

(A) by redesignating paragraph (4) as paragraph (5); and

(B) by inserting after paragraph (3) the following new paragraph (4):

''(4)(A) In carrying out the program established under this subsection, the Administrator shall designate an individual to be responsible for engineering, research, and development with respect to security technology under the program.

''(B) The individual designated under subparagraph (A) shall use appropriate systems engineering and risk management models in making decisions regarding the allocation of funds for engineering, research, and development with respect to security technology under the program.

''(C) The individual designated under subparagraph (A) shall, on an annual basis, submit to the Research, Engineering and Development Advisory Committee a report on activities under this paragraph during the preceding year. Each report shall include, for the year covered by such report, information on—

''(i) progress made in engineering, research, and development with respect to security technology;

''(ii) the allocation of funds for engineering, research, and development with respect to security technology; and

''(iii) engineering, research, and development with respect to any technologies drawn from other agencies, including the rationale for engineering, research, and development with respect to such technologies.''.

(2) REVIEW OF THREATS.—Subsection (b)(1) of that section is amended—

(A) by redesignating subparagraphs (A) through (F) as subparagraphs (B) through (G), respectively; and

(B) by inserting before subparagraph (B), as so redesignated, the following new subparagraph (A):

''(A) a comprehensive systems analysis (employing vulnerability analysis, threat attribute definition, and technology roadmaps) of the civil aviation system, including—

''(i) the destruction, commandeering, or diversion of civil aircraft or the use of civil aircraft as a weapon; and

''(ii) the disruption of civil aviation service, including by cyber attack;''.

(3) SCIENTIFIC ADVISORY PANEL.—Subsection (c) of that section is amended to read as follows:

''(c) SCIENTIFIC ADVISORY PANEL.—(1) The Administrator shall establish a scientific advisory panel, as a subcommittee of the Research, Engineering, and Development Advisory Committee, to review, comment on, advise the progress of, and recommend modifications in, the program established under subsection (a) of this section, including the need for long-range research programs to detect and prevent catastrophic damage to commercial aircraft, commercial aviation facilities, commercial aviation personnel and passengers, and other components of the commercial aviation system by the next generation of terrorist weapons.

''(2)(A) The advisory panel shall consist of individuals who have scientific and technical expertise in—

''(i) the development and testing of effective explosive detection systems;

''(ii) aircraft structure and experimentation to decide on the type and minimum weights of explosives that an effective explosive detection technology must be capable of detecting;

''(iii) technologies involved in minimizing airframe damage to aircraft from explosives; and

''(iv) other scientific and technical areas the Administrator considers appropriate.

''(B) In appointing individuals to the advisory panel, the Administrator should consider individuals from academia and the national laboratories, as appropriate.

''(3) The Administrator shall organize the advisory panel into teams capable of undertaking the review of policies and technologies upon request.

''(4) Not later than 90 days after the date of the enactment of the Aviation Security Act, and every two years thereafter, the Administrator shall review the composition of the advisory panel in order to ensure that the expertise of the individuals on the panel is suited to the current and anticipated duties of the panel.''.

(c) COORDINATION WITH ATTORNEY GENERAL.—Section 44912(b) of title 49, United States Code, is amended by adding at the end the following:

''(3) Beginning on the date of enactment of the Aviation Security Act, the Administrator shall conduct all research related to screening technology and procedures in conjunction with the Attorney General.''.

SEC. 111. FLIGHT SCHOOL SECURITY.

(a) PROHIBITION.—Chapter 449 of title 49, United States Code, is amended by adding at the end the following new section:

''§ 44939. Training to operate jet-propelled aircraft

''(a) PROHIBITION.—No person subject to regulation under this part may provide training in the operation of any jet-propelled aircraft to any alien (or other individual specified by the Secretary of Transportation under this section) within the United States

unless the Attorney General issues to that person a certification of the completion of a background investigation of the alien or other individual under subsection (b).

''(b) INVESTIGATION.—

''(1) REQUEST.—Upon the joint request of a person subject to regulation under this part and an alien (or individual specified by the Secretary) for the purposes of this section, the Attorney General shall—

''(A) carry out a background investigation of the alien or individual within 30 days after the Attorney General receives the request; and

''(B) upon completing the investigation, issue a certification of the completion of the investigation to the person.

''(2) SCOPE.—A background investigation of an alien or individual under this subsection shall consist of the following:

''(A) A determination of whether there is a record of a criminal history for the alien or individual and, if so, a review of the record.

''(B) A determination of the status of the alien under the immigration laws of the United States.

''(C) A determination of whether the alien or individual presents a national security risk to the United States.

''(3) RECURRENT TRAINING.—The Attorney General shall develop expedited procedures for requests that relate to recurrent training of an alien or other individual for whom a certification has previously been issued under paragraph (1).

''(c) SANCTIONS.—A person who violates subsection (a) shall be subject to administrative sanctions that the Secretary of Transportation shall prescribe in regulations. The sanctions may include suspension and revocation of licenses and certificates issued under this part.

''(d) COVERED TRAINING.—For the purposes of subsection (a), training includes in-flight training, training in a simulator, and any other form or aspect of training.

''(e) REPORTING REQUIREMENT.—Each person subject to regulation under this part that provides training in the operation of any jet-propelled aircraft shall report to the Secretary of Transportation, at such time and in such manner as the Secretary may prescribe, the name, address, and such other information as the Secretary may require concerning—

''(1) each alien to whom such training is provided; and

''(2) every other individual to whom such training is provided as the Secretary may require.

''(f) ALIEN DEFINED.—In this section, the term 'alien' has the meaning given the term in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3)).''.

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

''44939. Training to operate jet-propelled aircraft.''.

(c) INTERNATIONAL COOPERATION.—The Secretary of Transportation, in consultation with the Secretary of State, shall work with the International Civil Aviation Organization and the civil aviation authorities of other countries to improve international aviation security through screening programs for flight instruction candidates.

SEC. 112. REPORT TO CONGRESS ON SECURITY.

Within 60 days after the date of enactment of this Act, the Attorney General and the Secretary of Transportation shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure containing their joint recommendations on additional measures for the Federal Government to address transportation security functions.

SEC. 113. GENERAL AVIATION AND AIR CHARTERS.

The Secretary of Transportation shall submit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure within 3 months after the date of enactment of this Act a report on how to improve security with respect to general aviation and air charter operations in the United States.

SEC. 114. INCREASED PENALTIES FOR INTERFERENCE WITH SECURITY PERSONNEL.

(a) IN GENERAL.—Chapter 465 of title 49, United States Code, is amended by inserting after section 46502 the following:

''§ 46503. Interference with security screening personnel

''An individual in an area within a commercial service airport in the United States who, by assaulting or intimidating a Federal, airport, or air carrier employee who has security duties within the airport, interferes with the performance of the duties of the employee or lessens the ability of the employee to perform those duties, shall be fined under title 18, imprisoned for not more than 10 years, or both. If the individual used a dangerous weapon in committing the assault, intimidation, or interference, the individual may be imprisoned for any term of years or life imprisonment.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 465 of such title is amended by inserting after the item relating to section 46502 the following:

''46503. Interference with security screening personnel''.

SEC. 115. SECURITY-RELATED STUDY BY FAA.

Within 120 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall transmit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a report setting forth the Administrator's findings and recommendations on the following aviation security-related issues:

(1) A requirement that individuals employed at an airport with scheduled passenger service, and law enforcement personnel at such an airport, be screened via electronic identity verification or, until such verification is possible, have their identity verified by visual inspection.

(2) The installation of switches in the cabin for use by cabin crew to notify the flight crew discreetly that there is a security breach in the cabin.

(3) A requirement that air carriers and airports revalidate all employee identification cards using hologram stickers, through card re-issuance, or through electronic revalidation.

(4) The updating of the common strategy used by the Administration, law enforcement agencies, air carriers, and flight crews during hijackings to include measures to deal with suicidal hijackers and other extremely dangerous events not currently dealt with by the strategy.

(5) The use of technology that will permit enhanced instant communications and information between airborne passenger aircraft and appropriate individuals or facilities on the ground.

SEC. 116. AIR TRANSPORTATION ARRANGEMENTS IN CERTAIN STATES.

(a) IN GENERAL.—Notwithstanding any provision of section 41309(a) of title 49, United States Code, to the contrary, air carriers providing air transportation on flights which both originate and terminate at points within the same State may file an agreement, request, modification, or cancellation of an agreement within the scope of that section with the Secretary of Transportation upon a declaration by the Governor of the State that such agreement, request, modification, or cancellation is necessary to ensure the continuing availability of such air transportation within that State.

(b) APPROVAL OF SECRETARY.—The Secretary may approve any such agreement, request, modification, or cancellation and grant an exemption under section 41308(c) of title 49, United States Code, to the extent necessary to effectuate such agreement, request, modification, or cancellation, without regard to the provisions of section 41309(b) or (c) of that title.

(c) PUBLIC INTEREST REQUIREMENT.—The Secretary may approve such an agreement, request, modification, or cancellation if the Secretary determines that—

(1) the State to which it relates has extraordinary air transportation needs and concerns; and

(2) approval is in the public interest.

(d) TERMINATION.—An approval under subsection (b) and an exemption under section 41308(c) of title 49, United States Code, granted under subsection (b) shall terminate on the earlier of the 2 following dates:

(1) A date established by the Secretary in the Secretary's discretion.

(2) October 1, 2002.

(e) EXTENSION.—Notwithstanding subsection (d), if the Secretary determines that it is in the public interest, the Secretary may extend the termination date under subsection (d)(2) until a date no later than October 1, 2003.

SEC. 117. AIRLINE COMPUTER RESERVATION SYSTEMS.

(a) IN GENERAL.—In order to ensure that all airline computer reservation systems maintained by United States air carriers are secure from unauthorized access by persons seeking information on reservations, passenger manifests, or other non-public information, the Secretary of Transportation shall require all such air carriers to utilize to the maximum extent practicable the best technology available to secure their computer reservation system against such unauthorized access.

(b) REPORT.—The Secretary shall transmit an annual report to the Senate Committee on Commerce, Science, and Transportation and to the House of Representatives Committee on Transportation and Infrastructure on compliance by United States air carriers with the requirements of subsection (a).

SEC. 118. SECURITY FUNDING.

(a) USER FEE FOR SECURITY SERVICES.—

(1) IN GENERAL.—Chapter 481 is amended by adding at the end thereof the following:

''§ 48114. User fee for security services charge

''(a) IN GENERAL.—The Secretary of Transportation shall collect a user fee from air carriers. Amounts collected under this section shall be treated as offsetting collections to offset annual appropriations for the costs of providing aviation security services.

''(b) AMOUNT OF FEE.—Air carriers shall remit $2.50 for each passenger enplanement.

''(c) USE OF FEES.—A fee collected under this section shall be used solely for the costs associated with providing aviation security services and may be used only to the extent provided in advance in an appropriation law.''.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 481 is amended by adding at the end thereof the following:

''48114. User fee for security services''.

(3) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to transportation beginning after the

date which is 180 days after the date of enactment of this Act.

(b) SPECIFIC AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Part C of subtitle VII of title 49, United States Code, is amended by adding at the end the following:

''CHAPTER 483. AVIATION SECURITY FUNDING.

''Sec.

''48301. Aviation security funding

''§ 48301. Aviation security funding

''There are authorized to be appropriated for fiscal years 2002, 2003, and 2004, such sums as may be necessary to carry out chapter 449 and related aviation security activities under this title.''.

(2) CONFORMING AMENDMENT.—The subtitle analysis for subtitle VII of title 49, United States Code, is amended by inserting after the item relating to chapter 482 the following:

''483. Aviation Security Funding ..... 48301''.

SEC. 119. INCREASED FUNDING FLEXIBILITY FOR AVIATION SECURITY.

(a) LIMITED USE OF AIRPORT IMPROVEMENT PROGRAM FUNDS.—

(1) BLANKET AUTHORITY.—Notwithstanding any provision of law to the contrary, including any provision of chapter 471 of title 49, United States Code, or any rule, regulation, or agreement thereunder, for fiscal year 2002 the Administrator of the Federal Aviation Administration may permit an airport operator to use amounts made available under that chapter to defray additional direct security-related expenses imposed by law or rule after September 11, 2001, for which funds are not otherwise specifically appropriated or made available under this or any other Act.

(2) AIRPORT DEVELOPMENT FUNDS.—Section 47102(3) of title 49, United States Code, is amended by adding at the end the following:

''(J) after September 11, 2001, and before October 1, 2002, for fiscal year 2002, additional operational requirements, improvement of facilities, purchase and deployment of equipment, hiring, training, and providing appropriate personnel, or an airport or any aviation operator at an airport, that the Secretary determines will enhance and ensure the security of passengers and other persons involved in air travel.''.

(3) ALLOWABLE COSTS.—Section 47110(b)(2) of title 49, United States Code, is amended—

(A) by striking ''or'' in subparagraph (B);

(B) by inserting ''or'' after ''executed;'' in subparagraph (C); and

(C) by adding at the end the following:

''(D) if the cost is incurred after September 11, 2001, for a project described in section 47102(3)(J), and shall not depend upon the date of execution of a grant agreement made under this subchapter;''.

(4) DISCRETIONARY GRANTS.—Section 47115 of title 49, United States Code, is amended by adding at the end the following:

''(i) CONSIDERATIONS FOR PROJECT UNDER EXPANDED SECURITY ELIGIBILITY.—In order to assure that funding under this subchapter is provided to the greatest needs, the Secretary, in selecting a project described in section 47102(3)(J) for a grant, shall consider the nonfederal resources available to sponsor, the use of such nonfederal resources, and the degree to which the sponsor is providing increased funding for the project.''.

(5) FEDERAL SHARE.—Section 47109(a) of title 49, United States Code, is amended—

(A) by striking ''and'' in paragraph (3);

(B) by striking ''47134.'' in paragraph (4) and inserting ''47134; and''; and

(C) by adding at the end the following:

''(5) for fiscal year 2002, 100 percent for a project described in section 47102(3)(J).''.

(b) APPORTIONED FUNDS.—For the purpose of carrying out section 47114 of title 49, United States Code, for fiscal year 2003, the Secretary shall use, in lieu of passenger boardings at an airport during the prior calendar year, the greater of—

(1) the number of passenger boardings at that airport during 2000; or

(2) the number of passenger boardings at that airport during 2001.

(c) EXPEDITED PROCESSING OF SECURITY-RELATED PFC REQUESTS.—The Administrator of the Federal Aviation Administration shall, to the extent feasible, expedite the processing and approval of passenger facility fee requests under subchapter I of chapter 471 of title 49, United States Code, for projects described in section 47192(3)(J) of title 49, United States Code.

SEC. 120. AUTHORIZATION OF FUNDS FOR REIMBURSEMENT OF AIRPORTS FOR SECURITY MANDATES.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation such sums as may be necessary for fiscal year 2002 to compensate airport operators for eligible security costs.

(b) REIMBURSABLE COSTS.—The Secretary may reimburse an airport operator (from amounts made available for obligation under subsection (a)) for the direct costs incurred by the airport operator in complying with new, additional, or revised security requirements imposed on airport operators by the Federal Aviation Administration on or after September 11, 2001.

(c) DOCUMENTATION OF COSTS; AUDIT.—The Secretary may not reimburse an airport operator under this section for any cost for which the airport operator does not demonstrate to the satisfaction of the Secretary, using sworn financial statements or other appropriate data, that—

(1) the cost is eligible for reimbursement under subsection (b); and

(2) the cost was incurred by the airport operator.

The Inspector General of the Department of Transportation and the Comptroller General of the United States may audit such statements and may request any other information that necessary to conduct such an audit.

(d) CLAIM PROCEDURE.—Within 30 days after the date of enactment of this Act, the Secretary, after consultation with airport operators, shall publish in the Federal Register the procedures for filing claims for reimbursement under this section of eligible costs incurred by airport operators.

SEC. 121. ENCOURAGING AIRLINE EMPLOYEES TO REPORT SUSPICIOUS ACTIVITIES.

(a) IN GENERAL.—Subchapter II of chapter 449 of title 49, United States Code, is amended by inserting at the end the following:

''§ 44940. Immunity for reporting suspicious activities

''(a) IN GENERAL.—Any air carrier or foreign air carrier or any employee of an air carrier or foreign air carrier who makes a voluntary disclosure of any suspicious transaction relevant to a possible violation of law or regulation, relating to air piracy, a threat to aircraft or passenger safety, or terrorism, as defined by section 3077 of title 18, United States Code, to any employee or agent of the Department of Transportation, the Department of Justice, any Federal, State, or local law enforcement officer, or any airport or airline security officer shall not be civilly liable to any person under any law or regulation of the United States, any constitution, law, or regulation of any State or political subdivision of any State, for such disclosure.

''(b) APPLICATION.—Subsection (a) shall not apply to—

''(1) any disclosure made with actual knowledge that the disclosure was false, inaccurate, or misleading; or

''(2) any disclosure made with reckless disregard as to the truth or falsity of that disclosure.

''§ 44941. Sharing security risk information

''The Attorney General, in consultation with the Deputy Secretary for Transportation Security and the Director of the Federal Bureau of Investigation, shall establish procedures for notifying the Administrator of the Federal Aviation Administration, and airport or airline security officers, of the identity of persons known or suspected by the Attorney General to pose a risk of air piracy or terrorism or a threat to airline or passenger safety.''.

(b) REPORT.—Not later than 120 days after the date of enactment of this Act, the Attorney General shall report to the Senate Committee on Commerce, Science, and Transportation, the House Committe on Transportation and Infrastructure, and the Judiciary Committees of the Senate and the House of Representatives on the implementation of the procedures required under section 44941 of title 49, United States Code, as added by this section.

(c) CHAPTER ANALYSIS.—The chapter analysis for chapter 449 of title 49, United States Code, is amended by inserting at the end the following:

''44940. Immunity for reporting suspicious activities.

''44941. Sharing security risk information.''.

SEC. 122. LESS-THAN-LETHAL WEAPONRY FOR FLIGHT DECK CREWS.

(a) NATIONAL INSTITUTE OF JUSTICE STUDY.—The National Institute of Justice shall assess the range of less-than-lethal weaponry available for use by a flight deck crewmember temporarily to incapacitate an individual who presents a clear and present danger to the safety of the aircraft, its passengers, or individuals on the ground and report its findings and recommendations to the Secretary of Transportation within 90 days after the date of enactment of this Act.

Section 44903 of title 49, United States Code, is amended by adding at the end the following:

''(h) AUTHORITY TO ARM FLIGHT DECK CREW WITH LESS-THAN-LETHAL WEAPONS.—

''(1) IN GENERAL.—If the Secretary, after receiving the recommendations of the National Institute of Justice, determines, with the approval of the Attorney General and the Secretary of State, that it is appropriate and necessary and would effectively serve the public interest in avoiding air piracy, the Secretary may authorize members of the flight deck crew on any aircraft providing air transportation or intrastate air transportation to carry a less-than-lethal weapon while the aircraft is engaged in providing such transportation.

''(2) USAGE.—If the Secretary grants authority under paragraph (1) for flight deck crew members to carry a less-than-lethal weapon while engaged in providing air transportation or intrastate air transportation, the Secretary shall—

''(A) prescribe rules requiring that any such crew member be trained in the proper use of the weapon; and

''(B) prescribe guidelines setting forth the circumstances under which such weapons may be used.''.

SEC. 123. MAIL AND FREIGHT WAIVERS.

During a national emergency affecting air transportation or intrastate air transportation, the Secretary of Transportation, after consultation with the Aviation Security Coordination Council, may grant a complete or partial waiver of any restrictions on the carriage by aircraft of freight, mail, emergency medical supplies, personnel, or patients on aircraft, imposed by the Department of Transportation (or other Federal

agency or department) that would permit such carriage of freight, mail, emergency medical supplies, personnel, or patients on flights, to, from, or within States with extraordinary air transportation needs or concerns if the Secretary determines that the waiver is in the public interest, taking into consideration the isolation of and dependence on air transportation of such States. The Secretary may impose reasonable limitations on any such waivers.

SEC. 124. SAFETY AND SECURITY OF ON-BOARD SUPPLIES.

(a) IN GENERAL.—The Secretary of Transportation shall establish procedures to ensure the safety and integrity of all supplies, including catering and passenger amenities, placed aboard aircraft providing passenger air transportation or intrastate air transportation.

(b) MEASURES.—In carrying out subsection (a), the Secretary may require—

(1) security procedures for suppliers and their facilities;

(2) the sealing of supplies to ensure easy visual detection of tampering; and

(3) the screening of personnel, vehicles, and supplies entering secured areas of the airport or used in servicing aircraft.

SEC. 125. FLIGHT DECK SECURITY

(a) SHORT TITLE.—This section may be cited as the ''Flight Deck Security Act of 2001''.

(b) FINDINGS.—Congress makes the following findings:

(1) On September 11, 2001, terrorists hijacked four civilian aircraft, crashing two of the aircraft into the towers of the World Trade Center in New York, New York, and a third into the Pentagon outside Washington, District of Columbia.

(2) Thousands of innocent Americans and citizens of other countries were killed or injured as a result of these attacks, including the passengers and crew of the four aircraft, workers in the World Trade Center and in the Pentagon, rescue workers, and bystanders.

(3) These attacks destroyed both towers of the World Trade Center, as well as adjacent buildings, and seriously damaged the Pentagon.

(4) These attacks were by far the deadliest terrorist attacks ever launched against the United States and, by targeting symbols of America, clearly were intended to intimidate our Nation and weaken its resolve.

(5) Armed pilots, co-pilots, and flight engineers with proper training will be the last line of defense against terrorist by providing cockpit security and aircraft security.

(6) Secured doors separating the flight deck from the passenger cabin have been effective in deterring hijackings in other nations and will serve as a deterrent to future contemplated acts of terrorism in the United States.

(c) AVIATION SAFETY AND THE SUPPRESSION OF TERRORISM BY COMMERCIAL AIRCRAFT.—

(1) POSSESSION OF FIREARMS ON COMMERCIAL FLIGHTS.—The Federal Aviation Administration (FAA) is authorized to permit a pilot, co-pilot, or flight engineer of a commercial aircraft who has successfully completed the requirements of paragraph (2), or who is not otherwise prohibited by law from possessing a firearm, from possessing or carrying a firearm approved by the FAA for the protection of the aircraft under procedures or regulations as necessary to ensure the safety and integrity of flight.

(2) FEDERAL PILOT OFFICERS.—(A) In addition to the protections provided by paragraph (1), the FAA shall also establish a voluntary program to train and supervise commercial airline pilots.

(B) Under the program, the FAA shall make available appropriate training and supervision for all such pilots, which may include training by private entities.

(C) The power granted to such persons shall be limited to enforcing Federal law in the cockpit of commercial aircraft and, under reasonable circumstances the passenger compartment to protect the integrity of the commercial aircraft and the lives of the passengers.

(D) The FAA shall make available appropriate training to any qualified pilot who requests such training pursuant to this title.

(E) The FAA may prescribe regulations for purposes of this section.

(d) REPORTS TO CONGRESS.—Not later than six months after the date of the enactment of this Act, and every six months thereafter, the Secretary of Transportation shall submit to Congress a report on the effectiveness of the requirements in this section in facilitating commercial aviation safety and the suppression of terrorism by commercial aircraft.

SEC. 126. AMENDMENTS TO AIRMEN REGISTRY AUTHORITY.

Section 44703(g) of title 49, United States Code, is amended—

(1) in the first sentence of paragraph (1)—

(A) by striking ''pilots'' and inserting ''airmen''; and

(B) by striking the period and inserting ''and related to combating acts of terrorism.''; and

(2) by adding at the end, the following new paragraphs:

''(3) For purposes of this section, the term 'acts of terrorism' means an activity that involves a violent act or an act dangerous to human life that is a violation of the criminal laws of the United States or of any State, or that would be a criminal violation if committed within the jurisdiction of the United States or of any State, and appears to be intended to intimidate or coerce a civilian population to influence the policy of a government by intimidation or coercion or to affect the conduct of a government by assassination or kidnaping.

''(4) The Administrator is authorized and directed to work with State and local authorities, and other Federal agencies, to assist in the identification of individuals applying for or holding airmen certificates.''.

SEC. 127. RESULTS-BASED MANAGEMENT.

Subchapter II of chapter 449 of title 49, United States Code, is amended by adding at the end the following:

''§ 44942. Performance Goals and Objectives

''(a) SHORT TERM TRANSITION.—

''(1) IN GENERAL.—Within 60 days of enactment, the Deputy Secretary for Transportation Security shall, in consultation with Congress—

''(A) establish acceptable levels of performance for aviation security, including screening operations and access control, and

''(B) provide Congress with an action plan, containing measurable goals and milestones, that outlines how those levels of performance will be achieved.

''(2) BASICS OF ACTION PLAN.—The action plan shall clarify the responsibilities of the Department of Transportation, the Federal Aviation Administration and any other agency or organization that may have a role in ensuring the safety and security of the civil air transportation system.

''(b) LONG-TERM RESULTS-BASED MANAGEMENT.—

''(1) PERFORMANCE PLAN AND REPORT.—

''(A) PERFORMANCE PLAN.—(i) Each year, consistent with the requirements of the Government Performance and Results Act of 1993 (GPRA), the Secretary and the Deputy Secretary for Transportation Security shall agree on a performance plan for the succeeding 5 years that establishes measurable goals and objectives for aviation security. The plan shall identify action steps necessary to achieve such goals.

''(ii) In addition to meeting the requirements of GPRA, the performance plan shall clarify the responsibilities of the Secretary, the Deputy Secretary for Transportation Security and any other agency or organization that may have a role in ensuring the safety and security of the civil air transportation system.

''(iii) The performance plan shall be available to the public. The Deputy Secretary for Transportation Security may prepare a nonpublic appendix covering performance goals and indicators that, if revealed to the public, would likely impede achievement of those goals and indicators.

''(B) PERFORMANCE REPORT.—(i) Each year, consistent with the requirements of GPRA, the Deputy Secretary for Transportation Security shall prepare and submit to Congress an annual report including an evaluation of the extent goals and objectives were met. The report shall include the results achieved during the year relative to the goals established in the performance plan.

''(ii) The performance report shall be available to the public. The Deputy Secretary for Transportation Security may prepare a nonpublic appendix covering performance goals and indicators that, if revealed to the public, would likely impede achievement of those goals and indicators.

''§ 44943. Performance Management System

''(a) ESTABLISHING A FAIR AND EQUITABLE SYSTEM FOR MEASURING STAFF PERFORMANCE.—The Deputy Secretary for Transportation Security shall establish a performance management system which strengthens the organization's effectiveness by providing for the establishment of goals and objectives for managers, employees, and organizational performance consistent with the performance plan.

''(b) ESTABLISHING MANAGEMENT ACCOUNTABILITY FOR MEETING PERFORMANCE GOALS.—(1) Each year, the Secretary and Deputy Secretary for Transportation Security shall enter into an annual performance agreement that shall set forth organizational and individual performance goals for the Deputy Secretary.

''(2) Each year, the Deputy Secretary for Transportation Security and each senior manager who reports to the Deputy Secretary for Transportation Security shall enter into an annual performance agreement that sets forth organization and individual goals for those managers. All other employees hired under the authority of the Deputy Secretary for Transportation Security shall enter into an annual performance agreement that sets forth organization and individual goals for those employees.

''(c) COMPENSATION FOR THE DEPUTY SECRETARY FOR TRANSPORTATION SECURITY.—

''(1) IN GENERAL.—The Deputy Secretary for Transportation Security is authorized to be paid at an annual rate of pay payable to level II of the Executive Schedule.

''(2) BONUSES OR OTHER INCENTIVES.—In addition, the Deputy Secretary for Transportation Security may receive bonuses or other incentives, based upon the Secretary's evaluation of the Deputy Secretary's performance in relation to the goals set forth in the agreement. Total compensation cannot exceed the Secretary's salary.

''(d) COMPENSATION FOR MANAGERS AND OTHER EMPLOYEES.—

''(1) IN GENERAL.—A senior manager reporting directly to the Deputy Secretary for Transportation Security may be paid at an annual rate of basic pay of not more than the maximum rate of basic pay for the Senior Executive Service under section 5382 of title 5, United States Code.

''(2) BONUSES OR OTHER INCENTIVES.—In addition, senior managers can receive bonuses or other incentives based on the Deputy Secretary for Transportation Security's evaluation of their performance in relation to goals in agreements. Total compensation cannot exceed 125 percent of the maximum rate of base pay for the Senior Executive Service. Further, the Deputy Secretary for Transportation Security shall establish, within the performance management system, a program allowing for the payment of bonuses or other incentives to other managers and employees. Such a program shall provide for bonuses or other incentives based on their performance.

''(e) PERFORMANCE-BASED SERVICE CONTRACTING.—To the extent contracts, if any, are used to implement the Aviation Security Act, the Deputy Secretary for Transportation Security shall, to the extent practical, maximize the use of performance-based service contracts. These contracts should be consistent with guidelines published by the Office of Federal Procurement Policy.''.

SEC. 128. USE OF FACILITIES.

(a) EMPLOYOMENT REGISTER.—Notwithstanding any other provision of law, the Secretary of Transportation shall establish and maintain an employment register.

(b) TRAINING FACILITY.—The Secretary of Transportation may, where feasible, use the existing Federal Aviation Administration's training facilities, to design, develop, or conduct training of security screening personnel.

SEC. 129. REPORT ON NATIONAL AIR SPACE RESTRICTIONS PUT IN PLACE AFTER TERRORIST ATTACKS THAT REMAIN IN PLACE.

(a) REPORT.—Within 30 days of the enactment of this Act, the President shall submit to the committees of Congress specified in subsection (b) a report containing—

(1) a description of each restriction, if any, on the use of national airspace put in place as a result of the September 11, 2001, terrorist attacks that remains in place as of the date of the enactment of this Act; and

(2) a justification for such restriction remaining in place.

(b) COMMITTEES OF CONGRESS.—The committees of Congress specified in this subsection are the following:

(1) The Select Committee on Intelligence of the Senate.

(2) The Permanent Select Committee on Intelligence of the House of Representatives.

(3) The Committee on Commerce, Science, and Transportation of the Senate.

(4) The Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 130. VOLUNTARY PROVISION OF EMERGENCY SERVICES DURING COMMERCIAL FLIGHTS.

(a) PROGRAM FOR PROVISION OF VOLUNTARY SERVICES.—

(1) PROGRAM.—The Secretary of Transportation shall carry out a program to permit qualified law enforcement officers, firefighters, and emergency medical technicians to provide emergency services on commercial air flights during emergencies.

(2) REQUIREMENTS.—The Secretary shall establish such requirements for qualifications of providers of voluntary services under the program under paragraph (1), including training requirements, as the Secretary considers appropriate.

(3) CONFIDENTIALITY OF REGISTRY.—If as part of the program under paragraph (1) the Secretary requires or permits registration of law enforcement officers, firefighters, or emergency medical technicians who are willing to provide emergency services on commercial flights during emergencies, the Secretary shall take appropriate actions to ensure that the registry is available only to appropriate airline personnel and otherwise remains confidential.

(4) CONSULTATION.—The Secretary shall consult with appropriate representatives of the commercial airline industry, and organizations representing community-based law enforcement, firefighters, and emergency medical technicians, in carrying out the program under paragraph (1), including the actions taken under paragraph (3).

(b) PROTECTION FROM LIABILITY.—

(1) IN GENERAL.—Subchapter II of chapter 449 of title 49, United States Code, is amended by adding at the end the following new section:

''§ 44944. Exemption of volunteers from liability

''(a) IN GENERAL.—An individual shall not be liable for damages in any action brought in a Federal or State court that arises from an act or omission of the individual in providing or attempting to provide assistance in the case of an inflight emergency in an aircraft of an air carrier if the individual meets such qualifications as the Secretary shall prescribe for purposes of this section.

''(b) EXCEPTION.—The exemption under subsection (a) shall not apply in any case in which an individual provides, or attempts to provide, assistance described in that paragraph in a manner that constitutes gross negligence or willful misconduct.''.

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

''44944. Exemption of volunteers from liability.''.

(c) CONSTRUCTION REGARDING POSSESSION OF FIREARMS.—Nothing in this section may be construed to require any modification of regulations of the Department of Transportation governing the possession of firearms while in aircraft or air transportation facilities or to authorize the possession of a firearm in an aircraft or any such facility not authorized under those regulations.

SEC. 131. ENHANCED SECURITY FOR AIRCRAFT.

(a) SECURITY FOR LARGER AIRCRAFT.—

(1) PROGRAM REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall commence implementation of a program to provide security screening for all aircraft operations conducted with respect to any aircraft having a maximum certified takeoff weight of more than 12,500 pounds that is not operating as of the date of the implementation of the program under security procedures prescribed by the Administrator.

(2) WAIVER.—

(A) AUTHORITY TO WAIVE.—The Administrator may waive the applicability of the program under this section with respect to any aircraft or class of aircraft otherwise described by this section if the Administrator determines that aircraft described in this section can be operated safely without the applicability of the program to such aircraft or class of aircraft, as the case may be.

(B) LIMITATIONS.—A waiver under subparagraph (A) may not go into effect—

(i) unless approved by the Secretary of Transportation; and

(ii) until 10 days after the date on which notice of the waiver has been submitted to the appropriate committees of Congress.

(3) PROGRAM ELEMENTS.—The program under paragraph (1) shall require the following:

(A) The search of any aircraft covered by the program before takeoff.

(B) The screening of all crew members, passengers, and other persons boarding any aircraft covered by the program, and their property to be brought on board such aircraft, before boarding.

(4) PROCEDURES FOR SEARCHES AND SCREENING.—The Administrator shall develop procedures for searches and screenings under the program under paragraph (1). Such procedures may not be implemented until approved by the Secretary.

(b) SECURITY FOR SMALLER AIRCRAFT.—

(1) PROGRAM REQUIRED.—Not later than one year after the date of the enactment of this Act, the Administrator shall commence implementation of a program to provide security for all aircraft operations conducted with respect to any aircraft having a maximum certified takeoff weight of 12,500 pounds or less that is not operating as of the date of the implementation of the program under security procedures prescribed by the Administrator. The program shall address security with respect to crew members, passengers, baggage handlers, maintenance workers, and other individuals with access to aircraft covered by the program, and to baggage.

(2) REPORT ON PROGRAM.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report containing a proposal for the program to be implemented under paragraph (1).

(c) BACKGROUND CHECKS FOR ALIENS ENGAGED IN CERTAIN TRANSACTIONS REGARDING AIRCRAFT.—

(1) REQUIREMENT.—Notwithstanding any other provision of law and subject to paragraph (2), no person or entity may sell, lease, or charter any aircraft to an alien, or any other individual specified by the Secretary for purposes of this subsection, within the United States unless the Attorney General issues a certification of the completion of a background investigation of the alien, or other individual, as the case may be, that meets the requirements of section 44939(b) of title 49, United States Code, as added by section 111 of this title.

(2) EXPIRATION.—The prohibition in paragraph (1) shall expire as follows:

(A) In the case of an aircraft having a maximum certified takeoff weight of more than 12,500 pounds, upon implementation of the program required by subsection (a).

(B) In the case of an aircraft having a maximum certified takeoff weight of 12,500 pounds or less, upon implementation of the program required by subsection (b).

(3) ALIEN DEFINED.—In this subsection, the term ''alien'' has the meaning given that term in section 44939(f) of title 49, United States Code, as so added.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Commerce, Science, and Transportation of the Senate; and

(2) the Committee on Commerce of the House of Representatives.

SEC. 132. IMPLEMENTATION OF CERTAIN DETECTION TECHNOLOGIES.

(a) IN GENERAL.—Not later than September 30, 2002, the Assistant Administrator for Civil Aviation Security shall review and make a determination on the feasibility of implementing technologies described in subsection (b).

(b) TECHNOLOGIES DESCRIBED.—The technologies described in this subsection are technologies that are—

(1) designed to protect passengers, aviation employees, air cargo, airport facilities, and airplanes; and

(2) material specific and able to automatically and non-intrusively detect, without human interpretation and without regard to shape or method of concealment, explosives, illegal narcotics, hazardous chemical agents, and nuclear devices.

SEC. 133. REPORT ON NEW RESPONSIBILITIES OF THE DEPARTMENT OF JUSTICE FOR AVIATION SECURITY.

Not later than 120 days after the date of enactment of this Act, the Attorney General shall report to the House Committee on the Judiciary, the Senate Committee on the Judiciary, the House Committee on Transportation and Infrastructure, and the Senate Committee on Commerce, Science, and Transportation on the new responsibilities of the Department of Justice for aviation security under this title.

SEC. 134. DEFINITIONS.

Except as otherwise explicitly provided, any term used in this title that is defined in section 40102 of title 49, United States Code, has the meaning given that term in that section.

TITLE II—DEPLOYMENT AND USE OF SECURITY TECHNOLOGIES

Subtitle A—Expanded Deployment and Utilization of Current Security Technologies and Procedures

SEC. 201. EXPANDED DEPLOYMENT AND UTILIZATION OF CURRENT SECURITY TECHNOLOGIES AND PROCEDURES.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall require that employment investigations, including criminal history record checks, for all individuals described in section 44936(a)(1) of title 49, United States Code, who are existing employees, at airports regularly serving an air carrier holding a certificate issued by the Secretary of Transportation, should be completed within 9 months unless such individuals have had such investigations and checks within 5 years of the date of enactment of this Act. The Administrator shall devise an alternative method for background checks for a person applying for any airport security position who has lived in the United States less than 5 years and shall have such alternative background check in place as soon as possible. The Administrator shall work with the International Civil Aviation Organization and with appropriate authorities of foreign governments in devising such alternative method.

(b) EXPLOSIVE DETECTION.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration shall deploy and oversee the usage of existing bulk explosives detection technology already at airports for checked baggage. Not later than 60 days after the date of enactment of this Act, the Administrator shall establish confidential goals for—

(A) deploying by a specific date all existing bulk explosives detection scanners purchased but not yet deployed by the Federal Aviation Administration;

(B) a specific percentage of checked baggage to be scanned by bulk explosives detection machines within 6 months, and annual goals thereafter with an eventual goal of scanning 100 percent of checked baggage; and

(C) the number of new bulk explosives detection machines that will be purchased by the Federal Aviation Administration for deployment at the Federal Aviation Administration-identified midsized airports within 6 months.

(2) USE OF FUNDS.—For purposes of carrying out this subtitle, airport operators may use funds available under the Airport Improvement Program described in chapter 471 of title 49, United States Code, to reconfigure airport baggage handling areas to accommodate the equipment described in paragraph (1), if necessary. Not later than 12 months after the date of enactment of this Act, and annually thereafter, the Administrator shall report, on a confidential basis, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives, the Government Accounting Office, and the Inspector General of the Department of Transportation, regarding the goals and progress the Administration is making in achieving those goals described in paragraph (1).

(3) AIRPORT DEVELOPMENT.—Section 47102(3)(B) of title 49, United States Code, is amended—

(A) by striking ''and'' at the end of clause (viii);

(B) by striking the period at the end of clause (ix) and inserting ''; and''; and

(C) by inserting after clause (ix) the following new clause:

''(x) replacement of baggage conveyor systems, and reconfiguration of terminal luggage areas, that the Secretary determines are necessary to install bulk explosive detection devices.''.

(c) BAG MATCHING SYSTEM.—The Administrator of the Federal Aviation Administration shall require air carriers to improve the passenger bag matching system. Not later than 60 days after the date of enactment of this Act, the Administrator shall establish goals for upgrading the Passenger Bag Matching System, including interim measures to match a higher percentage of bags until Explosives Detection Systems are used to scan 100 percent of checked baggage. The Administrator shall report, on a confidential basis, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives, the Government Accounting Office, and the Inspector General of the Department of Transportation, regarding the goals and the progress made in achieving those goals within 12 months after the date of enactment of this Act.

(d) COMPUTER-ASSISTED PASSENGER PRESCREENING.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration shall require air carriers to expand the application of the current Computer-Assisted Passenger Prescreening System (CAPPS) to all passengers, regardless of baggage. Passengers selected under this system shall be subject to additional security measures, including checks of carry-on baggage and person, before boarding.

(2) REPORT.—The Administrator shall report back to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Transportation and Infrastructure of the House of Representatives within 3 months of the date of enactment of this Act on the implementation of the expanded CAPPS system.

Subtitle B—Short-Term Assessment and Deployment of Emerging Security Technologies and Procedures

SEC. 211. SHORT-TERM ASSESSMENT AND DEPLOYMENT OF EMERGING SECURITY TECHNOLOGIES AND PROCEDURES.

Section 44903 of title 49, United States Code, is amended by adding at the end the following:

''(i) SHORT-TERM ASSESSMENT AND DEPLOYMENT OF EMERGING SECURITY TECHNOLOGIES AND PROCEDURES.—

''(1) IN GENERAL.—The Deputy Secretary for Transportation Security shall recommend to airport operators, within 6 months after the date of enactment of this Act, commercially available measures or procedures to prevent access to secure airport areas by unauthorized persons. As part of the 6-month assessment, the Deputy Secretary for Transportation Security shall—

''(A) review the effectiveness of biometrics systems currently in use at several United States airports, including San Francisco International;

''(B) review the effectiveness of increased surveillance at access points;

''(C) review the effectiveness of card- or keypad-based access systems;

''(D) review the effectiveness of airport emergency exit systems and determine whether those that lead to secure areas of the airport should be monitored or how breaches can be swiftly responded to; and

''(E) specifically target the elimination of the ''piggy-backing'' phenomenon, where another person follows an authorized person through the access point.

The 6-month assessment shall include a 12-month deployment strategy for currently available technology at all category X airports, as defined in the Federal Aviation Administration approved air carrier security programs required under part 108 of title 14, Code of Federal Regulations. Not later than 18 months after the date of enactment of this Act, the Secretary of Transportation shall conduct a review of reductions in unauthorized access at these airports.

''(2) 90-DAY REVIEW.—

''(A) IN GENERAL.—The Deputy Secretary for Transportation Security, as part of the Aviation Security Coordination Council, shall conduct a 90-day review of—

''(i) currently available or short-term deployable upgrades to the Computer-Assisted Passenger Prescreening System (CAPPS); and

''(ii) deployable upgrades to the coordinated distribution of information regarding persons listed on the ''watch list'' for any Federal law enforcement agencies who could present an aviation security threat.

''(B) DEPLOYMENT OF UPGRADES.—The Deputy Secretary for Transportation Security shall commence deployment of recommended short-term upgrades to CAPPS and to the coordinated distribution of ''watch list'' information within 6 months after the date of enactment of this Act. Within 18 months after the date of enactment of this Act, the Deputy Secretary for Transportation Security shall report to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Transportation and Infrastructure of the House of Representatives, the Government Accounting Office, and the Inspector General of the Department of Transportation, on progress being made in deploying recommended upgrades.

''(3) STUDY.—The Deputy Secretary for Transportation Security shall conduct a study of options for improving positive identification of passengers at check-in counters and boarding areas, including the use of biometrics and ''smart'' cards. Within 6 months after the date of enactment of this Act, the Deputy Secretary shall report to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Transportation and Infrastructure of the House of Representatives on the feasibility and costs of implementing each identification method and a schedule for requiring air carriers to deploy identification methods determined to be effective.''.

Subtitle C—Research and Development of Aviation Security Technology

SEC. 221. RESEARCH AND DEVELOPMENT OF AVIATION SECURITY TECHNOLOGY.

(a) FUNDING.—To augment the programs authorized in section 44912(a)(1) of title 49, United States Code, there is authorized to be appropriated an additional $50,000,000 for each of fiscal years 2002 through 2006 and such sums as are necessary for each fiscal year thereafter to the Federal Aviation Administration, for research, development,

testing, and evaluation of the following technologies which may enhance aviation security in the future. Grants to industry, academia, and Government entities to carry out the provisions of this section shall be available for fiscal years 2002 and 2003 for—

(1) the acceleration of research, development, testing, and evaluation of explosives detection technology for checked baggage, specifically, technology that is—

(A) more cost-effective for deployment for explosives detection in checked baggage at small- to medium-sized airports, and is currently under development as part of the Argus research program at the Federal Aviation Administration;

(B) faster, to facilitate screening of all checked baggage at larger airports; or

(C) more accurate, to reduce the number of false positives requiring additional security measures;

(2) acceleration of research, development, testing, and evaluation of new screening technology for carry-on items to provide more effective means of detecting and identifying weapons, explosives, and components of weapons of mass destruction, including advanced x-ray technology;

(3) acceleration of research, development, testing, and evaluation of threat screening technology for other categories of items being loaded onto aircraft, including cargo, catering, and duty-free items;

(4) acceleration of research, development, testing, and evaluation of threats carried on persons boarding aircraft or entering secure areas, including detection of weapons, explosives, and components of weapons of mass destruction;

(5) acceleration of research, development, testing and evaluation of integrated systems of airport security enhancement, including quantitative methods of assessing security factors at airports selected for testing such systems;

(6) expansion of the existing program of research, development, testing, and evaluation of improved methods of education, training, and testing of key airport security personnel; and

(7) acceleration of research, development, testing, and evaluation of aircraft hardening materials, and techniques to reduce the vulnerability of aircraft to terrorist attack.

(b) GRANTS.—Grants awarded under this subtitle shall identify potential outcomes of the research, and propose a method for quantitatively assessing effective increases in security upon completion of the research program. At the conclusion of each grant, the grant recipient shall submit a final report to the Federal Aviation Administration that shall include sufficient information to permit the Administrator to prepare a cost-benefit analysis of potential improvements to airport security based upon deployment of the proposed technology. The Administrator shall begin awarding grants under this subtitle within 90 days of the date of enactment of this Act.

(c) BUDGET SUBMISSION.—A budget submission and detailed strategy for deploying the identified security upgrades recommended upon completion of the grants awarded under subsection (b), shall be submitted to Congress as part of the Department of Transportation's annual budget submission.

(d) DEFENSE RESEARCH.—There is authorized to be appropriated $20,000,000 to the Federal Aviation Administration to issue research grants in conjunction with the Defense Advanced Research Projects Agency. Grants may be awarded under this section for—

(1) research and development of longer-term improvements to airport security, including advanced weapons detection;

(2) secure networking and sharing of threat information between Federal agencies, law enforcement entities, and other appropriate parties;

(3) advances in biometrics for identification and threat assessment; or

(4) other technologies for preventing acts of terrorism in aviation.

MOTION OFFERED BY MR. YOUNG OF ALASKA

Mr. YOUNG of Alaska. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YOUNG of Alaska moves to strike all after the enacting clause of the Senate bill, S. 1447, and insert in lieu thereof the text of H.R. 3150 as passed by the House, as follows:

H.R. 3150

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

SECTION 1. SHORT TITLE; AMENDMENTS TO TITLE 49, UNITED STATES CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Airport Security Federalization Act of 2001''.

(b) AMENDMENTS TO TITLE 49, UNITED STATES CODE.—Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision of law, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; amendments to title 49, United States Code; table of contents.

TITLE I—AVIATION SECURITY

Sec. 101. Transportation Security Administration.
Sec. 102. Screening of passengers and property.
Sec. 103. Security programs.
Sec. 104. Employment standards and training.
Sec. 105. Deployment of Federal air marshals.
Sec. 106. Enhanced security measures.
Sec. 107. Criminal history record check for screeners and others.
Sec. 108. Passenger and baggage screening fee.
Sec. 109. Authorizations of appropriations.
Sec. 110. Limitation on liability for acts to thwart criminal violence or aircraft piracy.
Sec. 111. Passenger manifests.
Sec. 112. Transportation security oversight board.
Sec. 113. Airport improvement programs.
Sec. 114. Technical corrections.
Sec. 115. Alcohol and controlled substance testing.
Sec. 116. Conforming amendments to subtitle VII.
Sec. 117. Savings provision.
Sec. 118. Budget submissions.
Sec. 119. Aircraft operations in enhanced class B airspace.
Sec. 120. Waivers for certain isolated communities.
Sec. 121. Assessments of threats to airports.
Sec. 122. Requirement to honor passenger tickets of other carriers.
Sec. 123. Sense of Congress on certain aviation matters.

TITLE II—VICTIMS COMPENSATION

Sec. 201. Limitation on liability for damages arising out of crashes of September 11, 2001.

TITLE I—AVIATION SECURITY

SEC. 101. TRANSPORTATION SECURITY ADMINISTRATION.

(a) IN GENERAL.—Chapter 1 is amended by adding at the end the following:

''§ 114. Transportation Security Administration

''(a) IN GENERAL.—The Transportation Security Administration shall be an administration of the Department of Transportation.

''(b) UNDER SECRETARY.—

''(1) APPOINTMENT.—The head of the Administration shall be the Under Secretary of Transportation for Security. The Under Secretary shall be appointed by the President, by and with the advice and consent of the Senate.

''(2) QUALIFICATIONS.—The Under Secretary must—

''(A) be a citizen of the United States; and

''(B) have experience in a field directly related to transportation or security.

''(3) TERM.—The term of office of an individual appointed as the Under Secretary shall be 5 years.

''(c) LIMITATION ON PECUNIARY INTERESTS.—The Under Secretary may not have a pecuniary interest in, or own stock in or bonds of, a transportation or security enterprise, or an enterprise that makes equipment that could be used for security purposes.

''(d) FUNCTIONS.—

''(1) IN GENERAL.—The Under Secretary shall be responsible for security in all modes of transportation, including—

''(A) carrying out chapter 449 relating to civil aviation security; and

''(B) security responsibilities over nonaviation modes of transportation that are exercised by Administrations of the Department of Transportation (other than the Federal Aviation Administration).

''(2) SCHEDULE FOR ASSUMPTION OF CIVIL AVIATION SECURITY FUNCTIONS.—Not later than 3 months after the date of enactment of this section, the Under Secretary shall assume civil aviation security functions and responsibilities under chapter 449 in accordance with a schedule to be developed by the Secretary of Transportation, in consultation with air carriers, foreign air carriers, and the Administrator of the Federal Aviation Administration. The Under Secretary shall publish an appropriate notice of the transfer of such security functions and responsibilities before assuming the functions and responsibilities.

''(3) ASSIGNMENT OF CONTRACTS.—Upon request of the Under Secretary, an air carrier or foreign air carrier carrying out a screening or security function under chapter 449 may enter into an agreement with the Under Secretary to transfer any contract the carrier has entered into with respect to carrying out such function, before the Under Secretary assumes responsibility of such function.

''(e) ADDITIONAL DUTIES AND POWERS.—In addition to carrying out the functions specified in subsection (d), the Under Secretary shall—

''(1) receive, assess, and distribute intelligence information related to transportation security;

''(2) assess threats to transportation;

''(3) develop policies, strategies, and plans for dealing with threats to transportation security;

''(4) make other plans related to transportation security, including coordinating countermeasures with appropriate departments, agencies, and instrumentalities of the United States Government;

''(5) serve as the primary liaison for transportation security to the intelligence and law enforcement communities;

''(6) supervise all airport security and screening services using Federal uniformed personnel;

''(7) on a day-to-day basis, manage and provide operational guidance to the field security resources of the Administration, including Federal Security Managers as provided by section 44933;

''(8) enforce security-related regulations and requirements;

''(9) identify and undertake research and development activities necessary to enhance transportation security;

''(10) inspect, maintain, and test security facilities, equipment, and systems;

''(11) ensure the adequacy of security measures for the transportation of cargo;

''(12) oversee the implementation, and ensure the adequacy, of security measures at airports and other transportation facilities;

''(13) perform background checks for airport security screening personnel, individuals with unescorted access to secure areas of airports, and other transportation security personnel;

''(14) develop standards for the hiring and retention of security screening personnel;

''(15) train and test security screening personnel; and

''(16) carry out such other duties, and exercise such other powers, relating to transportation security as the Under Secretary considers appropriate, to the extent authorized by law.

''(f) ACQUISITIONS.—

''(1) IN GENERAL.—The Under Secretary is authorized—

''(A) to acquire (by purchase, lease, condemnation, or otherwise) such real property, or any interest therein, within and outside the continental United States, as the Under Secretary considers necessary;

''(B) to acquire (by purchase, lease, condemnation, or otherwise) and to construct, repair, operate, and maintain such personal property (including office space and patents), or any interest therein, within and outside the continental United States, as the Under Secretary considers necessary;

''(C) to lease to others such real and personal property and to provide by contract or otherwise for necessary facilities for the welfare of its employees and to acquire maintain and operate equipment for these facilities;

''(D) to acquire (by purchase, lease, condemnation, or otherwise) and to construct, repair, operate, and maintain research and testing sites and facilities; and

''(E) in cooperation with the Administrator of the Federal Aviation Administration, to utilize the research and development facilities of the Federal Aviation Administration located in Atlantic City, New Jersey.

''(2) TITLE.—Title to any property or interest therein acquired pursuant to this subsection shall be held by the Government of the United States.

''(g) TRANSFERS OF FUNDS.—The Under Secretary is authorized to accept transfers of unobligated balances and unexpended balances of funds appropriated to other Federal agencies (as such term is defined in section 551(1) of title 5) to carry out functions transferred, on or after the date of enactment of this section, by law to the Under Secretary.

''(h) REGULATIONS.—

''(1) IN GENERAL.—The Under Secretary is authorized to issue, rescind, and revise such regulations as are necessary to carry out the functions of the Administration.

''(2) EMERGENCY PROCEDURES.—

''(A) IN GENERAL.—Notwithstanding any other provision of law or executive order (including an executive order requiring a cost-benefit analysis) if the Under Secretary determines that a regulation or security directive must be issued immediately in order to protect transportation security, the Under Secretary shall issue the regulation or security directive without providing notice or an opportunity for comment and without prior approval of the Secretary.

''(B) REVIEW BY TRANSPORTATION SECURITY OVERSIGHT BOARD.—Any regulation or security directive issued under this paragraph shall be subject to disapproval by the Transportation Security Oversight Board established under section 44951. Any regulation or security directive issued under this paragraph shall remain effective until disapproved by the Board or rescinded by the Under Secretary.

''(i) PERSONNEL AND SERVICES; COOPERATION BY UNDER SECRETARY.—

''(1) AUTHORITY OF UNDER SECRETARY.—In carrying out the functions of the Administration, the Under Secretary shall have the same authority as is provided to the Administrator of the Federal Aviation Administration under subsections (l) and (m) of section 106.

''(2) AUTHORITY OF AGENCY HEADS.—The head of a Federal agency shall have the same authority to provide services, supplies, equipment, personnel, and facilities to the Under Secretary as the head has to provide services, supplies, equipment, personnel, and facilities to the Administrator of the Federal Aviation Administration under section 106(m).

''(j) PERSONNEL MANAGEMENT SYSTEM.—The personnel management system established by the Administrator of the Federal Aviation Administration under section 40122 shall apply to employees of the Transportation Security Administration, except that subject to the requirements of such section, the Under Secretary may make such modifications to the personnel management system with respect to such employees as the Under Secretary considers appropriate.

''(k) ACQUISITION MANAGEMENT SYSTEM.—The acquisition management system established by the Administrator of the Federal Aviation Administration under section 40110 shall apply to acquisitions of equipment and materials by the Transportation Security Administration, except that subject to the requirements of such section, the Under Secretary may make such modifications to the acquisition management system with respect to such acquisitions of equipment and materials as the Under Secretary considers appropriate.

''(l) AUTHORITY OF INSPECTOR GENERAL.—The Transportation Security Administration shall be subject to the Inspector General Act of 1978 (5 U.S.C. App.) and other laws relating to the authority of the Inspector General of the Department of Transportation.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 is amended by adding at the end the following:

''114. Transportation Security Administration.''.

(c) POSITION OF UNDER SECRETARY IN EXECUTIVE SCHEDULE.—Section 5313 of title 5, United States Code, is amended by adding at the end the following:

''The Under Secretary of Transportation for Security''.

(d) PERSONNEL OF OTHER AGENCIES.—The last sentence of section 106(m) is amended by inserting ''personnel and'' before ''supplies and equipment''.

(e) SECURITY AND RESEARCH AND DEVELOPMENT ACTIVITIES.—Section 40119 is amended—

(1) in subsection (a) by striking ''Administrator of the Federal Aviation Administration'' and inserting ''Under Secretary of Transportation for Security''; and

(2) in subsections (b) and (c) by striking ''Administrator'' each place it appears and inserting ''Under Secretary''.

(f) REFERENCES TO FAA IN CHAPTER 449.—Chapter 449 is amended—

(1) in section 44904(b)(5) by striking ''the Administration'' and inserting ''the Transportation Security Administration'';

(2) in the second sentence of section 44913(a)(1) by striking ''of the Administration'' and inserting ''of the Transportation Security Administration'';

(3) in section 44916(a)—

(A) in the first sentence by striking ''Administrator'' and inserting ''Under Secretary of Transportation for Security''; and

(B) in the second sentence by striking ''Administration'' and inserting ''Transportation Security Administration'';

(4) in each of sections 44933(a) and 44934(b) by striking ''Assistant Administrator for Civil Aviation Security'' and inserting ''Under Secretary'';

(5) in section 44934(b)(1) by striking ''Assistant Administrator'' and inserting ''Under Secretary'';

(6) by striking sections 44931 and 44932 and the items relating to such sections in the analysis for such chapter;

(7) by striking ''Administrator'' each place it appears in such chapter (except in subsections (f) and (h) of section 44936) and inserting ''Under Secretary'';

(8) by striking ''Administrator's'' each place it appears in such chapter and inserting ''Under Secretary's''; and

(9) by striking ''of the Federal Aviation Administration'' each place it appears in such chapter (except in section 44936(f)) and inserting ''of Transportation for Security''.

SEC. 102. SCREENING OF PASSENGERS AND PROPERTY.

Section 44901 of such title is amended—

(1) in subsection (a)—

(A) by striking ''a cabin of''; and

(B) by striking ''a weapon-detecting'' and all that follows through the period at the end of the second sentence and inserting ''persons and procedures acceptable to the Under Secretary (or the Administrator before responsibilities under this subsection are assumed by the Under Secretary).''; and

(2) by adding at the end the following:

''(d) ASSUMPTION OF SCREENING FUNCTION BY UNDER SECRETARY.—

''(1) IN GENERAL.—The responsibility for the screening of passengers and property on passenger aircraft in air transportation that originates in the United States or intrastate air transportation that, on the date of enactment of this subsection, was performed by an employee or agent of an air carrier, intrastate air carrier, or foreign air carrier shall be assumed by the Under Secretary.

''(2) ADDITIONAL SCREENING AUTHORITY.—The Under Secretary may perform any such additional screening of passengers and property on passenger aircraft in air transportation that originates in the United States or intrastate air transportation that the Under Secretary deems necessary to enhance aviation security.

''(e) SUPERVISION OF SCREENING.—All screening of passengers and property at airports under this section shall be supervised by uniformed Federal personnel of the Transportation Security Administration who shall have the power to order the dismissal of any individual performing such screening.

''(f) LIMITATION ON RIGHT TO STRIKE.—An individual that screens passengers or property, or both, at an airport under this section may not participate in a strike, or assert the right to strike, against the person (including a governmental entity) employing such individual to perform such screening.

''(g) DEPUTIZATION OF AIRPORT SCREENING PERSONNEL.—The Under Secretary shall deputize, for enforcement of such Federal laws as the Under Secretary determines appropriate, all airport screening personnel as Federal transportation security agents and shall ensure that such agents operate under

common standards and common uniform, insignia, and badges. The authority to arrest an individual may be exercised only by supervisory personnel who are sworn, full-time law enforcement officers.''.

SEC. 103. SECURITY PROGRAMS.

Section 44903(c) is amended—

(1) in the first sentence of paragraph (1)—

(A) by striking ''a law enforcement presence'' and inserting ''a law enforcement or military presence''; and

(B) by inserting after ''at each of those airports'' the following: ''and at each location at those airports where passengers are screened''; and

(2) in paragraph (2)(C)(i) by striking ''shall issue an amendment to air carrier security programs to require'' and inserting ''shall require''.

SEC. 104. EMPLOYMENT STANDARDS AND TRAINING.

(a) EMPLOYMENT STANDARDS.—Section 44935(a) is amended—

(1) in the first sentence by inserting '', personnel who screen passengers and property,'' after ''air carrier personnel'';

(2) by striking ''and'' at the end of paragraph (4);

(3) by striking the period at the end of paragraph (5) and inserting a semicolon; and

(4) by adding at the end the following:

''(6) a requirement that all personnel who screen passengers and property be citizens of the United States;

''(7) a requirement that any private security firm retained to provide airport security services be owned and controlled by a citizen of the United States, to the extent that the President determines that there are firms owned and controlled by such citizens;

''(8) minimum compensation levels, when appropriate;

''(9) a preference for the hiring of any individual who is a member or former member of the armed forces and who is entitled, under statute, to retired, retirement, or retainer pay on account of service as a member of the armed forces; and

''(10) a preference for the hiring of any individual who is a former employee of an air carrier and whose employment with the air carrier was terminated as a result of a reduction in the workforce of the air carrier.''.

(b) FINAL RULES ESTABLISHING TRAINING STANDARDS FOR SCREENERS.—Section 44935(e)(1) is amended by striking ''May 31, 2001'' and inserting ''6 months after the date of enactment of the Airport Security Federalization Act of 2001''.

(c) EMPLOYMENT STANDARDS FOR SCREENERS; UNIFORMS.—Section 44935 is amended by adding at the end the following:

''(g) TRAINING FOR ALL SCREENERS, SUPERVISORS, AND INSTRUCTORS.—

''(1) IN GENERAL.—The Under Secretary shall require any individual who screens passengers and property pursuant to section 44901, and the supervisors and instructors of such individuals, to have satisfactorily completed all initial, recurrent, and appropriate specialized training necessary to ensure compliance with the requirements of this section.

''(2) ON-THE-JOB PORTION OF SCREENER'S TRAINING.—Notwithstanding paragraph (1), the Under Secretary may permit an individual, during the on-the-job portion of training, to perform security functions if the individual is closely supervised and does not make independent judgments as to whether persons or property may enter secure areas or aircraft or whether cargo may be loaded aboard aircraft without further inspection.

''(3) EFFECT OF SCREENER'S FAILURE OF OPERATION TEST.—The Under Secretary may not allow an individual to perform a screening function after the individual has failed an operational test related to that function until the individual has successfully completed remedial training.

''(h) UNIFORMS.—The Under Secretary shall require any individual who screens passengers and property pursuant section 44901 to be attired in a uniform, approved by the Under Secretary, while on duty.''.

(d) INTERIM EMPLOYMENT STANDARDS FOR SCREENING PERSONNEL.—In the period beginning 30 days after the date of the enactment of this Act and ending on the first date that a final rule issued by the Under Secretary of Transportation for Security under section 44935(e)(1) of title 49, United States Code, takes effect, the following requirements shall apply to an individual who screens passengers and property pursuant to section 44901 of such title (in this subsection referred to as a ''screener''):

(1) EDUCATION.—A screener shall have a high school diploma, a general equivalency diploma, or a combination of education and experience that the Under Secretary has determined to have equipped the individual to perform the duties of the screening position.

(2) BASIC APTITUDES AND PHYSICAL ABILITIES.—A screener shall have basic aptitudes and physical abilities (including color perception, visual and aural acuity, physical coordination, and motor skills) and shall have—

(A) the ability to identify the components that may constitute an explosive or an incendiary device;

(B) the ability to identify objects that appear to match those items described in all current regulations, security directives, and emergency amendments;

(C) for screeners operating X-ray and explosives detection system equipment, the ability to distinguish on the equipment monitors the appropriate images;

(D) for screeners operating any screening equipment, the ability to distinguish each color displayed on every type of screening equipment and explain what each color signifies;

(E) the ability to hear and respond to the spoken voice and to audible alarms generated by screening equipment in an active checkpoint or other screening environment;

(F) for screeners performing manual searches or other related operations, the ability to efficiently and thoroughly manipulate and handle such baggage, containers, cargo, and other objects subject to security processing;

(G) for screeners performing manual searches of cargo, the ability to use tools that allow for opening and closing boxes, crates, or other common cargo packaging;

(H) for screeners performing screening of cargo, the ability to stop the transfer of suspect cargo to passenger air carriers;

(I) for screeners performing pat-down or hand-held metal detector searches of persons, sufficient dexterity and capability to thoroughly conduct those procedures over a person's entire body; and

(J) the ability to demonstrate daily a fitness for duty without any impairment due to illegal drugs, sleep deprivation, medication, or alcohol.

(3) COMMAND OF ENGLISH LANGUAGE.—A screener shall be able to read, speak, write, and understand the English language well enough to—

(A) carry out written and oral instructions regarding the proper performance of screening duties;

(B) read English language identification media, credentials, airline tickets, documents, air waybills, invoices, and labels on items normally encountered in the screening process;

(C) provide direction to and understand and answer questions from English-speaking persons undergoing screening or submitting cargo for screening; and

(D) write incident reports and statements and log entries into security records in the English language.

SEC. 105. DEPLOYMENT OF FEDERAL AIR MARSHALS.

(a) IN GENERAL.—Subchapter I of chapter 449 is amended by adding at the end the following:

''§ 44917. Deployment of Federal air marshals

''(a) IN GENERAL.—The Under Secretary of Transportation for Security under the authority provided by section 44903(d) shall—

''(1) provide for deployment of Federal air marshals on selected passenger flights of air carriers in air transportation or intrastate air transportation;

''(2) provide for appropriate background and fitness checks for candidates for appointment as Federal air marshals;

''(3) provide for appropriate training, supervision, and equipment of Federal air marshals at the facility of the Federal Aviation Administration in New Jersey;

''(4) require air carriers providing flights described in paragraph (1) to provide seating for a Federal air marshal on any such flight without regard to the availability of seats on the flight and at no cost to the United States Government or the marshal;

''(5) require air carriers to provide, on a space-available basis, to an off-duty Federal air marshal a seat on a flight to the airport nearest the marshal's home at no cost to the marshal or the United States Government if the marshal is traveling to that airport after completing his or her security duties; and

''(6) provide, in choosing among applicants for a position as a Federal air marshal, a preference for the hiring of a pilot of an air carrier whose employment with the air carrier was terminated as a result of a reduction in the workforce of the air carrier if the pilot is otherwise qualified for the position.

''(b) FLIGHTS IN FOREIGN AIR TRANSPORTATION.—The Under Secretary shall work with appropriate aeronautic authorities of foreign governments under section 44907 to address security concerns on passenger flights in foreign air transportation.

''(c) INTERIM MEASURES.—Until the Under Secretary completes implementation of subsection (a), the Under Secretary may use, after consultation with and concurrence of the heads of other Federal agencies and departments, personnel from those agencies and departments, on a nonreimbursable basis, to provide air marshal service.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 449 is amended by adding after the item relating to section 44916 the following:

''44917. Deployment of Federal air marshals.''.

(c) BASIC PAY DEFINED.—Section 8331(3)(E) of title 5, United States Code, is amended to read as follows:

''(E) availability pay—

''(i) received by a criminal investigator under section 5545a of this title; or

''(ii) received after September 11, 2001, by a Federal air marshal of the Department of Transportation;''.

SEC. 106. ENHANCED SECURITY MEASURES.

(a) IN GENERAL.—Subchapter I of chapter 449 is further amended by adding at the end the following:

''§ 44918. Enhanced security measures

''(a) IN GENERAL.—To the extent the Under Secretary of Transportation for Security determines appropriate, the Under Secretary shall take the following actions:

''(1) After consultation with the Administrator of the Federal Aviation Administration, develop procedures and authorize equipment for pilots and other members of the

flight crew to use to defend an aircraft against acts of criminal violence or aircraft piracy.

''(2) After consultation with the Administrator, develop and implement methods to—

''(A) restrict the opening of a cockpit door during a flight;

''(B) fortify cockpit doors to deny access from the cabin to the cockpit;

''(C) use video monitors or other devices to alert pilots in the cockpit to activity in the cabin; and

''(D) ensure continuous operation of an aircraft transponder in the event of an emergency.

''(3) Impose standards for the screening or inspection of persons and vehicles having access to secure areas of an airport.

''(4) Require effective 911 emergency call capability for telephones serving passenger aircraft and passenger trains.

''(5) Provide for the use of voice stress analysis or other technologies to prevent a person who might pose a danger to air safety or security from boarding the aircraft of an air carrier or foreign air carrier in air transportation or intrastate air transportation.

''(6) Develop standards and procedures for the issuance, renewal, and revocation of a certificate of qualification for individuals who screen passengers and property at an airport.

''(7) Establish performance goals for individuals described in paragraph (6), provide for the use of threat image projection or similar devices to test such individuals, and establish procedures to revoke the certification of such individuals if the individuals fail to maintain a required level of proficiency.

''(8) In consultation with air carriers and other government agencies, establish policies and procedures requiring air carriers to use information from government agencies to identify individuals on passenger lists who may be a threat to civil aviation and, if such an individual is identified, to notify appropriate law enforcement agencies and prohibit the individual from boarding an aircraft.

''(9) Provide for the enhanced use of computer profiling to more effectively screen passengers and property that will be carried in the cabin of an aircraft.

''(10) Provide for the use of electronic technology that positively verifies the identity of each employee and law enforcement officer who enters a secure area of an airport.

''(11) After consultation with the Administrator, provide for the installation of switches in an aircraft cabin to enable flight crews to discreetly notify the pilots in the case of a security breach occurring in the cabin.

''(12) Update training procedures used by the Federal Aviation Administration, law enforcement agencies, air carriers, and flight crews during hijackings to include measures relating to suicidal hijackers and other extremely dangerous events not currently described in the training procedures.

''(13) Provide for background checks of individuals seeking instruction (including training through the use of flight simulators) in flying aircraft that has a minimum certificated takeoff weight of more than 12,500 pounds.

''(14) Enter into agreements with Federal, State, and local agencies under which appropriately-trained law enforcement personnel from such agencies, when traveling on a flight of an air carrier, will carry a firearm and be prepared to assist Federal air marshals.

''(15) Require more thorough background checks of persons described in subparagraphs (A), (B)(i), and (B)(ii) of section 44936(a) and paragraph (13) of this subsection, including a review of immigration records, law enforcement databases, and records of other government and international agencies to help determine whether the person may be a threat to civil aviation.

''(16) Establish a uniform system of identification for all State and local law enforcement personnel for use in obtaining permission to carry weapons in aircraft cabins and in obtaining access to a secured area of an airport.

''(17) Establish requirements under which air carriers, under the supervision of the Under Secretary, could implement trusted passenger programs and use available technologies to expedite the security screening of passengers who participate in such programs, thereby allowing security screening personnel to focus on those passengers who should be subject to more extensive screening.

''(18) In consultation with the Commissioner of Food and Drugs, develop security procedures under which a medical product to be transported on a flight of an air carrier would not be subject to manual or x-ray inspection if conducting such an inspection would irreversibly damage the product.

''(19) Develop security procedures to allow passengers transporting a musical instrument on a flight of an air carrier to transport the instrument in the passenger cabin of the aircraft, notwithstanding any size or other restriction on carry-on baggage but subject to such other reasonable terms and conditions as may be established by the Under Secretary or the air carrier, including imposing additional charges by the air carrier.

''(20) Provide for the use of wireless and wire line data technologies enabling the private and secure communication of threats to aid in the screening of passengers and other individuals on airport property who are identified on any State or Federal security-related data base for the purpose of having an integrated response coordination of various authorized airport security forces.

''(b) AIRWORTHINESS OBJECTIONS BY FAA.—

''(1) IN GENERAL.—The Under Secretary shall not take an action under subsection (a) if the Administrator notifies the Under Secretary that the action could adversely affect the airworthiness of an aircraft.

''(2) REVIEW BY SECRETARY.—Notwithstanding paragraph (1), the Under Secretary may take an action under subsection (a), after receiving a notification concerning the action from the Administrator under paragraph (1), if the Secretary of Transportation subsequently approves the action.

''(c) VIEW OF NTSB.—In taking any action under subsection (a) that could affect safety, the Under Secretary shall solicit and give great weight to the views of the National Transportation Safety Board.

''(d) PROPERTY SECURITY PROGRAM.—

''(1) CHECKED BAGGAGE.—

''(A) FINAL DEADLINE FOR SCREENING.—A system must be in operation to screen all checked baggage at all airports in the United States no later than December 31, 2003.

''(B) USE OF EXPLOSIVE DETECTION EQUIPMENT.—The Under Secretary shall ensure that explosive detection equipment installed at airports to screen checked baggage is used to the maximum extent possible.

''(C) INSTALLATION OF ADDITIONAL EXPLOSIVE DETECTION EQUIPMENT.—The Under Secretary shall install additional explosive detection equipment at airports as soon as possible to ensure that all checked baggage is screened before being placed in an aircraft.

''(D) INTERIM BAG-MATCH PROGRAMS.—Until the Under Secretary has installed enough explosive detection equipment at airports to ensure that all checked baggage is screened, the Under Secretary shall require air carriers to implement bag-match programs that ensure that no checked baggage is placed in an aircraft unless the passenger who checks the baggage is aboard the aircraft.

''(2) CARGO DEADLINE.—A system must be in operation to screen all cargo that is to be transported in passenger aircraft in air transportation and intrastate air transportation as soon as practicable after the date of enactment of this paragraph.

''(e) LIMITATION ON CERTAIN ACTIONS.—The Secretary of Transportation shall not take any action to prevent a pilot of an air carrier from taking a firearm into the cockpit of the aircraft if the policy of the air carrier permits its pilots to be armed and the pilot has successfully completed a training program for the carriage of firearms aboard aircraft that is acceptable to the Under Secretary.

''(f) REPORT.—Not later than 6 months after the date of enactment of this section, and annually thereafter until the Under Secretary determines whether or not to take each of the actions specified in subsection (a), the Under Secretary shall transmit to Congress a report on the progress of the Under Secretary in evaluating and taking such actions, including any legislative recommendations that the Under Secretary may have for enhancing transportation security, and on the progress the Under Secretary is making in carrying out subsection (d).''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 449 is amended by inserting after the item relating to section 44917 the following:

''44918. Enhanced security measures.''.

(c) REPEAL OF EXISTING REPORTING REQUIREMENT.—

(1) IN GENERAL.—Section 44938 is amended—

(A) in the section heading by striking ''**REPORTS**'' and inserting ''**REPORT**''; and

(B) by striking ''(a) TRANSPORTATION SECURITY.—'' and all that follows through ''(b) SCREENING AND FOREIGN AIR CARRIER AND AIRPORT SECURITY.—The Administrator'' and inserting ''The Under Secretary of Transportation for Security''.

(2) CHAPTER ANALYSIS.—The analysis for chapter 449 is amended by striking the item relating section 44938 and inserting the following:

''44938. Report.''.

SEC. 107. CRIMINAL HISTORY RECORD CHECK FOR SCREENERS AND OTHERS.

Section 44936(a) is amended—

(1) in paragraph (1)(E)(iv)(II) by striking the period at the end and inserting ''; except that at such an airport, the airport operator, air carriers, and certified screening companies may elect to implement the requirements of this subparagraph in advance of the effective date if the Under Secretary (or the Administrator of the Federal Aviation Administration before the transfer of civil aviation security responsibilities to the Under Secretary) approves of such early implementation and if the airport operator, air carriers, and certified screening companies amend their security programs to conform those programs to the requirements of this subparagraph.'';

(2) by adding at the end of paragraph (1) the following:

''(G) BACKGROUND CHECKS OF CURRENT EMPLOYEES.—A background check (including a criminal history record check and a review of available law enforcement data bases and records of other governmental and international agencies) shall be required for any individual who currently has unescorted access to an aircraft of an air carrier or foreign air carrier, unescorted access to a secured area of an airport in the United States that serves an air carrier or foreign air carrier, or is responsible for screening passengers or property, or both, unless that individual was subject to such a background check before

the individual began his or her current employment or is exempted from such a check under section 107.31(m) of title 14, Code of Federal Regulations.''; and

(3) in paragraph (2)—

(A) by striking ''or airport operator'' and inserting ''airport operator, or certificated screening company''; and

(B) by adding at the end the following: ''In this paragraph, the term 'certificated screening company' means a screening company to which the Under Secretary has issued a screening company certificate authorizing the screening company to provide security screening.''.

SEC. 108. PASSENGER AND BAGGAGE SCREENING FEE.

(a) IN GENERAL.—Subchapter II of chapter 449 is amended by adding at the end the following:

''§ 44939. Passenger and baggage screening fee

''(a) GENERAL AUTHORITY.—

''(1) PASSENGER FEES.—The Under Secretary of Transportation for Security shall impose a fee, on passengers of air carriers and foreign air carriers in air transportation and intrastate air transportation originating at airports in the United States, to pay for the costs of the screening of passengers and property pursuant to section 44901(d). Such costs shall be limited to the salaries and benefits of screening personnel and their direct supervisors, training of screening personnel, and acquisition, operation, and maintenance of equipment used by screening personnel and shall be determined by the Under Secretary.

''(2) AIR CARRIER FEES.—

''(A) AUTHORITY.—In addition to the fee imposed pursuant to paragraph (1), and only to the extent that such fee is insufficient to pay for the costs of the screening of passengers and property pursuant to section 44901(d), the Under Secretary may impose a fee on air carriers to pay for the difference between any such costs and the amount collected from such fee.

''(B) LIMITATION.—The amounts of fees collected under this paragraph may not exceed, in the aggregate, the amounts paid in calendar year 2000 by air carriers for screening activities described in paragraph (1) as determined by the Under Secretary.

''(b) SCHEDULE OF FEES.—In imposing fees under subsection (a), the Under Secretary shall ensure that the fees are reasonably related to the Transportation Security Administration's costs of providing services rendered.

''(c) LIMITATION ON FEE.—Fees imposed under subsection (a)(1) may not exceed $2.50 on a 1-way trip in air transportation or intrastate air transportation that originates at an airport in the United States.

''(d) IMPOSITION OF FEE.—

''(1) IN GENERAL.—Notwithstanding section 9701 of title 31 and the procedural requirements of section 553 of title 5, the Under Secretary shall impose the fee under subsection (a)(1), and may impose a fee under subsection (a)(2), through the publication of notice of such fee in the Federal Register and begin collection of the fee within 60 days of the date of enactment of this Act, or as soon as possible thereafter.

''(2) SUBSEQUENT MODIFICATION OF FEE.—After imposing a fee in accordance with paragraph (1), the Under Secretary may modify, from time to time through publication of notice in the Federal Register, the imposition or collection of such fee, or both.

''(3) LIMITATION ON COLLECTION.—No fee may be collected under this section, except to the extent that expenditure of such fee to pay the costs of activities and services for which the fee is imposed is provided for in advance in an appropriations Act.

''(e) ADMINISTRATION OF FEES.—

''(1) FEES PAYABLE TO UNDER SECRETARY.—All fees imposed and amounts collected under this section are payable to the Under Secretary.

''(2) FEES COLLECTED BY AIR CARRIER.—A fee imposed under subsection (a)(1) shall be collected by the air carrier or foreign air carrier providing the transportation described in subsection (a)(1).

''(3) DUE DATE FOR REMITTANCE.—A fee collected under this section shall be remitted on the last day of each calendar month by the carrier collecting the fee. The amount to be remitted shall be for the calendar month preceding the calendar month in which the remittance is made.

''(4) INFORMATION.—The Under Secretary may require the provision of such information as the Under Secretary decides is necessary to verify that fees have been collected and remitted at the proper times and in the proper amounts.

''(f) RECEIPTS CREDITED AS OFFSETTING COLLECTIONS.—Notwithstanding section 3302 of title 31, any fee collected under this section—

''(1) shall be credited as offsetting collections to the account that finances the activities and services for which the fee is imposed;

''(2) shall be available for expenditure only to pay the costs of activities and services for which the fee is imposed; and

''(3) shall remain available until expended.

''(g) REFUNDS.—The Under Secretary may refund any fee paid by mistake or any amount paid in excess of that required.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 449 is amended by adding after the item relating to section 44938 the following:

''44939. Passenger and baggage screening fee.''.

(c) EXEMPTIONS.—Section 44915 is amended by striking ''and 44936'' and inserting ''44936, and 44939''.

SEC. 109. AUTHORIZATIONS OF APPROPRIATIONS.

(a) IN GENERAL.—Subchapter II of chapter 449 is further amended by adding at the end the following:

''§ 44940. Authorizations of appropriations

''(a) OPERATIONS OF TRANSPORTATION SECURITY ADMINISTRATION.—There are authorized to be appropriated such sums as may be necessary for the operations of the Transportation Security Administration, including the functions of the Administration under section 44901(d) if the fees imposed under section 44939 are insufficient to cover the costs of such functions.

''(b) GRANTS FOR AIRCRAFT SECURITY.—There is authorized to be appropriated $500,000,000 for the Secretary of Transportation to make grants to air carriers to—

''(1) fortify cockpit doors to deny access from the cabin to the pilots in the cockpit;

''(2) provide for the use of video monitors or other devices to alert the cockpit crew to activity in the passenger cabin;

''(3) ensure continuous operation of the aircraft transponder in the event the crew faces an emergency; and

''(4) provide for the use of other innovative technologies to enhance aircraft security.

''(c) AIRPORT SECURITY.—

''(1) IN GENERAL.—There is authorized to be appropriated to the Secretary for fiscal years 2002 and 2003 a total of $1,500,000,000 to reimburse airport operators for direct costs incurred by such operators to comply with new, additional, or revised security requirements imposed on such operators by the Federal Aviation Administration or Transportation Security Administration on or after September 11, 2001. Such sums shall remain available until expended.

''(2) CONDITIONS.—Before providing financial assistance to an airport operator with funds appropriated pursuant to paragraph (1), the Secretary shall require the operator to provide assurances that the operator will—

''(A) meet with the tenants of the airport (other than air carriers and foreign air carriers) to discuss adjustments of the rent of the tenants to account for losses in revenue incurred by the tenants on and after September 11, 2001; and

''(B) provide to the Secretary an itemized list of costs incurred by the operator to comply with the security requirements described in paragraph (1), including costs relating to landing fees, automobile parking revenues, rental cars, restaurants, and gift shops.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 449 is amended by adding after the item relating to section 44939 the following:

''44940. Authorizations of appropriations.''.

SEC. 110. LIMITATION ON LIABILITY FOR ACTS TO THWART CRIMINAL VIOLENCE OR AIRCRAFT PIRACY.

Section 44903 is amended by adding at the end the following:

''(h) LIMITATION ON LIABILITY FOR ACTS TO THWART CRIMINAL VIOLENCE OR AIRCRAFT PIRACY.—An individual shall not be liable for damages in any action brought in a Federal or State court arising out of the acts of the individual in attempting to thwart an act of criminal violence or piracy on an aircraft if that individual in good faith believed that such an act of criminal violence or piracy was occurring or was about to occur.''.

SEC. 111. PASSENGER MANIFESTS.

Section 44909 is amended by adding at the end the following:

''(c) FLIGHTS IN FOREIGN AIR TRANSPORTATION TO THE UNITED STATES.—

''(1) IN GENERAL.—Not later than 60 days after the date of enactment of this subsection, the Under Secretary of Transportation for Security shall require each air carrier and foreign air carrier operating a passenger flight in foreign air transportation to the United States to provide to the Under Secretary by electronic transmission a passenger and crew manifest containing the information specified in paragraph (2).

''(2) INFORMATION.—A passenger and crew manifest for a flight required under paragraph (1) shall contain the following information:

''(A) The full name of each passenger and crew member.

''(B) The date of birth and citizenship of each passenger and crew member.

''(C) The sex of each passenger and crew member.

''(D) The passport number and country of issuance of each passenger and crew member if required for travel.

''(E) The United States visa number or resident alien card number of each passenger and crew member, as applicable.

''(F) The passenger name record of each passenger.

''(G) Such other information as the Under Secretary, by regulation, determines is reasonably necessary to ensure aviation safety.

''(3) TRANSMISSION OF MANIFEST.—Subject to paragraph (4), a passenger and crew manifest required for a flight under paragraph (1) shall be transmitted to the Under Secretary in advance of the aircraft landing in the United States in such manner, time, and form as the Under Secretary prescribes.

''(4) TRANSMISSION OF MANIFESTS TO OTHER FEDERAL AGENCIES.—The Under Secretary may require by regulation that a passenger and crew manifest required for a flight under paragraph (1) be transmitted directly to the head of another Federal agency.''.

SEC. 112. TRANSPORTATION SECURITY OVERSIGHT BOARD.

(a) IN GENERAL.—Chapter 449 is amended by adding at the end the following:

''SUBCHAPTER III—TRANSPORTATION SECURITY OVERSIGHT BOARD

''§ 44951. Transportation Security Oversight Board

''(a) IN GENERAL.—There is established a board to be known as a 'Transportation Security Oversight Board'.

''(b) MEMBERSHIP.—

''(1) NUMBER AND APPOINTMENT.—The Board shall be composed of 5 members as follows:

''(A) The Secretary of Transportation (or the Secretary's designee).

''(B) The Attorney General (or the Attorney General's designee).

''(C) The Secretary of the Treasury (or the Secretary's designee).

''(D) The Secretary of Defense (or the Secretary's designee).

''(E) One member appointed by the President to represent the National Security Council or the Office of Homeland Security.

''(2) CHAIRPERSON.—The Chairperson of the Board shall be the Secretary of Transportation.

''(c) DUTIES.—The Board shall—

''(1) review and ratify or disapprove any regulation or security directive issued by the Under Secretary of Transportation for security under section 114(h)(2) within 30 days after the date of issuance of such regulation or directive;

''(2) share intelligence information with the Under Secretary;

''(3) review—

''(A) plans for transportation security;

''(B) standards established for performance of airport security screening personnel;

''(C) compensation being paid to airport security screening personnel;

''(D) procurement of security equipment;

''(E) selection, performance, and compensation of senior executives in the Transportation Security Administration;

''(F) waivers granted by the Under Secretary under section 120 of the Airport Security Federalization Act of 2001 and may ratify or disapprove such waivers; and

''(G) budget requests of the Under Secretary; and

''(4) make recommendations to the Under Secretary regarding matters reviewed under paragraph (3).

''(d) QUARTERLY MEETINGS.—The Board shall meet at least quarterly.

''(e) CONSIDERATION OF SECURITY INFORMATION.—A majority of the Board may vote to close a meeting of the Board to the public when classified, sensitive security information, or information protected in accordance with section 40119(b), will be discussed.

''§ 44952. Advisory council

''(a) ESTABLISHMENT.—The Under Secretary of Transportation for Security shall establish an advisory council to be known as the 'Transportation Security Advisory Council'.

''(b) MEMBERSHIP.—The Council shall be composed of members appointed by the Under Secretary to represent all modes of transportation, transportation labor, screening companies, organizations representing families of victims of transportation disasters, and other entities affected or involved in the transportation security process.

''(c) DUTIES.—The Council shall provide advice and counsel to the Under Secretary on issues which affect or are affected by the operations of the Transportation Security Administration. The Council shall function as a resource for management, policy, spending, and regulatory matters under the jurisdiction of the Transportation Security Administration.

''(d) ADMINISTRATIVE MATTERS.—

''(1) MEETINGS.—The Council shall meet on a regular and periodic basis or at the call of the Chairperson or the Under Secretary.

''(2) ACCESS TO DOCUMENTS AND STAFF.—The Under Secretary may give the Council appropriate access to relevant documents and personnel of the Administration, and the Under Secretary shall make available, consistent with the authority to withhold commercial and other proprietary information under section 552 of title 5 (commonly known as the 'Freedom of Information Act'), cost data associated with the acquisition and operation of security screening equipment. Any member of the Council who receives commercial or other proprietary data from the Under Secretary shall be subject to the provisions of section 1905 of title 18, pertaining to unauthorized disclosure of such information.

''(3) CHAIRPERSON AND VICE CHAIRPERSON.—The Council shall elect a Chairperson and a Vice Chairperson from among the members, each of whom shall serve for a term of 2 years. The Vice Chairperson shall perform the duties of the Chairperson in the absence of the Chairperson.

''(4) TRAVEL AND PER DIEM.—Each member of the Council shall be paid actual travel expenses, and per diem in lieu of subsistence expenses when away from his or her usual place of residence, in accordance with section 5703 of title 5.

''(5) DETAIL OF PERSONNEL FROM THE ADMINISTRATION.—The Under Secretary shall make available to the Council such staff, information, and administrative services and assistance as may reasonably be required to enable the Council to carry out its responsibilities under this section.

''(e) FEDERAL ADVISORY COMMITTEE ACT NOT TO APPLY.—The Federal Advisory Committee Act (5 U.S.C. App.) does not apply to the Council.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 449 is amended by adding at the end the following:

''SUBCHAPTER III—TRANSPORTATION SECURITY OVERSIGHT BOARD

''44951. Transportation Security Oversight Board.

''44952. Advisory council.''.

SEC. 113. AIRPORT IMPROVEMENT PROGRAMS.

(a) COMPETITION PLAN.—Section 47106(f) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following:

''(3) SPECIAL RULE FOR FISCAL YEAR 2002.—This subsection does not apply to any passenger facility fee approved, or grant made, in fiscal year 2002 if the fee or grant is to be used to improve security at a covered airport.''.

(b) AIRPORT DEVELOPMENT DEFINED.—Section 47102(3) is amended by adding at the end the following:

''(J) hiring, training, compensating, or reimbursement for law enforcement personnel at a non-hub or small hub airport (as defined in section 41731).

''(K) in fiscal year 2002, any activity, including operational activities, of an airport that is not a primary airport if that airport is located within the confines of enhanced class B airspace, as defined by Notice to Airmen FDC 1/0618 issued by the Federal Aviation Administration.

''(L) in fiscal year 2002, payments for debt service on indebtedness incurred to carry out a project at an airport owned or controlled by the sponsor or at a privately owned or operated airport passenger terminal financed by indebtedness incurred by the sponsor if the Secretary determines that such payments are necessary to prevent a default on the indebtedness.''.

(c) REIMBURSEMENT FOR PAST EXPENSES.—Section 47110(b)(2) is amended—

(1) by striking ''or'' at the end of subparagraph (B);

(2) by inserting after the semicolon at the end of the subparagraph (C)(iii) ''or''; and

(3) by inserting at the end the following:

''(D) if the cost is incurred after September 11, 2001, for a project described in subparagraphs (J), (K), or (L) of section 47102(3) without regard to the date of execution of a grant agreement under this subchapter.''.

(d) FEDERAL SHARE.—Section 47109(a) is amended—

(1) by striking ''and'' at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting ''; and''; and

(3) by adding at the end the following:

''(5) 100 percent for a project described in subparagraphs (J), (K), or (L) of section 47102(3).''.

(e) CONFORMING AMENDMENT TO AIRPORT AND AIRWAY TRUST FUND.—Section 9502(d)(1)(A) of the Internal Revenue Code of 1986 (relating to airport and airway program) is amended by inserting ''or the Airport Security Federalization Act of 2001'' after ''21st Century''.

SEC. 114. TECHNICAL CORRECTIONS.

(a) REPORT DEADLINE.—Section 106(a) of the Air Transportation Safety and System Stabilization Act (Public Law 107–42) is amended by striking ''February 1, 2001'' and inserting ''February 1, 2002''.

(b) INSURANCE AND REINSURANCE OF AIRCRAFT.—Section 44306(c) (as redesignated by section 201(d) of such Act) is amended by inserting ''in the interest of air commerce or national security'' before ''to carry out foreign policy''.

(c) FEDERAL CREDIT INSTRUMENTS.—Section 102(c)(2)(A) of such Act is amended by striking ''representatives'' and inserting ''representations''.

(d) MAXIMUM AMOUNT OF COMPENSATION PAYABLE PER AIR CARRIER.—Section 103 of such Act is amended by adding at the end the following:

''(d) COMPENSATION FOR AIR CARRIERS PROVIDING AIR AMBULANCE SERVICES.—

''(1) SET-ASIDE.—The President may set aside a portion of the amount of compensation payable to air carriers under section 101(a)(2) to provide compensation to air carriers providing air ambulance services. The President shall reduce the $4,500,000,000 specified in subsection (b)(2)(A)(i) by the amount set aside under this subsection.

''(2) DISTRIBUTION OF AMOUNTS.—The President shall distribute the amount set aside under this subsection proportionally among air carriers providing air ambulance services based on an appropriate auditable measure, as determined by the President.''.

SEC. 115. ALCOHOL AND CONTROLLED SUBSTANCE TESTING.

Chapter 451 is amended—

(1) by striking ''contract personnel'' each place it appears and inserting ''personnel'';

(2) by striking ''contract employee'' each place it appears and inserting ''employee'';

(3) in section 45106(c) by striking ''contract employees'' and inserting ''employees'';

(4) by inserting after section 45106 the following:

''§ 45107. Transportation Security Administration

''(a) TRANSFER OF FUNCTIONS RELATING TO TESTING PROGRAMS WITH RESPECT TO AIRPORT SECURITY SCREENING PERSONNEL.—The authority of the Administrator of the Federal Aviation Administration under this chapter with respect to programs relating to

testing of airport security screening personnel are transferred to the Under Secretary of Transportation for Security. Notwithstanding section 45102(a), the regulations prescribed under section 45102(a) shall require testing of such personnel by their employers instead of by air carriers and foreign air carriers.

''(b) APPLICABILITY OF CHAPTER WITH RESPECT TO EMPLOYEES OF ADMINISTRATION.—The provisions of this chapter that apply with respect to employees of the Federal Aviation Administration whose duties include responsibility for safety-sensitive functions shall apply with respect to employees of the Transportation Security Administration whose duties include responsibility for security-sensitive functions. The Under Secretary of Transportation for Security, the Transportation Security Administration, and employees of the Transportation Security Administration whose duties include responsibility for security-sensitive functions shall be subject to and comply with such provisions in the same manner and to the same extent as the Administrator of the Federal Aviation Administration, the Federal Aviation Administration, and employees of the Federal Aviation Administration whose duties include responsibility for safety-sensitive functions, respectively.''; and

(5) in the analysis for such chapter by inserting after the item relating to section 45106 the following:

''45107. Transportation Security Administration.''.

SEC. 116. CONFORMING AMENDMENTS TO SUBTITLE VII.

(a) RECORDS OF EMPLOYMENT OF PILOT APPLICANTS.—Part A of subtitle VII is amended—

(1) by moving subsections (f), (g), and (h) of section 44936 from section 44936, inserting them at the end of section 44703, and redesignating them as subsections (h), (i), and (j), respectively; and

(2) in subsections (i) and (j) of section 44703 (as moved to the end of section 44703 by paragraph (1) of this subsection), by striking ''subsection (f)'' each place it appears and inserting ''subsection (h)''.

(b) INVESTIGATIONS AND PROCEDURES.—Chapter 461 is amended—

(1) in each of sections 46101(a)(1), 46102(a), 46103(a), 46104(a), 46105(a), 46106, 46107(b), and 46110(a) by inserting after ''(or'' the following: ''the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary or'';

(2) by striking ''or Administrator'' each place it appears and inserting '', Under Secretary, or Administrator'';

(3) in section 46101(a)(2) by striking ''of Transportation or the'' and inserting '', Under Secretary, or'';

(4) in section 46102(b) by striking ''and the Administrator'' and inserting '', the Under Secretary, and the Administrator'';

(5) in section 46102(c) by striking ''and Administrator'' each place it appears and inserting '', Under Secretary, and Administrator'';

(6) in each of sections 46102(d) and 46104(b) by inserting ''the Under Secretary,'' after ''Secretary,'';

(7) in the heading to section 46106 by striking ''**Secretary of Transportation and Administrator of the Federal Aviation Administration**'' and inserting ''**Department of Transportation**''; and

(8) in the item relating to section 46106 of the analysis for such chapter by striking ''Secretary of Transportation and Administrator of the Federal Aviation Administration'' and inserting ''Department of Transportation''.

(c) ADMINISTRATIVE.—Section 40113 is amended—

(1) in subsection (a)—

(A) by inserting after ''(or'' the following: ''the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary or''; and

(B) by striking ''or Administrator'' and inserting '', Under Secretary, or Administrator''; and

(2) in subsection (d)—

(A) by inserting after ''The'' the following: ''Under Secretary of Transportation for Security or the'';

(B) by striking ''Administration'' the second place it appears and inserting ''Transportation Security Administration or Federal Aviation Administration, as the case may be,''; and

(C) by striking ''the Administrator decides'' and inserting ''the Under Secretary or Administrator, as the case may be, decides''.

(d) PENALTIES.—Chapter 463 is amended—

(1) in section 46301(d)(2)—

(A) by striking '', chapter 449 (except sections 44902, 44903(d), 44907(a)–(d)(1)(A) and (d)(1)(C)–(f), 44908, and 44909),'';

(B) by inserting after the first sentence the following: ''The Under Secretary of Transportation for Security may impose a civil penalty for a violation of chapter 449 (except sections 44902, 44903(d), 44907(a)–(d)(1)(A), 44907(d)(1)(C)–(f), 44908, and 44909) or a regulation prescribed or order issued under such chapter 449.''; and

(C) by inserting ''Under Secretary or'' before ''Administrator shall'';

(2) in each of paragraphs (3) and (4) of section 46301(d) by striking ''Administrator'' each place it appears and inserting ''Under Secretary or Administrator'';

(3) in section 46301(d)(8) by striking ''Administrator'' and inserting ''Under Secretary, Administrator,'';

(4) in section 46301(h)(2) by inserting after ''(or'' the following: ''the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary or'';

(5) in section 46303(c)(2) by inserting ''or the Under Secretary of Transportation for Security'' after ''Federal Aviation Administration'';

(6) in section 46311—

(A) by inserting after ''Transportation,'' the following: ''the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary,'';

(B) by inserting after ''Secretary,'' each place it appears the following: ''Under Secretary,''; and

(C) by striking ''or Administrator'' each place it appears and inserting '', Under Secretary, or Administrator'';

(7) in each of sections 46313 and 46316 by inserting after ''(or'' the following: ''the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary or''; and

(8) in section 46505(d)(2) by inserting ''or the Under Secretary of Transportation for Security'' after ''Federal Aviation Administration''.

SEC. 117. SAVINGS PROVISION.

(a) TRANSFER OF ASSETS AND PERSONNEL.—Except as otherwise provided in this Act, those personnel, property, and records employed, used, held, available, or to be made available in connection with a function transferred to the Transportation Security Administration by this Act shall be transferred to the Transportation Security Administration for use in connection with the functions transferred. Unexpended balances of appropriations, allocations, and other funds made available to the Federal Aviation Administration to carry out such functions shall also be transferred to the Transportation Security Administration for use in connection with the functions transferred.

(b) LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, grants, loans, contracts, settlements, agreements, certificates, licenses, and privileges—

(1) that have been issued, made, granted, or allowed to become effective by the Federal Aviation Administration, any officer or employee thereof, or any other Government official, or by a court of competent jurisdiction, in the performance of any function that is transferred by this Act; and

(2) that are in effect on the effective date of such transfer (or become effective after such date pursuant to their terms as in effect on such effective date), shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the Under Secretary of Transportation for Security, any other authorized official, a court of competent jurisdiction, or operation of law.

(c) PROCEEDINGS.—

(1) IN GENERAL.—The provisions of this Act shall not affect any proceedings or any application for any license pending before the Federal Aviation Administration at the time this Act takes effect, insofar as those functions are transferred by this Act; but such proceedings and applications, to the extent that they relate to functions so transferred, shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law.

(2) STATUTORY CONSTRUCTION.—Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any proceeding described in paragraph (1) under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this Act had not been enacted.

(3) ORDERLY TRANSFER.—The Secretary of Transportation is authorized to provide for the orderly transfer of pending proceedings from the Federal Aviation Administration.

(d) SUITS.—

(1) IN GENERAL.—This Act shall not affect suits commenced before the date of the enactment of this Act, except as provided in paragraphs (2) and (3). In all such suits, proceeding shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this Act had not been enacted.

(2) SUITS BY OR AGAINST FAA.—Any suit by or against the Federal Aviation Administration begun before the date of the enactment of this Act shall be continued, insofar as it involves a function retained and transferred under this Act, with the Transportation Security Administration (to the extent the suit involves functions transferred to the Transportation Security Administration under this Act) substituted for the Federal Aviation Administration.

(3) REMANDED CASES.—If the court in a suit described in paragraph (1) remands a case to the Transportation Security Administration, subsequent proceedings related to such case shall proceed in accordance with applicable law and regulations as in effect at the time of such subsequent proceedings.

(e) CONTINUANCE OF ACTIONS AGAINST OFFICERS.—No suit, action, or other proceeding commenced by or against any officer in his

official capacity as an officer of the Federal Aviation Administration shall abate by reason of the enactment of this Act. No cause of action by or against the Federal Aviation Administration, or by or against any officer thereof in his official capacity, shall abate by reason of the enactment of this Act.

(f) EXERCISE OF AUTHORITIES.—Except as otherwise provided by law, an officer or employee of the Transportation Security Administration may, for purposes of performing a function transferred by this Act or the amendments made by this Act, exercise all authorities under any other provision of law that were available with respect to the performance of that function to the official responsible for the performance of the function immediately before the effective date of the transfer of the function under this Act.

(g) ACT DEFINED.—In this section, the term ''Act'' includes the amendments made by this Act.

SEC. 118. BUDGET SUBMISSIONS.

The President's budget submission for fiscal year 2003 and each fiscal year thereafter shall reflect the establishment of the Transportation Security Administration.

SEC. 119. AIRCRAFT OPERATIONS IN ENHANCED CLASS B AIRSPACE.

Notice to Airmen FDC 1/0618 issued by the Federal Aviation Administration, and any other regulation, order, or directive that restricts the ability of United States registered aircraft to conduct operations under part 91 of title 14, Code of Federal Regulations, in enhanced class B airspace (as defined by such Notice), shall cease to be in effect beginning on the 10th day following the date of the enactment of this Act, unless the Secretary of Transportation publishes a notice in the Federal Register before such 10th day reimposing the restriction and explaining the reasons for the restriction.

SEC. 120. WAIVERS FOR CERTAIN ISOLATED COMMUNITIES.

(a) IN GENERAL.—In any case in which a restriction is imposed on an air carrier (as defined in section 40102 of title 49, United States Code) for reasons of national security by any government agency, the Under Secretary of Transportation for Security may grant a waiver from such restrictions for the carriage of cargo, mail, patients, and emergency medical supplies (and associated personnel) on flights to or from a community that is not accessible by road, or that is more than 200 miles, from a hub airport (as defined in section 41731 of such title).

(b) REVIEW AND DISAPPROVAL.—Any grant of a waiver by the Under Secretary under this section shall be subject to review and disapproval by the Transportation Security Oversight Board.

(c) LIMITATIONS.—The Board may impose reasonable limitations on any waiver granted under this section.

SEC. 121. ASSESSMENTS OF THREATS TO AIRPORTS.

Section 44904 is amended by adding at the end the following:

''(d) PASSENGER VEHICLES.—

''(1) THREAT ASSESSMENT.—An operator of an airport with scheduled passenger service, in consultation with appropriate State or local law enforcement authorities, may conduct a threat assessment of the airport to determine whether passenger vehicles should be permitted to park within 300 feet of the airport terminal building.

''(2) REMOVAL OF CERTAIN RESTRICTIONS.—If the airport operator, after consultation with the appropriate State or local law enforcement authorities, determines that safeguards are in place to sufficiently protect public safety and so certifies, in writing, to the Secretary of Transportation, any rule, order, or other directive of the Secretary prohibiting the parking of passenger vehicles within 300 feet of an airport terminal building shall not apply to the terminal building at such airport.''.

SEC. 122. REQUIREMENT TO HONOR PASSENGER TICKETS OF OTHER CARRIERS.

(a) IN GENERAL.—Subchapter I of chapter 417 is amended by adding at the end the following:

''§ 41722. Requirement to honor passenger tickets of other carriers

''Each air carrier that provides scheduled air transportation on a route shall provide, to the extent practicable, air transportation to passengers ticketed for air transportation on that route by any other air carrier that suspends, interrupts, or discontinues air passenger service on the route by reason of an act of war or terrorism or insolvency or bankruptcy of the carrier.''.

(b) CONFORMING AMENDMENT.—The analysis for such subchapter is amended by adding at the end the following:

''41722. Requirement to honor passenger tickets of other carriers.''.

SEC. 123. SENSE OF CONGRESS ON CERTAIN AVIATION MATTERS.

(a) FLIGHT SERVICE STATION EMPLOYEES.—It is the sense of Congress that the Administrator of the Federal Aviation Administration should continue negotiating in good faith with flight service station employees of the Administration with a goal of reaching agreement on a contract as soon as possible.

(b) WAR RISK INSURANCE.—It is the sense of Congress that the Secretary of Transportation should implement section 202 of the Air Transportation Safety and System Stabilization Act (Public Law 107–42) so as to make war risk insurance available to vendors, agents, and subcontractors of general aviation aircraft.

(c) TRANSPORT OF ANIMALS.—It is the sense of Congress that an air carrier that transports mail under a contract with the United States Postal Service should transport any animal that the Postal Service allows to be shipped through the mail.

(d) SCREENING.—It is the sense of Congress that the Under Secretary of Transportation for Security should require, as soon as practicable, that all property carried in a passenger aircraft in air transportation or intrastate air transportation (including checked baggage) be screened by any currently available means, including X-ray machine, hand-held metal detector, explosive detection system equipment, or manual search.

(e) CONTRACTS FOR AIRPORT SECURITY SERVICES.—It is the sense of Congress that, in awarding a contract for airport security services, the Under Secretary of Transportation for Security should, to the maximum extent practicable, award the contract to a firm that is owned and controlled by a citizen of the United States.

TITLE II—VICTIMS COMPENSATION

SEC. 201. LIMITATION ON LIABILITY FOR DAMAGES ARISING OUT OF CRASHES OF SEPTEMBER 11, 2001.

Section 408 of the Air Transportation Safety and System Stabilization Act (Public Law 107–42; 115 Stat. 240; 49 U.S.C. 40101 note) is amended—

(1) by amending the section heading to read as follows:

''SEC. 408. LIMITATION ON LIABILITY FOR DAMAGES ARISING OUT OF CRASHES OF SEPTEMBER 11, 2001.'';

(2) by amending subsection (a) to read as follows:

''(a) GENERAL LIMITATION OF LIABILITY.—Except as provided in this section, no Federal court or agency or State court or agency shall enforce any Federal or State law holding any person, or any State or political subdivision thereof, liable for any damages arising out of the hijacking and subsequent crashes of American Airlines flights 11 or 77, or United Airlines flights 93 or 175, on September 11, 2001.'';

(3) in subsection (b), by adding at the end the following new paragraphs:

''(4) DAMAGES.—If any party to any action brought under this subsection is determined to be liable—

''(A) no damages in the aggregate ordered by the court to be paid by such party shall exceed the amount of insurance, minus any payments made pursuant to a court approved settlement, which such party is determined to have obtained prior to September 11, 2001, and which is determined to cover such party's liability for any damages arising out of the hijacking and subsequent crashes of American Airlines flights 11 or 77, or United Airlines flights 93 or 175, on September 11, 2001;

''(B) such party shall not be liable for interest prior to the judgment or for punitive damages intended to punish or deter; and

''(C) the court shall reduce the amount of damages awarded to a plaintiff by the amount of collateral source compensation that the plaintiff has received or is entitled to receive as a result of the terrorist-related aircraft crashes of September 11, 2001.

''(5) ATTORNEYS' FEES.—Reasonable attorneys' fees for work performed in any action brought under this subsection shall be subject to the discretion of the court, but in no event shall any attorney charge, demand, receive, or collect for services rendered, fees in excess of 20 percent of the damages ordered by the court to be paid pursuant to this subsection, or in excess of 20 percent of any court approved settlement made of any claim cognizable under this subsection. Any attorney who charges, demands, receives, or collects for services rendered in connection with such claim any amount in excess of that allowed under this subsection, if recovery be had, shall be fined not more than $2,000 or imprisoned not more than one year, or both.'';

(4) by amending subsection (c) to read as follows:

''(c) EXCLUSION.—Nothing in this section shall in any way limit any liability of any person who—

''(1) hijacks any aircraft or commits any terrorist act; or

''(2) knowingly participates in a conspiracy to hijack any aircraft or commit any terrorist act.''; and

(5) by adding at the end the following new subsections:

''(d) DISCLAIMER.—Nothing herein implies that any person is liable for damages arising out of the hijacking and subsequent crashes of American Airlines flights 11 or 77, or United Airlines flights 93 or 175, on September 11, 2001.

''(e) STATE DEFINED.—In this section, the term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the United States Virgin Islands, Guam, American Samoa, and any other territory of possession of the United States or any political subdivision of any of the foregoing.''.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill (H.R. 3150) was laid on the table.

APPOINTMENT OF CONFEREES

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that the House insist on its amendment to the Senate bill, S. 1447, and request a conference with the Senate thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. OBERSTAR

Mr. OBERSTAR. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. OBERSTAR moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the House amendment on the bill (S. 1447), to improve aviation security, and for other purposes, be instructed to make every effort to resolve all differences between the two Houses as soon as possible, and no later than Friday, November 9, 2001.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Alaska (Mr. YOUNG) each will control 30 minutes.

The Chair recognizes the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we had a very lively and in-depth debate last week on the aviation security measure pending before us, and I again wish to express my appreciation to the chairman for the distinguished manner in which he conducted the debate on his side, and to the chairman of the subcommittee, the gentleman from Florida (Mr. MICA), for the evenhanded manner in which the debate was conducted.

I am also very grateful for the kind words that both gentlemen expressed toward me and toward other Members on our side at the conclusion of debate. I think that is the spirit in which this body operates at its best.

Last week, it was widely agreed that we needed to act on aviation security. We should have acted on the 14th. We tried. We got a compensation bill to the floor. It was objected to.

We came back a week later on the 21st. We should then have, I think it was agreed that it would be ideal to have dealt with restoration of airline finances and security in the same moment, in the same piece of legislation. For other reasons, that could not be done at the time.

Now, time has passed, and the issue has become more complicated.

In the time since enactment of the Airline Financial Stabilization package, which was necessary, we had to do that, but to get people back on airplanes requires more than financially stable air carriers. It requires travelers who are confident that when they board an aircraft, they will arrive at their destination safely. Those who were white-knuckle flyers before September 11 are now gripping their seats in fear and concern for their lives.

We have also seen highly publicized incidents where the private screener work force have allowed guns and knives through security checkpoints. The FAA has had to step in, and in one incident reported in the course of debate last Thursday at JFK Airport, had to take people off airplanes, put them back in the terminal, search the aircraft, review all passengers once again, and delay flights for hours. That is unacceptable, to say the very least.

We have assurances from the administration that it was not necessary to pass the bill that originated in the other body and sent to the President, because the House and the Senate both could act quickly to resolve their differences and that we would have a resolution of this issue within a week. Well, that week is nearing its close. Conferees should have been appointed last week before we concluded.

I asked the majority leader late in the evening when conferees would be named, and he said, well, it would be done first thing in the week. Well, this is first thing in the week. We have a lot of ground to cover. Conferees need to be named. We have to move quickly to get a bill through conference and through both bodies and to the President, and we have a big mountain to climb.

Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

I appreciate the words of the gentleman from Minnesota (Mr. OBERSTAR) and his role and his dedication to security. I too want to move this legislation as quickly as possible. I do compliment him on the motion to instruct, because we all want to get this job done.

Unfortunately, I cannot control everything that happens in this House, although I would like to. I will tell my colleagues that up front. I cannot control what the other body does. But I intend myself, personally, to see if we cannot expedite this process, and that means going to conference and working with the Senate conferees, with them hopefully having an open mind to the proposal which passed this House overwhelmingly last week.

I am confident that that can occur. I hope it will occur very rapidly. It is our intent to draft the perfect legislation for the security of the traveling public in the United States.

Again, we are doing what we can do in this House. I cannot speak for the other body, but we will do our job. With the working relationship I believe we have, we will be able to accomplish that.

Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. DEFAZIO), and I yield myself 10 seconds to express my great appreciation to the gentleman for his 15 years of effort on aviation safety and security issues and for his leadership in fashioning the legislation that we crafted in committee.

Mr. DEFAZIO. Mr. Speaker, I thank the gentleman for yielding time. I share the sentiments of the chairman of the committee that we should engage the Senate immediately and aggressively and get a bill done this week. I do not believe that we can do any less for the American people. We are coming up on what is traditionally the busiest travel time of the year, Thanksgiving, but we have yet to enact any more comprehensive measures on the issue of aviation security since the attacks on September 11.

Mr. Speaker, we acted with great dispatch, although I did not support the legislation, to provide financial support to the industry. At that time, I attempted on a motion to recommit to include some security measures, and although a substantial number voted for that, it did not pass. But here we are now almost 2 months later, still waiting.

When I was flying out to Oregon on Friday, I was on a plane with a number of first responders, firefighters and medics who had been back here at the fire academy; and they were all sitting on the aisle, they were together, but they were all sitting along the aisle. And I said, you guys are all together, but you are not sitting together. They said, no, we are ready here on the aisle. If someone comes down this aisle, they are not getting past us to the flight deck.

Now, that kind of occurrence I think many frequent flyers are hearing almost every week. The passengers, the night crews, they are all making their own plans because they are waiting for Congress to act.

They watched the debate last week. They are disappointed that we did not go and adopt legislation that could have been immediately signed by the President. I had that flight crew tell me they were very disappointed and they hoped that this week, finally, Congress would act. The same thing I heard from the firefighters and many other frequent flyers. We have to act this week.

There are a number of myths that came out last week about the provision most in contention. It was alleged that there would be 31,000 new Federal employees. Well actually, if we federalize the screeners, that would be 16,200; that is as many as there are now. There has been a concession on the other side that there will be a Federal security officer at every screening point, so we cannot add in the supervisors, the checkpoint law enforcement officers, and all the other things the CBO used to get to this fantastical number of 31,000. So we are arguing over the status of 16,000 people.

Some are saying, perpetuate the status quo. Argenbright proved it again last weekend. The managers of that company should be in jail and fired, not the employees necessarily. How many times do they have to falsify documents? How many times do they have to hire known felons, maintain known

felons on staff, and run a slipshod organization until we realize that these private security companies are not getting the job done.

They have not gotten the job done for 30 years, and no amount of Federal oversight is going to get us there with these same companies. It just is not going to happen. These people are so used to abusing the system with impunity and profiting from it that they just want to perpetuate that.

At the minimum, we should at least disqualify companies who commit felonies from any further Federal contract, and the bill does not even do that that passed the House.

Mr. YOUNG of Alaska. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. MICA).

Mr. MICA. Mr. Speaker, I am pleased to come to the floor tonight and support the motion to instruct conferees. I think my colleagues on the minority side, the Democrat side have a good motion to instruct conferees. I think we all want to see this question resolved. The Congress wants to see it resolved, and I know the House Members here want to see it resolved. Most importantly, the American people want to see aviation and transportation security in place in time for Thanksgiving.

Let me respond to a couple of things that have been said. First, I want to thank the Democrat staff and the Republican staff on the House side for already meeting, and I think they have met for some time and have begun to work together; and that shows the bipartisan cooperation that is so necessary to draft, again, a comprehensive solution to our aviation and transportation security problems. I am very pleased that they have met.

I am sorry that the Senate staff has canceled several meetings to date, and I hope that they will come forward, because we do not want to delay.

I know we have some question right now about the number of conferees being appointed, and I think that that is important to resolve. The House is ready to go to work. I know the Democrat side is ready, and the Republican conferees stand ready, and I hope that Members in the other body will resolve their differences and get their conferees here as soon as possible. So I think this is a timely resolution, and I commend the minority for bringing it forward.

There are some questions about security in the interim, and I am pleased to be here tonight to say that these questions need to be answered. The American people need to know that this President and this administration have acted with due speed. Soon this week there will be an announcement that almost every major aircraft in the country has already had the cockpit doors secured; that, in fact, the President acted, and the Congress actually set up a program, and the airlines will be reimbursed for this cost, but the airlines also acted with speed. So the flying public will know that, in fact, when they take to the air this holiday that, in fact, these changes have been made.

We have been training Federal air marshals from the very beginning. This Congress appropriated funds. That program, I am also pleased to announce, is well under way at the direction of the President.

□ 1800

The President has also issued some intervening directives, and those are in place. We have National Guard at most of our airport locations. We have secured, with both local law enforcement and National Guard and Federal officials, our airports.

We have also put into place interim rules. But the gentleman is right, these are only interim solutions; and what we need is a long-term fix.

But I must say that for the American people, and as far as security is concerned, for Thanksgiving and their travel for the holidays, we do not want to deliver a turkey as far as aviation and transportation security legislation. We want a sound and a comprehensive plan; and we want it sooner, rather than later. So I am pleased to join my colleagues in that regard.

We introduced as a Congress in 1996 legislation to solve our aviation security problems, and it did not solve our problems. Again last year, this Congress acted with an aviation security bill, and that bill did not do the job.

President Bush has given us one directive. He said that it may take a little bit longer, but he has put in place these interim measures that did work. In fact, they worked at O'Hare, if we look at the case of the problems in O'Hare. The redundancy did in fact work, and that is important to take note of, that these protections the President and the administration have put in place on a temporary basis have worked.

We are not here to frighten the American people. We are telling them that we are here to do a responsible and comprehensive job. We are not here to sprinkle parsley around the turkey and say that this is a job well done, this is a beautiful piece of work. Everyone knows beyond the turkey that has been sprinkled with parsley that it did not do the job.

As far as the issue of the number of baggage screeners, I did not rate the other body's bill, the Congressional Budget Office did. They came up with the number of 31,000.

I would venture to say that if we take the legislation that we passed, with even stronger checked-baggage screening requirements, and if we had passed that with the Senate language, we would have a huge bureaucracy involved in this.

Do the American people want a huge bureaucracy, or do they want aviation security? That is really the question at hand.

We want a comprehensive plan. We take away the question and responsibility of aviation security from airlines. All of the legislation that is proposed, House, Senate, Republican, and Democrat, does that. But it is important that beyond that that we do not focus just on the issue of establishing a huge bureaucracy.

I think we need to look at these issues carefully. We may need a few more days. However, I do support strongly the motion to direct the conferees that is before us today.

Mr. OBERSTAR. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Maryland (Mr. WYNN).

Mr. WYNN. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, let me begin by acknowledging the gentleman's hard work, and as a matter of fact the hard work on both sides of the aisle. I think both the chairman and the ranking member worked very hard, and it was a well-intentioned effort.

Unfortunately, I have to take exception to the product that the House passed calling itself airport security.

Mr. Speaker, I strongly support the motion to instruct. I think we all do. We want to move quickly on this matter, and certainly by the end of this week we ought to have it resolved.

As I said, I do not believe the House product is the one that ought to be adopted. We have seen a virtual litany of security breaches over the last months. We would think that after September 11, that the private agencies that my Republican colleagues would like to rely on would have tightened up their ships. That has not been the case.

On October 23 out of New Orleans, a gun was brought on. Last week, at Kennedy Airport, there were massive breaches of security. Then this past weekend at Chicago Airport, a stun gun, seven knives, and a can of mace, through private security.

Mr. Speaker, my colleague interestingly says this redundancy at O'Hare shows that the system worked. Let me pose a question: What if the person who got through the first level of private security had used those weapons, those knives, that stun gun, that mace? We could have had the loss of life. We could have had serious injury. The fact of the matter is, private security has not worked.

If we want good screeners, we have to have good pay. We have to have benefits. It is clear that private companies, looking at the bottom line, will not provide this kind of pay, this kind of benefit, and provide us with the kind of quality screeners that we need.

If airport screening is truly an important job, and it absolutely is, we should have Federal employees out of the Justice Department performing this task.

Members will hear that we ought to adopt the European model. Clearly, the European model is not comparable. In Europe, each country perhaps has two or three airports. In this country, we have ten times that many. We cannot compare ourselves with the European

model that in fact has not worked as efficiently as some of my Republican colleagues would suggest.

What we do know is this: eighty-two percent of the American public wants a federalized security force. The Senate voted 100 to nothing for security at a Federal level. We ought to adopt a federalized security system, and we ought to do it quickly.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. MICA).

Mr. MICA. I appreciate the gentleman yielding time to me, Mr. Speaker.

Just to respond about the O'Hare incidents, as we look into the O'Hare incident, we find first of all Federal officials failed to detect this individual who was here on an expired visa. We find that Federal officials failed and let go this individual after he committed these violations. Actually, he was arrested when he came back.

We also find that Federal officials failed because Federal officials are the ones that decided on the level of technology, and the level of technology now deployed is flawed. We have even better technology that will detect all kinds of weapons.

Mr. Speaker, as I said in the debate last week, we can have someone with a Ph.D. If we have X-ray technology of the 70s and 80s, we cannot detect. That is part of the problem.

Mr. OBERSTAR. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Nevada (Ms. BERKLEY), a member of our committee.

Ms. BERKLEY. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise today in support of this motion to instruct conferees, Mr. Speaker. Aviation security is national security, and our government has the ultimate responsibility to ensure our national security.

Last week, at the very time when we were debating this bill on the floor, the FAA closed one of the terminals at JFK Airport after screeners were allowing passengers to enter the concourse without being adequately checked.

Yesterday, screeners allowed a man to bring seven knives and other weapons through a security checkpoint at O'Hare International Airport.

This system is broken. Passengers and baggage screeners are the front line of law enforcement in our airports. Law enforcement is a public responsibility. Highway troopers are public employees, not subcontractors of the road building industry. When we call 911, we are calling public law enforcement. Firefighters, police, and emergency personnel are public, not private, employees.

The current system of contracting out to the lowest bidder is unacceptable and irresponsible. Restoring the public's confidence in aviation safety and getting people back in the planes are extremely important to Las Vegas and other cities that depend on tourism. The longer it takes to implement effective security measures in our airports, the longer people will stay out of the air and the longer people will stay away from tourist destinations. Businesses will continue to suffer, and unemployment will continue to rise.

It is time that the House answers the call of our constituents who are demanding airline security and pass legislation as soon as possible.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. MICA).

Mr. MICA. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, let me just say that the House legislation, and our proposal, calls for Federal takeover of airport security. We admit there are defects in the present system and that no longer will the airlines, under our legislation, handle the issue of airport security.

The House proposal also requires Federal supervision of the screening process and the whole security plan. The Federal background checks are also required under our legislation, Federal testing and Federal oversight.

Let me just read from what the gentleman who I consider an expert, James E. Hall, chairman of the National Transportation Safety Board from 1994 until earlier this year, just said.

He said, ''Far too much time has been spent on the issues of screeners. We have got to address everything in the system.''

A comprehensive plan is so important. That is what we need to develop. We need to do it in a hurry. That is why I support the motion before us.

Mr. OBERSTAR. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Illinois (Mr. LIPINSKI), ranking member of our Subcommittee on Aviation.

Mr. LIPINSKI. Mr. Speaker, I wanted to get back to this O'Hare situation, Mr. Speaker, that the chairman of the subcommittee were talking about.

The gentleman volunteered at security that he had two knives. They put his bag through the X-ray machine; and they did not find the mace, the stun gun, or the other four knives.

He goes up to the counter or the gate at United. They were warned ahead of time that he bought a one-way ticket with cash, so they do stop him. They do talk to him. They then discover all of these other items.

Now, he also had a checked piece of luggage. No one bothered to go through that checked piece of luggage. It was put through a machine all right, but no one bothered to go through it.

He, because of all the confusion and everything going on regarding him, misses his flight to Omaha. His checked piece of luggage goes on that plane to Omaha.

Now, to me that is a total breakdown in the existing system that we have. We can blame the airlines, we can blame portions of the Federal Government, we can blame the screeners, we can blame everyone; but believe me, this is why we have to pass a new aviation security bill as quickly as possible, to protect the American people from things like this.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

In somewhat of a response, let us keep in mind that, unfortunately, we keep talking about the past. We all admit, including Secretary Mineta, President Bush, and myself, the chairman of the subcommittee, that the existing system does not work. What we are trying to do is pass the best system that will work.

I said it last week and I will say it this week: if I thought for one moment that the so-called bill from the other body, I am not going to say whatever it was, if I thought it would do a better job than what we have been able to put together, the gentleman from Minnesota (Mr. OBERSTAR) and myself, the gentleman from Florida (Mr. MICA), then I would have been supporting the other bill. It is that simple.

I hope we keep this on a level playing field tonight. In fact, what we are trying to do, and why I support the motion, is we are trying to expedite the process and send a message to the Senate to get off what they had, because in my heart, it will never happen on my watch, 100 percent their bill, because it does not do the job.

I want good security. We have a good product. We will go to conference. If they can improve it for better security, then I will support it. But I am not in this business just to make the talk shows on Sunday. A lot of that has been going on. I think that is not good for either body. Let us get the security that is necessary for the traveling public.

Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield myself 45 seconds.

I think we have the same goals at heart, but we cannot ignore what is happening. I realize that the chairman says this is in the past. We can only talk about what is in the past. If we talk about what is going to happen in the future, people will say we are just speculating.

But look what happened today. Our colleague, the gentleman from California (Mr. WAXMAN), reported a woman boarding a flight at Dulles Airport was unaware that her boarding pass had been mistakenly issued in a man's name. Her name is Maryann. The boarding pass was issued to Lester, with a different last name.

Maryann showed her photo ID at three checkpoints. No screening company employee noticed the difference between the ID and the boarding pass.

Mr. Speaker, these things keep happening. The idea of a piece of luggage going on an airplane without the passenger on board is a repetition of Pan Am 103. Unacceptable.

Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, unacceptable is what this bill is; but I rise to support the motion to instruct and am pleased to see that we can get bipartisanship on something on this motion to instruct.

Mr. Speaker, we do need quick resolution of this matter; but we have dug ourselves a hole, because if we look at the way the Congress has voted overwhelmingly, the Congress has voted against the House bill. If we put the Senate together with the House Democrats, how are we going to get some kind of compromise? My hat is off to those who try, but we must do so.

We must do so in no small part because this industry is failing because people will not get in planes. Why should they? People want one system. The reason they want Federal employees is they think they will get one system.

□ 1815

This industry is failing at a time when it was already in trouble and when the latest unemployment figures tell us that the whole Nation is in trouble. We knew the unemployment figures would be bad. They are much worse than we thought they would be.

Getting people into these planes, giving them the confidence to get into these planes is indeed just the kind of stimulus we need. We need it before Thanksgiving. What has happened to the District of Columbia is going to happen to your town as well. When people will not get in planes, then tourism goes down.

Virtually every place, large and small, in the country today is a tourist destination. If my colleagues have a rock in their district then it is a tourist destination, but nobody is coming there.

Our tourism industry is flat, broken down, gone, because of fear of flying. What will it take to get people in the air? What will it take to get them to the pre-September 11 notion that they can fly wherever they want to? We have got to get to the notion that we have a bill that means they are safe. We have got to fix this bill with Federal employees. We have got to let this bill fly, but it must fly right.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

I would like to remind people we did pass this bill with 269, I believe, votes in the House and that is an overwhelming majority. I am very proud of that; and again, I will say and repeat it again and again: just to do something to have a charade conveyed upon the people I will not be part of, just to say we passed something and say it does something when it does not do it. I am not going to rehash what happened last week in the sense that the other body's bill does not do it, and we do a disservice when we sell something to the public that is not really factually doing what we say it does.

Let us go to conference and see if we can solve this problem; but I also urge my colleagues to talk to the other body and suggest that since they have their feet dug in concrete, it is going to be a little difficult. But what we did last week was the right thing to do, was the right thing for the public, and it will be the right thing for the public in the future, not only today but in the future.

Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. MICA).

Mr. MICA. Mr. Speaker, I thank the gentleman from Alaska (Mr. YOUNG) for yielding the time, and I think if anyone looks at the proposal that was developed by the other side of the House and by the Republicans, it was almost identical, and most of it dealt with solving the problems that we see; and these problems will continue to reoccur, and we should not panic every day.

I did say that the President put in place a redundant system and the redundant system worked. United Airlines employees in their screening process, final screening process, detected this; but it did point out that the equipment, and I have a complete chronology of what took place at O'Hare, but the equipment, after again this luggage was placed through a second time, did not detect the weapons even at that point. The FAA set the parameters for that equipment, and that is why it is so important that the House legislation puts in place that rules be adopted.

Mr. OBERSTAR. Mr. Speaker, may I inquire of the Chair the time remaining on both sides?

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Minnesota (Mr. OBERSTAR) has 15¼ minutes remaining, and the gentleman from Alaska (Mr. YOUNG) has 17 minutes remaining.

Mr. OBERSTAR. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Speaker, I rise in strong support of the motion to instruct conferees.

Mr. Speaker, I am appalled. It has been 7 weeks since the tragic events of September 11, and we have yet to make any concrete progress in the House to instill the confidence in our aviation system that American travelers require and deserve.

While we stand here in this Chamber bickering over agency jurisdiction, the need to federalize and funding concerns, our aviation security apparatus continues to be breached at will.

On September 11, 19 hijackers boarded American airliners which led to the murder of thousands of innocent Americans. What has the House done in response to improve aviation security? Absolutely nothing yet.

Seven Dulles Airport employees failed a test initiated by airport security officials, allowing weapons through the heightened security checkpoint. How did we react? We did not do anything.

Just a few days ago, a man clears the security checkpoints at O'Hare Airport with knives, mace and a stun gun; and once again, we have done nothing.

Our unwillingness to move on this issue has put the safety of American people in extreme peril. It is clear the current system does not work.

The bill we passed in the House last week does not call for Federal law enforcement personnel to be entrusted with aviation security. Only the Senate version does.

The House bill simply calls for the oversight of private firms that have already proven themselves incapable of doing the job. It is time to face the facts. The underpaid, undermotivated, undervetted security personnel are not getting the job done.

We found out the hard way that the status quo was totally inadequate. Fool us once, shame on them. Fool us twice, shame on us.

The immediate Federal enforcement of the safety in our skies is required, and the Senate version of this bill accomplishes just that. We have dawdled long enough. Let us go to conference and pass legislation that achieves the goal which we all share: the safety and security of the flying public.

Mr. YOUNG of Alaska. Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Tennessee (Mr. FORD).

Mr. FORD. Mr. Speaker, the picture is clear: our airlines and airports simply lack the capacity and funding to fulfill this vital police function.

We have heard it from all of our colleagues at Louis Armstrong Airport where a man boarded a plane with a gun, learned in midair he had a revolver in his briefcase which sensibly or I guess presumably ran through the security checkpoint. At O'Hare Airport yesterday and certainly at JFK not long ago where the entire concourse was closed, all of this underscores the urgent need for increased security measures.

My colleague, the gentleman from Alaska (Mr. YOUNG), whom I have great respect for, has indicated he cannot in any way sign on to a federalization or what the Senate 100 to zero, all Republicans and all Democrats, supported. He simply cannot support that legislation.

Let me remind all of my colleagues that federalization is nothing more than a word for uniformity here: uniformity in training, standards and equipment. I do not suggest that my colleagues on the other side are driven by anything other than a desire to fix airport security installations, but how asinine and revolting to hear my friends and colleagues in this Chamber suggest that someone on this side, including the 49 Republicans in the Senate, are motivated by nothing more than an effort to increase political revenue and political support.

The generous and legal contributions that we enjoy from unions and my colleagues enjoy from these private companies, none of that should influence

the outcome of legislation, and we should separate that from this debate. If we want to fix that problem, let us pass campaign finance, but we are here today to discuss a motion to instruct the conferees.

I have heard some of my colleagues on the other side say, well, private companies are able to protect nuclear reactors, where there is secondary as well as back-up and increased back-up measures to ensure that those private companies have no access to what happens at those nuclear reactors.

I close on this note. For the first time in a long time the Congress is actually viewed favorably by the public. The week after the attacks on September 11, we acted as a body together. We stood on the steps and sang ''God Bless America'' and came together to support our President here in this Chamber. Let us not revert to the days in which we were viewed so unfavorably by the public. Let us have an airport security bill that protects the public. We have a Capitol Hill Police, a Secret Service, security for cabinet members. All of them are Federal law enforcement officials. The public deserves the same at our airports.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind Members not to attribute motives to the Senate.

Mr. YOUNG of Alaska. Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, could I inquire of my distinguished chairman how many speakers are on the other side?

Mr. YOUNG of Alaska. Mr. Speaker, we probably have one closing statement by myself or the gentleman from Florida (Mr. MICA) and that is it.

Mr. OBERSTAR. Mr. Speaker, they are a little sparse on the other side.

Mr. YOUNG of Alaska. Mr. Speaker, no, we know we are on the right side and we are not doing some of the other things that are being done. The gentleman knows what I am talking about.

Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, the gentleman is on the right-hand side of this Chamber; that is true.

Mr. Speaker, I yield 2 minutes and 20 seconds to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I cannot understand why we can be so nonchalant about what happened over the weekend. It should be a red flag.

After having debated an entire day and narrowly passing a bill at great contradiction with what the Senate passed 100 to nothing, deciding to give responsibility for the security of the people who fly in our Nation's airlines to the very same firms that are now responsible for that security. Apparently it was a victory for that industry, a $700 million a year industry. But look what happened over the weekend.

The very firm that has already gotten fined over $1 million because they were not training their people, when the Inspector General of the Department of Transportation went to Dulles Airport, they found 87 percent of the people that had been hired by Argenbright, a British firm, I am sure they want to do the right thing, but they had hired 87 percent not U.S. citizens. It is almost impossible to do adequate background checks. A number of them will be illegal felons, and a number of them had not received any training. And yet we go back and we entrust the security of the people of the United States to these very same firms in the House bill. And then over the weekend we find this guy, this Indiana Jones character with knives, with stun guns, with mace getting on to a plane having gone through the same Argenbright security system, the same system to which the House would entrust the security of the public that wants to use our airlines.

We have more flights going out of the airport at our Nation's capital, but it is not the number of flights. It is the number of passengers on those flights. And there are not a sufficient number of passengers.

Our airlines are going broke because the American public understands what the majority of the House seems unprepared to accept. It is not safe to fly on airlines unless we have professional people.

All we were trying to do is to have professional people, adequately trained, adequately compensated with sufficient background checks. It is the weakest link in our system. It has got to stop. The Senate bill repairs that leak. We should pass the Senate bill. Obviously, we should pass this resolution because we need security at our Nation's airports and we need it now.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I sometimes wonder what it is on that side of the aisle that everybody has to yell. That disturbs me. Is there a microphone breakdown somewhere?

Mr. MORAN of Virginia. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Alaska. No, I will not yield.

Mr. Speaker, I cannot understand it because I can hear them perfectly well, and I think they can hear me.

Maybe sometimes when there is a lot of noise, maybe there is, what I call a cumulation of facts.

Our bill says nothing, nothing about keeping the same contractors. Our bill sets high standards. Our bill requires new standards. Our bill requires federalization. I just do not quite understand why people will not accept that fact. If one truly has read the bill that was proposed last year and some would suggest we accept; and one truly believes that will give you security, then God bless you.

If one looks at what the gentleman from Minnesota (Mr. OBERSTAR) and I have been able to do, and the work product we put together, that will give us good security.

I even got my voice a little high this time. It must be the microphones. That is all I can suggest.

Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, what is the time remaining on both sides?

The SPEAKER pro tempore. Fifteen and a half minutes for the gentleman from Alaska (Mr. YOUNG); 9 minutes for the gentleman from Minnesota (Mr. OBERSTAR). Under the rules, the gentleman from Minnesota has the right to close.

Mr. OBERSTAR. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Mr. Speaker, I rise today also in support of the motion to instruct. And, specifically, I would like to voice my strong support for this section that would strike an egregious immigration provision in the Senate version of the bill. In essence, the category that would be created would require that anybody hired as a baggage screener to be a U.S. citizen and then wait 5 years to be able to be approved as one of those screeners.

I think this sets a double standard. We do not currently do that for Members of Congress or Senators. Why should we create a double standard there?

I do not believe that the other Chamber intentionally meant to segregate one class of citizens over the other; and if this immigration provision is included in the aviation security conference report, it would be a terrible precedent; and I view it as unconstitutional.

I would request that we remove that provision and that we vote for this motion to instruct.

Mr. YOUNG of Alaska. Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Maine (Mr. ALLEN).

□ 1830

Mr. ALLEN. Mr. Speaker, I rise in support of the motion to instruct. What we have here across the country is a system with private companies hiring people at the lowest possible wages with no benefit. The system is broken, it does not work, and the public knows that.

For example, the turnover in these screening positions is 126 percent a year. That means the average screener is on the job for 9 months. It is not possible to have a well-trained, well-educated work force with that kind of turnover.

At the root of this debate is a deep and profound suspicion of the Federal Government. For 20 years, my friends on the other side have been pounding away at the Federal Government and Federal employees, and now we need those employees. This job needs to be one where we have well-trained, professional Federal employees protecting the public.

I will just end by saying that in Portland, Maine, where I come from, they have not been able to hire enough security screeners to deal with the crush of people because they pay $7.50 an hour and they will not pay a penny more. It needs to change.

Mr. OBERSTAR. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Mrs. TAUSCHER).

Mrs. TAUSCHER. Mr. Speaker, I rise in strong support of the Democratic motion to instruct conferees to convene and complete a conference by this Friday, November 9. I was hopeful that the House would pass the Senate version of the airport security legislation last week so a conference could be avoided and the President could have signed a comprehensive bill by now.

Now that a conference is convening, I am hopeful that conferees will strike the provision requiring that airport security screeners must be a citizen for 5 years before being eligible for employment. We should not have a double standard for U.S. citizens that creates different levels of citizenship.

Mr. Speaker, we do not require people seeking to serve in our military or join the National Guard to be citizens for a certain period of time to be eligible. I might add that the National Guard is serving on the front line of airport security today, posted next to the screeners and heavily armed. Once someone becomes a U.S. citizen, they are a citizen, period.

Mr. Speaker, clearly the latest security breaches highlight the need to make radical and swift changes to our airport screening procedures. I am hopeful the conferees can reach a compromise as soon as possible. The American people are waiting.

Mr. OBERSTAR. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Mr. Speaker, we had 9 million passengers prior to September, 5 million afterwards. We have got a real problem and we all recognize it. Yes, this is not the answer that is going to save everything, but it definitely is headed in the right direction.

I was listening to the comments of the chairman about the redundancy in what we are creating. I think the gentleman is creating redundancy. It is the status quo. It submits the same low bids, submits the same private screeners, submits the same low wages, submits the same high turnover rates in terms of the workers.

The bottom line is that right now we have a real serious problem and we need to come to grips with the situation that is before us, and that is that we need well-trained law enforcement people there. We all recognize that if we have to travel, we are doing it, but for the average person and our families we are real concerned under this situation and we need to do the right thing.

The right thing to do is to put good law enforcement people there to make sure we do the right thing. So as we move forward, we need to recognize that and realize that we do have a problem.

Mr. OBERSTAR. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Chicago, Illinois (Mr. RUSH).

Mr. RUSH. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in support of the Democratic motion to instruct conferees.

Mr. Speaker, the American people will not allow themselves to be bamboozled. I know the airlines are not safe. Every Member of this body knows the airlines are not safe. The American people know that the airlines are not safe. The American people are demanding that the Congress, this body, make our airlines safe again. And allowing private companies to screen and search our bags is totally unacceptable. The American public deserves better than simple excuses.

Airline safety is a national security issue that deserves national security responses. The way to accomplish this is simple: We must federalize our airport security. There must be clear lines of accountability, and this cannot be delegated to the private sector.

Mr. Speaker, Christmas is upon us. America's families want to travel home and they must have safe and secure air travel.

Mr. OBERSTAR. Mr. Speaker, I yield 1 minute to the distinguished gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in strong support of his motion to instruct conferees. We know how to get a good airline security bill through Congress. We could have had the law by now. It is so straightforward, we can have it this week.

Americans are pragmatic. They know that the current system of low-bid, low-wage contractors does not work. It does not catch knives, it does not catch mace, and it does not catch stun guns. And the American public do not like Members of Congress who are so caught up in their ideology, so sure of themselves, that they will not listen to the other side and they will not listen to the American people.

Americans look at us in wonder. How can we be divided, stalled on this? We pass a $15 billion bailout bill for the airlines, but we cannot get around to simple airline security legislation? We might as well throw away the $15 billion of bailout money if we do not restore the confidence of passengers.

Empty planes, well-paid executives, and well-financed airlines is not the prescription for economic recovery.

Mr. OBERSTAR. Mr. Speaker, may I ask how much time remains?

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Minnesota has 3 minutes remaining.

Mr. OBERSTAR. Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG of Alaska. May I inquire of the gentleman if he has any other speakers, other than himself? I know he has the right to close.

Mr. OBERSTAR. I will have two speakers on our side, and we have 3 minutes left.

Mr. YOUNG of Alaska. Mr. Speaker, how many minutes do I have left?

The SPEAKER pro tempore. The gentleman from Alaska (Mr. YOUNG) has 15½ minutes remaining.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. MICA).

Mr. MICA. Mr. Speaker, we all want comprehensive aviation security legislation.

Some of the things that have been said may play well on television or with the media. I hope they are not really meant to make the public feel that it is unsafe to fly.

I have outlined what this administration has done. The President has put in place directives, and this week almost every major passenger aircraft in the country will have the cockpit doors secured. The President has ordered our air marshals to be trained; they are being trained. Other law enforcement personnel are being assigned to our aircraft. Secretary Mineta has announced a zero tolerance policy. That is why we have had the redundancy in place.

Even if we adopted the Senate's plan to employ some 31,000 new Federal employees, it will take 3 to 5 years to train them and get them in place. We need an interim plan.

We all agree that the current system does not work. No one is proposing we keep the current system. We are all proposing that the Federal Government take over that responsibility. So this is not the time to demagogue the issue. This is the time to pass comprehensive legislation.

We heard some of the speakers just a minute ago talk about taking away rights of citizens or not honoring rights of citizens. That was in the Senate bill, not our bill. We heard people talking about the same private screeners continuing. That is not in our bill. Our bill has Federal supervision, Federal management, Federal background checks, and a comprehensive ability to put in place the rules to get the best technology to detect this equipment.

We have waited years and years for the Federal Government to act. We have to have someone with both the responsibility and the authority to get in place emergency regulations dealing with equipment, dealing with screeners, dealing with all of these items, and do this in a businesslike fashion so that we have in place a long-term, comprehensive plan for aviation and transportation security.

We all want the same thing. I support this resolution. I think we should all move forward. We urged the other body to move forward, and I urge my colleagues to urge the other Members to move forward. I think we can do this. We all want to get to the same place. It is important that we have the best possible product in the end. The American people want nothing less, and I think that they expect us to come here and deliver that package.

Mr. OBERSTAR. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Illinois (Mr. LIPINSKI)

Mr. LIPINSKI. Mr. Speaker, I thank the gentleman for yielding me this time.

I think the chairman, the gentleman from Alaska (Mr. YOUNG), and the chairman of the subcommittee, the gentleman from Florida (Mr. MICA), and the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), and myself all have the same goal in mind: We want to produce the best possible security bill for aviation that we can.

I would simply like to go back once again to the O'Hare situation, though, so everyone realizes that the system is broken and the system has to be repaired as quickly as possible. Of the eight screeners who were suspended last Saturday by the FBI, three of them have criminal background records and one of them is a gang member. We cannot continue to allow people like this to handle the screening at our airports.

I am confident that very soon we can resolve this with the cooperation of all the conferees.

Mr. YOUNG of Alaska. Mr. Speaker, how much time do I have left?

The SPEAKER pro tempore. The gentleman from Alaska (Mr. YOUNG) has 12½ minutes remaining.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 6 minutes to the gentleman from Texas (Mr. DELAY).

Mr. DELAY. Mr. Speaker, I thank the chairman for yielding me this time, and I appreciate the debate, which is sort of an extension of the debate that happened last week.

I wanted to come down to the floor to congratulate the chairman and the ranking member for bringing this motion to instruct. I support the motion to instruct, but I wanted to explain a little bit about my perspective in this and, hopefully, clear the air.

What people need to understand, and I hope this House would understand, is that the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Alaska (Mr. YOUNG) and the gentleman from Florida (Mr. MICA) came to an agreement on a bill. The bill of the gentleman from Minnesota (Mr. OBERSTAR) is basically identical to the bill of the gentleman from Alaska (Mr. YOUNG), except for one part, and that is whether to nationalize the baggage screeners or to federalize them.

From our perspective, we think we ought to federalize them. From the point of view of the gentleman from Minnesota, he thinks they should be nationalized and Federal employees. That is the only real bone of contention on this bill.

The two men, the three men came together, as well as the gentleman from Illinois (Mr. LIPINSKI) too, came together and wrote a very good, strong security bill, which I congratulate everyone for doing. Of course, it got mired in the discussion of whether we ought to have the Senate bill, which is a fatally flawed piece of legislation, or the legislation that was almost worked out by the Committee on Transportation and Infrastructure.

So we get down to this one issue, because the difference between the House bill and the Senate bill is miles apart. It is a huge difference, because the Senate bill did not cover the airports, it only covered airlines and screeners. It did not cover the Tarmac. It did not provide security for the perimeter, the parking lots, the vendors, the caterers, and everything else. They did not do anything about other modes of transportation: bridges, ships, trains and others. The House bill did.

So it comes down to the screeners. Now, some, particularly in the other body, Mr. Speaker, they are comparing screeners to Capitol Hill Police. I have heard people say that the Capitol Hill Police protect us; why can the American people not at least have that kind of protection?

□ 1845

Mr. Speaker, I have to say that is an insult to the Capitol Hill Police. I have worked very closely with the Capitol Hill Police. They are highly trained law enforcement officers that deal with all kinds of issues. They are police that carry guns. In fact, there were two wonderful Capitol Hill officers that died in this building, one of them in my office; so I have the utmost respect for the Capitol Hill Police.

We are not asking highly qualified and highly trained law enforcement officers to stand by a screening machine and watch bags go through. We are saying those people should be highly trained, comply with the standards laid out by the Department of Transportation, comply with the criteria laid out by the Department of Transportation, and they should be certified by the Department of Transportation. And once we do that, we add value to that person. That person has a certification. That person is worth more, and it will attract highly qualified people.

The second issue, most people do not understand that the entire judicial branch contracts out their security. The Supreme Court contracts out their security. Even the DEA, the Drug Enforcement Agency, contracts out their security. So the Federal Government understands for specific cases they might want to use the private industry, and those kinds of individuals that are brought to this issue in the private industry.

My point is what we are trying to do is to design a model, a very good model by the way, according to the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Alaska (Mr. YOUNG), a model that brings security to all of our modes of transportation, part of that being the airlines and the airports.

What we are asking is to follow a model that has already been tried in Europe and Israel. A nationalized model is the model that they tried back in the 1970s and 1980s, and it was a disaster.

This model brings the flexibility of private industry under the accountability of the Federal Government. We will have badged law enforcement Department of Transportation people at each station where bags are being screened. We will have baggage screeners that are well trained and certified sitting there screening the baggage.

Mr. Speaker, my point is and what this argument is over is whether we nationalize these employees or federalize them. Nationalize them means, as an example, we want to nationalize all of the pilots that fly these planes. Right now we have a federalized system. The Department of Transportation through the FAA licenses these pilots; yet these pilots work for a private company. The same with flight attendants and mechanics. It works quite well. In fact, I would submit that it would be horrible if we nationalized the airlines and nationalized flight attendants and mechanics. The point here is that we have tried a nationalized system, as examples in Europe show us, and it does not work.

To bring the best security that we know how, we have designed in the House bill that is going to conference a system that actually brings security to the flying public and now people on the ground, a system that the President of the United States understands and supports and will bring us the security that the American people deserve.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to suggest that we go to conference. We should be talking about this motion. It is a good motion. It will expedite the process.

I would also like to suggest that the product we put together covers more than just airport security. The other body's bill is just airport security. We have ports, we have railroads, we have bridges, and we have pipelines. We have all forms of transportation that we have to make sure are secure.

I believe very strongly that the product that we voted on last week, 269 votes in favor of, does that job. Our job is to go to conference and see whether we can meld with what the other body wishes to do together into a comprehensive bill. I urge my colleagues to consider that. This is about working together and being able to compromise and understanding that we are all seeking the same thing, and that is a secure way of all forms of travel in the United States.

Mr. Speaker, I yield back the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I share the objective of the distinguished chairman to get to an early resolution. I do have to cite some misconceptions about the number of screeners that would be required in the proposal that I offer on behalf of

the Members on our side and the committee.

The number of 30,000-some people is just way beyond any imaginable number. The Congressional Budget Office number of 16,200 screeners is followed by a recitation of a whole series of supervisory personnel that totals 7,000 supervisors for 16,000 screeners. Maybe that is what they need in the private sector, but it is certainly not what we need in the public sector. That is simply not necessary. The distinguishing feature of the private sector approach is the profit that those companies have to make on each of those 23,000 or 31,000, whatever the number is. It kept getting inflated last week.

Furthermore, this so-called good system, in the private screeners, there are 1,700 civil penalties assessed against the airlines and their screening companies over the last 5 years for a total of $8 million in fines. The system failed. What failed miserably was not the system in Europe of government oversight. They simply shifted to smaller numbers of screeners with more vigorous and heavy, intensive government oversight and involvement and background screening and passenger profiling and positive passenger bag match to a more intensive screening system with fewer numbers of people.

Mr. Speaker, we need to move quickly to a resolution of the differences between the House and the Senate bills. The other body should yield on their insistence on the Justice Department, and move to our position of putting this position in the Department of Transportation; and we ought to reach compromises and yield on the screener workforce issues.

Mr. UDALL of Colorado. Mr. Speaker, I wish that we did not have to adopt this motion—but I strongly support it.

We should not have to have a conference on this legislation. Instead, the House should have approved the bill that was unanimously approved by the Senate—the bill I voted for last week—and sent to the President for signing into law. Unfortunately, that bill was rejected by a narrow margin.

This motion instructs the conferees to resolve their differences with the Senate version of this legislation and return a bill for the House's consideration by this Friday, November 9th.

In other words, it reminds the House conferees that with the normally busy holiday travel season just around the corner, it is urgent that Congress act to improve the safety of airline passengers and the health of our air transportation system.

No such reminder should be needed. But it has been nearly a week since the House Republican leadership defeated the Senate bill, thereby preventing improved aviation safety procedure from being immediately launched. And, as we saw with yesterday's security failure at Chicago O'Hare Airport, we can't afford to wait another week.

Aviation security is a matter of national security and public safety. It is part of the front line of our national defense and Congress should put in place an effective, federally managed system. I believe that baggage screeners should be part of a professional, highly skilled, highly trained law enforcement workforce and serve as the front line of our nation's defense. We would never consider contracting out the war in Afghanistan, and we shouldn't contract out airline security.

As I said last week, we need to put people before politics and action before acrimony. We need a strong aviation security bill—and we need it without more delay.

The conference committee must quickly produce a bill that improves the House bill and that holds contractors accountable for the aviation security system. The safety of airline passengers and of our air transportation system depends on it.

Mr. TIERNEY. Mr. Speaker, yesterday United Airlines and Argenbright Security were embarrassed to admit that they cleared a man through Chicago O'Hare Airport with seven knives and a stun gun. After enormous public outcry and international media exposure, they vowed to immediately take corrective action.

Yet only a couple of hours ago, they failed again.

A woman named Marianne went to Dulles Airport this afternoon to board a United Airlines flight to San Francisco. Marianne checked in at the United ticket counter, showed her ID, and cashed in miles from her account for an upgrade. United issued the upgrade, checked her luggage and issued Marianne a boarding pass.

From the United ticket counter Marianne proceeded to the Argenbright security checkpoint. She presented her ID and her boarding pass for inspection. Argenbright checked her through security.

Marianne arrived at the United gate. Again she was asked to show her ID and her boarding pass. Again she was cleared through security.

Marianne boarded the plane and sat in her seat.

A few minutes later, a man boarded the plane and said, ''you are sitting in my seat.'' Turns out, United had issued them both the same boarding pass—2 passes with the same name—HIS name—Lester.

United took Marianne off the plane, and told her that United had no record of her name in the system despite the fact that she had used miles from her account to get the upgrade; that there were 2 boarding passes issued to Lester and no seat listing for Marianne. Moreover, Marianne's luggage was checked in Lester's name and still headed to San Francisco.

United booked Marianne on a later flight to San Francisco. When her 3:30 flight lands in a few minutes from now, she will not only suffer the inconvenience of being several hours late through no fault of her own, but Marianne will have to go searching for her luggage under Lester's name. And who knows what will happen to her miles?

If the people in San Francisco pay as little attention as those at Dulles, that won't be a problem. But if they actually look at the name on her ID and the name on her baggage tags; if they actually deduce that Marianne, a female, is not Lester, a male, then she will have a lot of explaining to do.

The truth is, it's United and Argenbright who have a lot of explaining to do. It's the Republican majority, who voted last week to continue the status quo of contracting out airport security checkpoint work to the lowest bidder, who have some explaining to do.

Ms. MILLENDER-McDONALD. Mr. Speaker, today we have yet another chance to address aviation security exactly eight weeks after the tragic events of September 11th. It is the federal government's job to protect our country during times of war and from threats to our national security.

I want to urge my colleagues to support the motion to instruct conferees. This motion simple asks the conferees to resolve the differences between the Senate and House aviation security bills. This will finally enable Congress to produce an aviation security bill necessary to reassuring the traveling public that it is safe to use our aviation system.

This motion is particular prudent in light of the continuing failures at our nation's airports. The bill that the House adopted last week accepted more of the status quo. What does status quo equal, it equals more incidents like that at Chicago O'Hare on Sunday. Where once again the private contractor, Argenbright, charged with the security at the gate failed.

This is the same company that was fined a million dollars and placed on 36 months probation for failing to conduct required background checks and for hiring convicted felons and improperly training workers which provide security at U.S. airports. This is the same private contractor that the House version of the security bill will entrust with the security of your wife or husband, your son or daughter, your brother or sister, your best friend. Enough is enough let us fix aviation security the right way, support the motion to instruct conferees.

Mr. OBERSTAR. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Minnesota (Mr. OBERSTAR).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MORAN of Virginia. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put each question on which further proceedings were postponed earlier today.

Votes will be taken in the following order:

Suspend the rules and concur in the Senate amendments to H.R. 768, by the yeas and nays;

Suspend the rules and pass H.R. 1408, by the yeas and nays; and

Agree to the motion to instruct on Senate 1447, by the yeas and nays.

Votes on motions to suspend the rules on H.R. 2998, H.R. 582 and House Concurrent Resolution 262 will be taken tomorrow.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

NEED-BASED EDUCATIONAL AID ACT OF 2001

The SPEAKER pro tempore. The pending business is the question of suspending the rules and concurring in the Senate amendments to the bill, H.R. 768.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 768, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 400, nays 0, not voting 32, as follows:

[Roll No. 426]

YEAS—400

Abercrombie
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
Meehan
Meek (FL)
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pastor
Paul
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Sensenbrenner
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—32

Ackerman
Bonior
Borski
Brady (PA)
Burton
Capps
Conyers
Cubin
Engel
Jackson-Lee (TX)
Jones (OH)
Kilpatrick
Lewis (GA)
Lofgren
Lowey
Maloney (NY)
McCollum
McNulty
Meeks (NY)
Menendez
Nadler
Napolitano
Pallone
Pascrell
Payne
Riley
Rothman
Scott
Serrano
Sessions
Shays
Sweeney

□ 1914

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendments were concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on the additional motion to suspend the rules on which the Chair has postponed further proceedings and on the motion to instruct conferees, if ordered.

FINANCIAL SERVICES ANTIFRAUD NETWORK ACT OF 2001

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1408, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alabama (Mr. BACHUS) that the House suspend the rules and pass the bill, H.R. 1408, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 392, nays 4, not voting 36, as follows:

[Roll No. 427]

YEAS—392

Abercrombie
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)

Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
LoBiondo
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
Meehan
Meek (FL)
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pastor
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Sensenbrenner
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—4

Davis, Jo Ann
Flake
Paul
Smith (TX)

NOT VOTING—36

Ackerman
Borski
Brady (PA)
Burton
Capps
Conyers
Cubin
Engel
Jackson-Lee (TX)
Jones (OH)
Kilpatrick
Largent
Lewis (GA)
Linder
Lipinski
Lofgren
Lowey
Maloney (NY)
McCollum
McKinney
McNulty
Meeks (NY)
Menendez
Nadler
Pallone
Pascrell
Payne
Riley
Rothman
Scott
Serrano
Sessions
Shays
Sweeney
Watkins (OK)
Weiner

□ 1922

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCING THE DEATH OF THE HONORABLE EDWARD P. BOLAND

(Mr. NEAL of Massachusetts asked and was given permission to address the House for 1 minute.)

Mr. NEAL of Massachusetts. Mr. Speaker, I have the sad responsibility this evening of reporting to this Chamber that a very distinguished former Member of this institution, Edward P. Boland, died on Sunday evening.

Ed Boland served in this House for 36 years with distinction as a member of the Committee on Appropriations and as a chairman of the House Permanent Select Committee on Intelligence. He served in an institution that he revered. He represented the people of western and central Massachusetts with distinction. He was a patriot of the highest order and an individual who loved the notion that politics had meaning in American life.

In addition to that, for all of us that are gathered here tonight, just two quick lessons that have stuck in my mind for a long period of time as one who even served as an intern for him many years ago.

Mr. Speaker, in 36 years, Eddie Boland had one fund-raiser, and he was mad that he had to go to it. In 36 years, Mr. Speaker, Eddie Boland had one press conference when he announced that he was retiring. He would not issue a press release, and when members of the national press over the Boland amendment attempted to secure his favor, he simply said he would report to the hometown paper and to the people back home what he was doing, and that was about the size of it.

This institution mourns his passing. He was a great confidant of Tip O'Neill and of President Kennedy, as well as the Kennedy family, and this institution could not have had an individual who carried its reputation in better form.

Mr. Speaker, I yield to the gentleman from Massachusetts (Mr. MARKEY), the dean of the Massachusetts delegation.

Mr. MARKEY. Mr. Speaker, I thank the gentleman from Springfield, Mr. Boland's successor in Congress.

Eddie was elected as a State Representative in 1932 when Franklin Delano Roosevelt was elected President, and left in 1988 as George Bush was about to be elected President. He carried the same values throughout all of those years, and he came to be known, for all of those who are still here who served with him, as a legislative giant.

He lived with Tip O'Neill for 24 years as roommates in an apartment here in Washington, for the first 24 years of his career, before Tip brought Millie down when he was elected Speaker; and they said for those 24 years, the only thing that was ever in the refrigerator were cigars and orange juice.

In a lot of ways, with his passing, for Massachusetts politics, passes an era as well, that Tip O'Neill and John McCormick and Eddie Boland span the years in representing.

Mr. NEAL of Massachusetts. Mr. Speaker, 50 years without having lost an election, a terrific wife in Mary and four wonderful children, this institution tonight mourns his passing.

APPOINTMENT OF CONFEREES ON S. 1447, AVIATION SECURITY ACT

MOTION TO INSTRUCT CONFEREES OFFERED BY MR. OBERSTAR

The SPEAKER pro tempore. The pending business is the de novo vote on agreeing to the motion to instruct conferees on the Senate bill, S. 1447, offered by the gentleman from Minnesota (Mr. OBERSTAR).

The Clerk will designate the motion.

The Clerk designated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MARKEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Without objection, this will be a 5-minute vote.

There was no objection.

The vote was taken by electronic device, and there were—ayes 397, noes 0, not voting 35, as follows:

[Roll No. 428]

AYES—397

Abercrombie
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner

Flake
Fletcher
Foley
Forbes
Ford
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
Meehan
Meek (FL)
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pastor
Paul
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Stump
Stupak
Sununu
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—35

Ackerman
Borski
Brady (PA)
Burton
Capps
Conyers
Cubin
Engel
Fossella
Frank
Jackson-Lee (TX)
Jones (OH)
Kilpatrick
Lewis (GA)
Lofgren
Lowey
Maloney (NY)
McCollum
McNulty
Meeks (NY)
Menendez
Nadler
Obey
Pallone
Pascrell
Payne
Riley
Rothman
Serrano
Sessions
Shays
Strickland
Sweeney
Tiahrt
Weller

□ 1934

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. KILPATRICK. Mr. Speaker, due to personal business in my District, I am unable to be present for legislative business scheduled for today, Tuesday, November 6th. Had I been present, I would have voted ''aye'' on the following motions on which a recorded vote was ordered: (1) Rollcall No. 426, H.R. 768, the Need-Based Educational Aid Act; (2) Rollcall No. 427, H.R. 1408, the Financial Services Antifraud Network Act; and (3) Rollcall No. 428, the motion to instruct conferees on H.R. 3150, the Airline Security Act.

PERSONAL EXPLANATION

Mr. RILEY. Mr. Speaker, I was unavoidably detained for Rollcall No. 426, H.R. 768, the Need-Based Educational Aid Act. Had I been present I would have voted ''yea.''

I was unavoidably detained for Rollcall No. 427, H.R. 1408, The Financial Services Antifraud Network Act. Had I been present I would have voted ''yea.''

I was unavoidably detained for Rollcall No. 428, the motion to instruct conferees on H.R. 3150, the Aviation Security Act. Had I been present I would have voted ''yea.''

The SPEAKER pro tempore (Mr. LAHOOD). Without objection, the Chair appoints the following conferees:

For consideration of the Senate bill and the House amendment, and modifications committed to conference:

Messrs. YOUNG of Alaska, PETRI, DUNCAN, MICA, EHLERS, OBERSTAR, LIPINSKI and DEFAZIO.

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 981

Mr. PETERSON of Pennsylvania. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 981.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3167, GERALD B.H. SOLOMON FREEDOM CONSOLIDATION ACT OF 2001

Mrs. MYRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 107–271) on the resolution (H. Res. 277) providing for consideration of the bill (H.R. 3167) to endorse the vision of further enlargement of the NATO Alliance articulated by President George W. Bush on June 15, 2001, and by former President William J. Clinton on October 22, 1996, and for other purposes, which was referred to the House Calendar and ordered to be printed.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. SIMMONS). Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

FAST TRACK IS THE WRONG ISSUE AT THE WRONG TIME FOR AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. BONIOR) is recognized for 5 minutes.

Mr. BONIOR. Mr. Speaker, I want to, first of all, commend my colleague, the gentleman from Ohio (Mr. BROWN) for arranging a discussion this evening of the fast track issue that is pending now before this body.

For several months now, lawmakers and corporate executives have been pushing to grant President Bush fast track authority, which is basically the authority to negotiate trade deals and not have the Congress to any extent really participate in the decision-making process, taking away Article I, Section 8 of our constitutional responsibilities. This push has not been slowed by the attacks of September 11, and what we have seen is unemployment soaring, layoffs are multiplying, workers are hurting, and still, week in and week out, we hear that fast track is coming to the floor.

Well, Mr. Speaker, right now this Nation needs to remain unified. We need to act with a common purpose. Fast track will only divide us. It is one of the most divisive issues that this Congress faces on a regular basis. It is a controversial issue at a time when we least can afford to be controversial.

I have heard the arguments that fast track will stimulate our economy. Nothing, nothing could be further from the truth. The fast track bill at issue now is designed to speed complex trade agreements through Congress without a real debate in our country or a real debate and scrutiny in this institution. No one in this House could offer an amendment to improve the deal that is negotiated. And, making matters worse, this fast track bill includes no guarantees or provisions to ensure that the rights or jobs of American workers are protected.

The reality is that fast track accelerates an already flawed trade policy through Congress. Once these deals are

enacted, companies have greater leeway, even incentive, to relocate overseas, taking advantage of weak or nonexistent labor and environmental standards. That can only be demonstrated vividly by what we did in NAFTA and what happens when these jobs in our country go to Mexico. They export their products back to our market is what happens.

The upshot for our workers? Lost jobs, lower wages, and not only do we lose these great-paying jobs here in this country, and by the way, over the last 14 months, we have lost 1.2 million manufacturing jobs in this country. Hello. If anybody is listening, we are losing at an accelerated pace our whole manufacturing base in America. Not only do we lose those great-paying jobs, but once we lose those jobs, we cripple whole communities. We take away their tax base. They do not have the resources for fire and police and education and health care and all of the other pieces that make our communities work.

A recent report underscores these points. Economic data show that NAFTA passed on a fast track, and WTO, World Trade Organization, policies have taken a devastating toll on American industry. We have lost 3 million jobs in this country as a result of these unfair trade deals. Many of those workers were in well-paying manufacturing sectors.

In my own State of Michigan we have lost over 150 jobs. They have simply evaporated.

So when fast track proponents argue that this fast track authority will boost the economy, we need to be clear. If we pass fast track, the only thing we will boost is the unemployment rate, and it is already going up too fast. Fast track is a divisive issue being pushed on American workers at a time when they can least afford it. While unemployment soars and more layoffs are in sight, we cannot put even more jobs in jeopardy and undermine an already weak economy.

There are many ways that we can work together to help American workers and get our economy moving again. Fast track simply is not one of them. This is not the time to pull the rug out from underneath American workers just as they are struggling to get back on their feet.

If we want to do something to help them, let us do a decent unemployment compensation benefit. Only 40 percent of the people who are laid off in our country get any unemployment compensation, and in many States like my State of Michigan, the payout has been frozen for 6 or 7 years. It is pathetically low. People cannot make their mortgage payment. They cannot make their insurance premium. They cannot make their health care premium on what they are given through unemployment if they are lucky to be part of the 40 percent that gets something at all. Let us do something on unemployment compensation.

Let us do something on health care, making sure that they get a benefit that will take care of their premium so that they can have health care for themselves and their families. Let us do something about retraining to make the transition.

Mr. Speaker, fast track is the wrong issue at the wrong time for the American people, and I hope my colleagues will see to it, it never reaches this floor.

□ 1945

CELEBRATING THE LIFE OF JOHN B. HYATT FROM COLUMBIA, MISSOURI

The SPEAKER pro tempore (Mr. SIMMONS). Under a previous order of the House, the gentleman from Missouri (Mr. HULSHOF) is recognized for 5 minutes.

Mr. HULSHOF. Mr. Speaker, I rise to celebrate and acknowledge the life and memory of John B. Hyatt, a constituent and friend, a longtime Columbia, Missouri, businessman, a devoted husband and father, an avid golfer, a passionate Missouri Tiger fan, a community activist.

John Hyatt was born in the small Missouri town of Fayette in 1924. He served our country, enlisting in the Navy at the age of 19. He was stationed in the Pacific during World War II and was honorably discharged in 1946.

Upon his return home, John attended Central Missouri State University and excelled in basketball. In fact, Mr. Speaker, after graduation, he began his professional career as a high school coach.

In order to supplement his modest coach's salary, John began selling life insurance. It became apparent that his prowess as a coach was only surpassed by his innate abilities as a salesman. He concluded a successful 40-year career with State Farm Insurance in 1994.

John's greatest sale, however, was reserved for his personal life. It was in 1953 that he convinced his best friend's sister, Mary, to become his life's partner. Together they had two children, Vicky and Bill.

On Wednesday, November 7, the Boone County Citizens for Good Government will pay tribute to John Hyatt posthumously with the Guardian of Good Government award. There can be, I think, no greater tribute. He was to me a good friend, a confidante, a sage political adviser, but not just in words, but in deeds.

The 17th century philosopher Francis Bacon said this: He that gives good advice builds with one hand; he that gives good counsel and example builds with both. That describes the essence of my friend, John Hyatt.

It was, in fact, John Hyatt who cofounded the Boone County Citizens for Good Government in the 1980s. In those early days, the group, under his watch, took a bold stand on some controversial issues and had a few setbacks. John remained undeterred. He was unafraid to challenge the status quo. Good government, John explained to me simply, deserves nothing less. John took those political lessons to heart, and the Boone County Citizens for Good Government resurfaced with a renewed commitment to candidates and community causes.

He was then and remained fiercely independent. John believed strongly in the two-party system, and supported individuals in either party. It was our principles that John looked for, our integrity, our character. So to have John Hyatt in one's corner for an upcoming election was a strong ally for any candidate.

John kept politics in perspective, however. It was, after all, family and friends that made life's journey worthwhile. He was an eternal optimist.

Mr. Speaker, I am quite confident John never read the works of A.A. Willitts, yet the words of the author are descriptive of the man being honored by this tribute: ''Get into the habit of looking for the silver lining of the cloud, and when you have found it, continue to look at it, rather than at the leaden gray in the middle. . . . There is no path but will be easier traveled, no load but will be lighter, no shadow on heart or brain but will lift sooner for a person of determined cheerfulness.''

Mr. Speaker, that is the legacy of John Hyatt. For those of us blessed to have known him, our lives have been enriched beyond measure. The less fortunate among us have been comforted by his generosity. Our community and its leaders have become better guardians of the public trust through his quiet challenges.

Mr. Speaker, I add my name to those who gather and salute the memory of John Hyatt as a guardian of good government.

FAST TRACK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, in recent weeks U.S. Trade Rep Bob Zoellick has attempted to link fast track legislation to antiterrorism efforts. Some say he has questioned the patriotism of those of us who opposed fast track by pointing out that we are indifferent to terrorism, saying we do not share American values if we do not support fast track, because that is the way, he says, to combat terrorism around the world.

Fast track does not embody, Mr. Speaker, those American values that our U.S. trade rep has indicated. Fast track so often means weaker environmental standards. It means dealing with countries without free elections. It means dealing with wealthy families who usurp worker rights, oppress people in developing countries, and ultimately take American jobs.

Supporters of fast track argue that the U.S. is being left behind. They tell us we need fast track to increase American exports and to increase new jobs for American workers. But our history of flawed trade agreements has led to a trade deficit with the rest of the world that has surged to a record $369 billion. The 2000 trade deficit is 39 percent higher than the previous record set in 1999.

The Department of Labor has reported that the North American Free Trade Agreement alone has been responsible for the loss of 300,000 jobs in this country. While our trade agreements go to great lengths to protect investors and protect property rights, these agreements rarely include enforceable provisions to protect workers or to protect the environment.

CEOs of multinational corporations tell Members of Congress that globalization stimulates development and allows nations to improve their labor and environmental records. They say interaction with the developing world spreads democracy.

The facts speak differently. Democratic nations such as India are losing out to more totalitarian nations, such as China. Democratic nations such as Taiwan are losing out to authoritarian regimes, such as Indonesia.

In 1989, 57 percent of developing country exports and manufacturing came from developing democracies; 10 years later, only 35 percent of developing country exports and manufacturing came from developing democracies. It is clear that corporations are relocating their manufacturing bases to more totalitarian regimes, where even the most minimal labor and environmental standards are often ignored.

The fact is, Western business investors want to go to China, they want to go to Indonesia; they want to go to countries which are dictatorships, which have docile work forces, authoritarian governments and they are very predictable for Western investors.

They do not go to India, they do not go to Taiwan, not to South Korea; they do not want to stay in this country many times because we have strong environmental laws, because labor unions can organize and bargain collectively, because good wages are paid, and because we have free elections.

Western corporations instead want to invest in countries that have weak environmental standards, unenforced labor law, below-poverty wages, and where workers have no opportunities to bargain collectively.

Flawed trade policies cost American jobs, put downward pressure on U.S. wages and working conditions, and erode the ability of local, State, and Federal governments to protect public health and to protect the environment.

If we fail to include important labor and environmental provisions in future trade agreements, multinational corporations will continue to dismiss labor and protection of the environment as discretionary and wholly unnecessary expenses. Global working conditions will continue to suffer.

We need in this body to press for provisions that promote workers' rights in all countries and promote economic advancement in all countries. The U.S. must continue to be a leader in setting standards for worker rights, for fair wages, for worker safety, and for environmental protection.

In the last year, in this country, we have lost, since President Bush took office, 1 million industrial jobs. We have experienced economic slowdown, and we have experienced a drop in the stock market that we have not seen in a decade. Fast track will not solve that problem; fast track will make that problem worse.

Our Nation cannot afford to sell its principles to the highest bidder. The global race to the bottom must be stopped and turned around.

In 1998, fast track was defeated in this Congress 243 to 180. Fast track should be defeated again in Congress this year.

WITH FALL HARVEST COMES FALLING PRICES IN FARM COUNTRY AND FALLING HOPES FOR OUR NATION'S FARMERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Kansas. Mr. Speaker, local commodity prices are becoming an everyday story for Kansas farmers and ranchers. Last week was no exception, with headlines like ''October Farm Prices Show an Abrupt Drop'' and ''Farm-Price Index Suffers the Biggest Drop on Record.''

Last Wednesday, data showed that farmers' prices were reduced the largest amount in 1 month, 9.5 percent. The decline between September and October is the sharpest month-to-month price drop in 91 years, since USDA began recording farm prices in 1910.

The corn price, $1.79 for October, was down 12 cents from September. Twelve cents may not sound like much, but for the State of Kansas, that is a loss of $50 million to the State's economy. Soybean prices plunged 43 cents to $4.10 cents a bushel, 35 cents below the price just 1 year ago. For the average Kansas farmer who plants about 150 acres of soybeans, that is a 1-month loss of about $1,500 on his or her fall harvest.

Farmers know that grain prices always drop around harvest time, but even the Department of Agriculture admitted last week that ''the breadth of this downturn is unanticipated.''

Grain producers were not the only ones affected. The index of meat prices fell 4.2 percent, hog prices at $41 per hundredweight declined $4.10, and cattle prices fell to $67.50, down $1.50.

The news of this dramatic price drop is bad not only for agricultural producers, but for all of us who depend upon American agriculture for the security of our food supply. However, to farmers whose grain incomes have grown steadily smaller, it is no surprise, nor is it a surprise when the price continues to drop.

More headlines just from yesterday tell that story: ''Wheat Export Commitments Second Lowest on Record,'' ''Corn Sales Lagging.'' Our farmers want to be able to continue feeding our Nation and others around the globe with the safest, most abundant food supply in the world, but with record low prices and trade barriers hindering the export market, times are tough in agriculture country.

My farmers tell me that they want to get their income from the market to raise prices through increased exports to willing consumers in nations around the globe, yet political barriers distort international trade. And so our farmers need short-term assistance just to continue farming and to pass the family farm to their sons and daughters.

The House has acted to assist farmers by passing the Farm Security Act last month. Now it is up to the U.S. Senate to realize the need for legislation.

Last Thursday, the Secretary of Agriculture stated that she was pleased by the newly developed Senate plans to proceed with a farm bill this session. That statement was followed by the President's announcement Friday of his appointment of a new special assistant for ag trade and food assistance.

The President said that he is not opposed to signing a farm bill into law this year, and the addition to the administration's agriculture team is a positive step to further coordinate farm bill efforts between Congress and the White House.

I am encouraged to once again hear the administration's commitment to farm policy, and I am glad to see the Senate Committee on Agriculture responding by beginning to mark up their version of a farm bill.

I look forward to working together on farmers' priorities: caring for the environment, a farm income safety net, and greater trading opportunities.

With the tragic events of September 11, the battle against terrorism is continuing. Our Nation has many vital defense priorities right now both at home and abroad. However, food security is one of the most important elements of homeland security, and we must not overlook our Nation's farmers before this session ends.

Farmers are counting on us to deliver the promise of a farm bill, and with all that they do every day to provide us with food, clothing, and shelter, we must not let them down.

EXPRESSING REGARD AND SYMPATHY TO UKRAINE AT 68TH ANNIVERSARY REMEMBRANCE OF GREAT FAMINE OF 1932 AND 1933

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, today I rise for the record to express my deepest regard and sympathies to the new Nation of Ukraine at its 68th anniversary remembrance of the tragic great famine of 1932 and 1933.

Ukraine, always known as the breadbasket of Europe, lost nearly a quarter of its population as the Stalinist-led government, headquartered in Moscow then, forcibly exported Ukraine's wheat and spent the money earned on industrialization.

□ 2000

Only God knows the true count of the millions of Ukrainian peasants and village dwellers who were systematically starved to death as collectivization of the countryside made independent farming impossible.

Inside the borders of the Soviet Union, over 50 million people ultimately perished through the end of the Second World War, beginning with upwards of 8 million innocent people who died during forced famine of the early 1930s. The totalitarian regime of Joseph Stalin understood the power of food as the most fundamental weapon and used it cruelly.

For several centuries, Ukraine then fought for its freedom. When forced to join the U.S.S.R. in the 20th century, Ukrainians resisted with valor. The forests of Western Ukraine are filled with the bones of their sacrifice. Every family suffered permanent losses. Yet no threats or punishments could deter Ukraine from its constant attempts to leave the Soviet Union and restore its independence.

Fearing for the integrity of its empire, the Soviet regime then decided to simply eliminate Ukrainian culture by destroying the intellectual and military elite that pursued ideals of freedom and liberty. The regime falsified history and finally starved millions upon millions into submission.

Genocide of this magnitude is unparalleled in human history. It is almost impossible to comprehend a political system that would contemplate and plan the deaths of millions of its citizens. These deaths of men, women, children and elderly were executed in the most tortuous ways imaginable. Young men were forcibly inducted into the military, taken from their farms and villages. Families that did not cooperate were shot. The remaining millions were starved to death. Women and children scratched in the frozen earth to find even an onion to make soup in the winter. Mothers died to give their last shreds of food to their children.

History shows even in the face of such brutality, Ukrainians did not retreat. They continued to fight for freedom. Deep in their souls their spirits remained unbent and steadfast.

When Ukrainian independence finally was declared in 1991, Ukrainian patriots did not rest. They refused to forget their roots and live like tumbleweeds. Life without a homeland for them was life not worth living. Finally, they prevailed; but the memory of the earlier horrors remained always and drives them in their sense of duty.

Many of my own ancestors died miserably inside what is now Ukraine during the 1930s. Our family well knows that this horror occurred.

We, history, must never forget that such profound events happened. We must remember. We must prevent such evil from happening again. We must also recognize that such hatred can be perpetrated only when freedom does not reign in a land. Therefore, we must maintain our dedication to freedom and representative government.

We must resist anyone who attempts to take it from us. We must help those in the world who have gained their democratic freedoms to keep them alive and nurture them into maturity. We must not rest until such seemingly simple gifts as a right to life and the right to pursue happiness are guaranteed for every person in the world.

Democratic freedoms must prevail more now than ever. Recent events make us more aware of precious endowments of our known Nationhood. Now we have an additional reason to continue our work for democratization and defense of human rights. The memory of those who died defenselessly in this struggle so long ago deserve to be honored.

For several centuries, Ukraine has fought for its freedom. When forced to join the U.S.S.R., Ukrainians resisted with valor. In furtherance of this remembrance, I would strongly encourage the United States Commission for the Preservation of America's Heritage Abroad, and the U.S.-Ukraine Joint Cultural Heritage Commission, each funded annually by the Congress of the United States on behalf of the people of the United States, to accurately reflect the great famine in their historical documentations, including cemeteries, massacre sites and other hallowed grounds in Ukraine. Those commemorations should also give proper tribute and restore the lost heritage resulting from the mass immigration of writers and scholars to the West.

In closing, Madam Speaker, we will mourn the lives of these innocent people lost to history on November 17, 2001, when a commemorative service will be held in St. Patrick's Cathedral in New York City. Let us never forget them. Let us work ever harder to build a world free of terror for our children.

COMMEMORATION OF THE 68TH ANNIVERSARY OF THE UKRAINIAN FAMINE-GENOCIDE OF 1932–1933

The SPEAKER pro tempore (Ms. HART). Under a previous order of the House, the gentleman from California (Mr. HORN) is recognized for 5 minutes.

Mr. HORN. Madam Speaker, I rise today to honor the memory of millions of innocent Ukrainians who were systematically starved to death by the Soviet Government in 1932 and 1933.

A comprehensive campaign to kill Ukrainian citizens and to destroy all vestiges of Ukrainian nationalism was carried out by Joseph Stalin, the dictator of the Soviet Union; and his policies of forced collectivization of both agriculture and industry was part of the problem. Although almost a quarter of the Ukrainian population died in those 2 years, 1932 and 1933, their tragedy remained unknown to the rest of the world for almost 60 years.

Joseph Stalin's collectivization policy to finance Soviet industrialization had a disastrous effect on agricultural productivity. In fact, between the First World War and the Second World War productivity in agriculture doubled, but not with the industrialization and the collectivization. The Northern Caucasus and the Lower Volga River area were part of that famine that occurred.

Without regard for the negative consequences of this policy, Stalin raised Ukraine's grain quotas by 44 percent. Because Soviet law required that the government's grain quota be filled before no other food distribution, peasants were effectively starved to death. Stalin enforced this law absolutely mercilessly. Those who refused to give up their grain were executed or deported. The death toll from the famine is estimated to be 6 to 7 million people. That is quite a bit when Stalin, the dictator, had killed about 25 million in his own country.

Yet, despite this atrocity, Ukrainians still struggled to restore their independence and freedom. There is no doubt that when Ukraine declared its independence on August 24, 1991, it vindicated the deaths of so many Ukrainians during the famine.

Madam Speaker, during the difficult time in our own country, it is important to recognize the courage of other peoples and other generations in the long struggle for freedom. It is equally important that we build on this example by teaching compassion to our young people and reinforcing our resolve to prevail over evil.

We must never forget that many innocent lives have been taken to undermine our commitment to the ideals of freedom and democracy. With this commemoration, we honor the memory of Ukrainians whose lives were lost in the struggle to gain independence; and we renew our commitment to justice for all.

In this week, Ukrainian Prime Minister Viktor Yushchenko will be here, and I hope many Members in the House would have an opportunity to meet the new Prime Minister and its former pro-market reform. We hope that never again on Russia at all or Ukraine should such brutal murders and such wrong groups take place.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

DEATH WITH DIGNITY ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Madam Speaker, we know that Attorney General Ashcroft is very busy. His Department is attempting to track down the perpetrators of the anthrax attacks on our citizenry. And there are more than 1,000 Federal detainees who need to be interrogated and investigated for possible links to terrorism. There are other possible terrorist cells he tells us that are at work in the United States to be exposed and uprooted. He has recently warned us of other potential impending attacks.

He is a very, very busy gentleman, obviously. But unfortunately not busy enough to keep him from making mischief. Today he took a day off from the war against terrorism in a detour to launch his own attack on the people of the State of Oregon.

Oregon twice passed a law to provide death with dignity, assisted suicide. We built in extraordinary protections. People had to have a terminal diagnosis within 6 months. It had to be confirmed by more than one physician. They had to undergo psychological evaluation. No one could administer the prescription to them, but a physician could provide it if they so chose.

He sees this as an assault on the American people and feels that it takes priority, I guess, even in these busy times for him, to undo. And unfortunately, the mischief of the work he is doing here goes far beyond the State of Oregon. Because what he is doing will chill the aggressive management of pain for people with terminal illnesses across the United States.

This is an area in which we have made a little bit of progress in the last quarter of a century. It is no longer considered that someone has to die in extraordinary pain. More and more physicians will treat that aggressively, even at the risk of potentially shortening someone's life by a tiny bit just to make them more comfortable.

But because of this decision and this action by Attorney General Ashcroft, that is not going to happen anymore. Because physicians across America and most assuredly in Oregon are going to have to worry that the Drug Enforcement Administration using the Controlled Substances Act, people totally unqualified in the practice of medicine, are going to be looking over their shoulder and wanting to know what was their intent in writing that prescription.

Now, Mr. Ashcroft rather innocently says in his memorandum here that they will just probably prosecute people by looking for the required paperwork in the State of Oregon, but he does not limit the lengthy opinion here to that extent. There is lots more mischief to be done by this zealotry.

Thirty people last year in Oregon, 30 people chose to use the Death With Dignity Act by their own hand, humanely ending their lives just a bit early to avoid horrible suffering. Now, what is wrong with that? What is so dangerous about that that the Attorney General has to take a full day off from the war on terrorism and divert some of his staff from the war on terrorism to an attack on the initiative of the State of Oregon, of the people of Oregon, and the idea of death with dignity?

This is extraordinary to me. And doing it by manipulating the Controlled Substances Act and injecting the Drug Enforcement Administration into these extraordinarily sensitive end-of-life decisions which should involve an individual, their loved ones, their minister, pastor, priest, rabbi, a counselor, psychologist, friends. But why does the Drug Enforcement Administration have to be in that room? Why should they be involved and intervene in this sort of decision? They have no qualifications. They have no right. They have no place. Leave the people of Oregon alone.

In fact, I would suggest that perhaps Attorney General Ashcroft would want to focus his efforts on defending the people of Oregon and the people of the United States against all unwarranted attacks and also protect our civil liberties and our states right at the same time, which he is certainly not doing with this decision.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. STUPAK) is recognized for 5 minutes.

(Mr. STUPAK addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

GREATER AIRLINE SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. LIPINSKI) is recognized for 5 minutes.

Mr. LIPINSKI. Madam Speaker, we must pass as soon as possible an aviation security bill. It has been over 6 weeks since we passed the bail-out bill for the airline industry. I said at the time that I could not vote for that bill, not because it was a bad bill, but because it did not do anything to protect laid-off workers in the aviation community. And it did nothing to upgrade security in this country.

Today we still have that problem. People are still not willing to get back into planes to any great degree.

□ 2015

Just this past Saturday at O'Hare, we had another incident that shows that we have to change security in this country. An individual carrying a stun gun, a can of Mace, and several knives in his carry-on luggage bag passed through screening at the airport without anyone stopping him whatsoever. That was after he had actually shown them two knives that he was carrying on the plane. This did not alert them whatsoever. They let him proceed right through that security point.

He was stopped at the gate. He was stopped by a United Airlines employee who had been informed by some other United employees that he had purchased a one-way ticket with cash. That United person at the gate stopped him, went through his bag, did find the Mace, did find the stun gun, did find the other knives. He was taken into custody by the Chicago Police Department. He was turned over to the FBI. He was then released by the FBI. By that time, though, he missed his flight to Omaha, a flight that he had put checked luggage on that wound up going to Omaha. After all of this, no one thought to remove his bag from the plane that went to Omaha.

This shows that we have to get rid of the status quo. We have to start with something brand new as far as aviation security. That is why we have to pass a bill as quickly as we possibly can. Thanksgiving is the greatest travel day we have in this Nation. We must have a new security bill in place before that so the American flying public will feel secure.

There were eight screeners that the FBI said were fired at O'Hare Airport because of this incident. Argenbright, the security company, simply said that they were suspended. Of those eight individuals, three of them have criminal records. One of them is a known member of a gang. That is why we must change the status quo in aviation security as quickly as possible.

Since September 11, the aviation industry has contracted to a very, very significant degree. At Newark, Reagan National, and Houston, flights are down by 35 percent; at Kennedy, 34 percent; Seattle, Boston, LaGuardia, Portland, and San Francisco, they are all down by over 25 percent. The Nation's top 31 airports are all down a minimum of 18 percent. Since September 11, United Airlines and American Airlines have cut 22 percent of their flights; Northwest, 15 percent; U.S. Airways, 25 percent; Delta, 15 percent; Alaskan Airlines, 26 percent; and Continental, 44 percent.

We are never going to get this economy going until we pass an upgraded aviation security bill, and we must pass that as quickly as possible. The House has named their conferees, the House has made a motion to instruct those conferees to go to conference, and we are waiting for the Senate. The Senate must move as quickly as possible and join the House in conference so we can work out a bill to protect all the American flying public by the end of this week, so people will know the skies are safe when they are flying at Thanksgiving.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Ms. HART). The Chair must remind all Members not to urge Senate action.

CONFERENCE REPORT ON H.R. 2620, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2002

Mr. WALSH submitted the following conference report on the bill (H.R. 2620) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002, and for other purposes:

CONFERENCE REPORT (H. REPT. 107–272)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2620) ''making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002, and for other purposes'', having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

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

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

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002, and for other purposes, namely:

TITLE I—DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation benefits to or on behalf of veterans and a pilot program for disability examinations as authorized by law (38 U.S.C. 107, chapters 11, 13, 18, 51, 53, 55, and 61); pension benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 15, 51, 53, 55, and 61; 92 Stat. 2508); and burial benefits, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of article IV of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 540 et seq.) and for other benefits as authorized by law (38 U.S.C. 107, 1312, 1977, and 2106, chapters 23, 51, 53, 55, and 61; 50 U.S.C. App. 540–548; 43 Stat. 122, 123; 45 Stat. 735; 76 Stat. 1198), $24,944,288,000, to remain available until expended: Provided, That not to exceed $17,940,000 of the amount appropriated under this heading shall be reimbursed to ''General operating expenses'' and ''Medical care'' for necessary expenses in implementing those provisions authorized in the Omnibus Budget Reconciliation Act of 1990, and in the Veterans' Benefits Act of 1992 (38 U.S.C. chapters 51, 53, and 55), the funding source for which is specifically provided as the ''Compensation and pensions'' appropriation: Provided further, That such sums as may be earned on an actual qualifying patient basis, shall be reimbursed to ''Medical facilities revolving fund'' to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized.

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 21, 30, 31, 34, 35, 36, 39, 51, 53, 55, and 61), $2,135,000,000, to remain available until expended: Provided, That expenses for rehabilitation program services and assistance which the Secretary is authorized to provide under section 3104(a) of title 38, United States Code, other than under subsection (a)(1), (2), (5) and (11) of that section, shall be charged to this account.

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, service-disabled veterans insurance, and veterans mortgage life insurance as authorized by 38 U.S.C. chapter 19; 70 Stat. 887; 72 Stat. 487, $26,200,000, to remain available until expended.

VETERANS HOUSING BENEFIT PROGRAM FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the program, as authorized by 38 U.S.C. chapter 37, 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, as amended: Provided further, That during fiscal year 2002, within the resources available, not to exceed $300,000 in gross obligations for direct loans are authorized for specially adapted housing loans.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $164,497,000, which may be transferred to and merged with the appropriation for ''General operating expenses''.

EDUCATION LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $1,000, as authorized by 38 U.S.C. 3698, 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, as amended: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $3,400.

In addition, for administrative expenses necessary to carry out the direct loan program, $64,000, which may be transferred to and merged with the appropriation for ''General operating expenses''.

VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $72,000, as authorized by 38 U.S.C. chapter 31, 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, as amended: Provided further, That funds made available under this heading are available to subsidize gross obligations for the principal amount of direct loans not to exceed $3,301,000.

In addition, for administrative expenses necessary to carry out the direct loan program, $274,000, which may be transferred to and merged with the appropriation for ''General operating expenses''.

NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses to carry out the direct loan program authorized by 38 U.S.C. chapter 37, subchapter V, as amended, $544,000, which may be transferred to and merged with the appropriation for ''General operating expenses''.

GUARANTEED TRANSITIONAL HOUSING LOANS FOR HOMELESS VETERANS PROGRAM ACCOUNT

For the administrative expenses to carry out the guaranteed transitional housing loan program authorized by 38 U.S.C. chapter 37, subchapter VI, not to exceed $750,000 of the amounts appropriated by this Act for ''General operating expenses'' and ''Medical care'' may be expended.

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities; for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs, including care and treatment in facilities not under the jurisdiction of the department; and furnishing recreational facilities, supplies, and equipment; funeral, burial, and other expenses incidental thereto for beneficiaries receiving care in the department; administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction and renovation of any facility under the jurisdiction or for the use of the department; oversight, engineering and architectural activities not charged to project cost; repairing, altering, improving or providing facilities in the several hospitals and homes under the jurisdiction of the department, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; aid to State homes as authorized by 38 U.S.C. 1741; administrative and legal expenses of the department for collecting and recovering amounts owed the department as authorized under 38 U.S.C. chapter 17, and the Federal Medical Care Recovery Act, 42 U.S.C. 2651 et seq., $21,331,164,000, plus reimbursements: Provided, That of the funds made available under this heading, $675,000,000 is for the equipment and land and structures object classifications only, which amount shall not become available for obligation until August 1, 2002, and shall remain available until September 30, 2003: Provided further, That of the funds made available under this heading, not to exceed $900,000,000 shall be available until September 30, 2003: Provided further, That of the funds made available under this heading for non-recurring maintenance and repair (NRM) activities, $15,000,000 shall be available without fiscal year limitation to support the NRM activities necessary to implement Capital Asset Realignment for Enhanced Services (CARES) activities: Provided further, That from amounts appropriated under this heading, additional amounts, as designated by the Secretary no later than September 30, 2002, may be used for CARES activities without fiscal year limitation: Provided further, That the Secretary of Veterans Affairs shall conduct by contract a program of recovery audits for the fee basis and other medical services contracts with respect to payments for hospital care; and, notwithstanding 31 U.S.C. 3302(b), amounts collected, by setoff or otherwise, as the result of such audits shall be available, without fiscal year limitation, for the purposes for which funds are appropriated under this heading and the purposes of paying a contractor a percent of the amount collected as a result of an audit carried out by the contractor: Provided further, That all amounts so collected under the preceding proviso with respect to a designated health care region (as that term is defined in 38 U.S.C. 1729A(d)(2)) shall be allocated, net of payments to the contractor, to that region.

In addition, in conformance with Public Law 105–33 establishing the Department of Veterans Affairs Medical Care Collections Fund, such sums as may be deposited to such Fund pursuant to 38 U.S.C. 1729A may be transferred to this

account, to remain available until expended for the purposes of this account.

MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by 38 U.S.C. chapter 73, to remain available until September 30, 2003, $371,000,000, plus reimbursements.

MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of capital policy activities, $66,731,000, plus reimbursements: Provided, That technical and consulting services offered by the Facilities Management Field Service, including project management and real property administration (including leases, site acquisition and disposal activities directly supporting projects), shall be provided to Department of Veterans Affairs components only on a reimbursable basis, and such amounts will remain available until September 30, 2002.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including administrative expenses in support of Department-wide capital planning, management and policy activities, uniforms or allowances therefor; not to exceed $25,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, and the Department of Defense for the cost of overseas employee mail, $1,195,728,000: Provided, That expenses for services and assistance authorized under 38 U.S.C. 3104(a)(1), (2), (5), and (11) that the Secretary determines are necessary to enable entitled veterans: (1) to the maximum extent feasible, to become employable and to obtain and maintain suitable employment; or (2) to achieve maximum independence in daily living, shall be charged to this account: Provided further, That of the funds made available under this heading, not to exceed $60,000,000 shall be available for obligation until September 30, 2003: Provided further, That from the funds made available under this heading, the Veterans Benefits Administration may purchase up to four passenger motor vehicles for use in operations of that Administration in Manila, Philippines: Provided further, That travel expenses for this account shall not exceed $15,665,000.

NATIONAL CEMETERY ADMINISTRATION

For necessary expenses of the National Cemetery Administration for operations and maintenance, not otherwise provided for, including uniforms or allowances therefor; cemeterial expenses as authorized by law; purchase of one passenger motor vehicle for use in cemeterial operations; and hire of passenger motor vehicles, $121,169,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $52,308,000.

CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending and improving any of the facilities under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122 of title 38, United States Code, including planning, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, where the estimated cost of a project is $4,000,000 or more or where funds for a project were made available in a previous major project appropriation, $183,180,000, to remain available until expended, of which $60,000,000 shall be for Capital Asset Realignment for Enhanced Services (CARES) activities; and of which not to exceed $20,000,000 shall be for costs associated with land acquisitions for national cemeteries in the vicinity of Sacramento, California; Pittsburgh, Pennsylvania; and Detroit, Michigan: Provided, That of the amount made available under this heading for CARES activities, up to $40,000,000 shall be for construction of a blind and spinal cord injury center at the Hines Veterans Affairs Medical Center pursuant to the Veterans Integrated Service Network (VISN) 12 CARES study, and construction of such center is hereby deemed authorized pursuant to title 38, United States Code: Provided further, That the amounts designated in the previous proviso shall be available for obligation only after the Secretary of Veterans Affairs has initiated all actions necessary to implement fully Option B of the July 19, 2001 VISN 12 Service Delivery Options after consulting with interested and affected parties, and has initiated Phase II of the CARES process: Provided further, That except for advance planning activities, including needs assessments which may or may not lead to capital investments, and other capital asset management related activities, such as portfolio development and management activities, and investment strategy studies funded through the advance planning fund and the planning and design activities funded through the design fund and CARES funds, including needs assessments which may or may not lead to capital investments, none of the funds appropriated under this heading shall be used for any project which has not been approved by the Congress in the budgetary process: Provided further, That funds provided in this appropriation for fiscal year 2002, for each approved project (except those for CARES activities and the three land acquisitions referenced above) shall be obligated: (1) by the awarding of a construction documents contract by September 30, 2002; and (2) by the awarding of a construction contract by September 30, 2003: Provided further, That the Secretary of Veterans Affairs shall promptly report in writing to the Committees on Appropriations any approved major construction project in which obligations are not incurred within the time limitations established above: Provided further, That no funds from any other account except the "Parking revolving fund", may be obligated for constructing, altering, extending, or improving a project which was approved in the budget process and funded in this account until one year after substantial completion and beneficial occupancy by the Department of Veterans Affairs of the project or any part thereof with respect to that part only.

CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities under the jurisdiction or for the use of the Department of Veterans Affairs, including planning and assessments of needs which may lead to capital investments, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, 8122, and 8162 of title 38, United States Code, where the estimated cost of a project is less than $4,000,000, $210,900,000, to remain available until expended, along with unobligated balances of previous "Construction, minor projects" appropriations which are hereby made available for any project where the estimated cost is less than $4,000,000, of which $25,000,000 shall be for Capital Asset Realignment for Enhanced Services (CARES) activities: Provided, That from amounts appropriated under this heading, additional amounts may be used for CARES activities upon notification of and approval by the Committees on Appropriations: Provided further, That funds in this account shall be available for: (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the department which are necessary because of loss or damage caused by any natural disaster or catastrophe; and (2) temporary measures necessary to prevent or to minimize further loss by such causes.

PARKING REVOLVING FUND

For the parking revolving fund as authorized by 38 U.S.C. 8109, income from fees collected and $4,000,000 from the General Fund, both to remain available until expended, which shall be available for all authorized expenses except operations and maintenance costs, which will be funded from "Medical care".

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify or alter existing hospital, nursing home and domiciliary facilities in State homes, for furnishing care to veterans as authorized by 38 U.S.C. 8131–8137, $100,000,000, to remain available until expended.

GRANTS FOR CONSTRUCTION OF STATE VETERANS CEMETERIES

For grants to aid States in establishing, expanding, or improving State veterans cemeteries as authorized by 38 U.S.C. 2408, $25,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. Any appropriation for fiscal year 2002 for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" may be transferred to any other of the mentioned appropriations.

SEC. 102. Appropriations available to the Department of Veterans Affairs for fiscal year 2002 for salaries and expenses shall be available for services authorized by 5 U.S.C. 3109.

SEC. 103. No appropriations in this Act for the Department of Veterans Affairs (except the appropriations for "Construction, major projects", "Construction, minor projects", and the "Parking revolving fund") shall be available for the purchase of any site for or toward the construction of any new hospital or home.

SEC. 104. No appropriations in this Act for the Department of Veterans Affairs shall be available for hospitalization or examination of any persons (except beneficiaries entitled under the laws bestowing such benefits to veterans, and persons receiving such treatment under 5 U.S.C. 7901–7904 or 42 U.S.C. 5141–5204), unless reimbursement of cost is made to the "Medical care" account at such rates as may be fixed by the Secretary of Veterans Affairs.

SEC. 105. Appropriations available to the Department of Veterans Affairs for fiscal year 2002 for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" shall be available for payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last quarter of fiscal year 2001.

SEC. 106. Appropriations accounts available to the Department of Veterans Affairs for fiscal year 2002 shall be available to pay prior year obligations of corresponding prior year appropriations accounts resulting from title X of the Competitive Equality Banking Act, Public Law 100–86, except that if such obligations are from trust fund accounts they shall be payable from "Compensation and pensions".

SEC. 107. Notwithstanding any other provision of law, during fiscal year 2002, the Secretary of Veterans Affairs shall, from the National Service Life Insurance Fund (38 U.S.C. 1920), the Veterans' Special Life Insurance Fund (38 U.S.C. 1923), and the United States Government

Life Insurance Fund (38 U.S.C. 1955), reimburse the ''General operating expenses'' account for the cost of administration of the insurance programs financed through those accounts: Provided, That reimbursement shall be made only from the surplus earnings accumulated in an insurance program in fiscal year 2002, that are available for dividends in that program after claims have been paid and actuarially determined reserves have been set aside: Provided further, That if the cost of administration of an insurance program exceeds the amount of surplus earnings accumulated in that program, reimbursement shall be made only to the extent of such surplus earnings: Provided further, That the Secretary shall determine the cost of administration for fiscal year 2002, which is properly allocable to the provision of each insurance program and to the provision of any total disability income insurance included in such insurance program.

SEC. 108. Notwithstanding any other provision of law, the Department of Veterans Affairs shall continue the Franchise Fund pilot program authorized to be established by section 403 of Public Law 103–356 until October 1, 2002: Provided, That the Franchise Fund, established by Title I of Public Law 104–204 to finance the operations of the Franchise Fund pilot program, shall continue until October 1, 2002.

SEC. 109. Amounts deducted from enhanced-use lease proceeds to reimburse an account for expenses incurred by that account during a prior fiscal year for providing enhanced-use lease services, may be obligated during the fiscal year in which the proceeds are received.

SEC. 110. Funds available in any Department of Veterans Affairs appropriation for fiscal year 2002 or funds for salaries and other administrative expenses shall also be available to reimburse the Office of Resolution Management and the Office of Employment Discrimination Complaint Adjudication for all services provided at rates which will recover actual costs but not exceed $28,555,000 for the Office of Resolution Management and $2,383,000 for the Office of Employment and Discrimination Complaint Adjudication: Provided, That payments may be made in advance for services to be furnished based on estimated costs: Provided further, That amounts received shall be credited to ''General operating expenses'' for use by the office that provided the service.

SEC. 111. The Secretary of Veterans Affairs shall treat the North Dakota Veterans Cemetery, Mandan, North Dakota, as a veterans cemetery owned by the State of North Dakota for purposes of making grants to States in expanding or improving veterans cemeteries under section 2408 of title 38, United States Code. This section shall take effect on the date of enactment of this Act, and shall apply with respect to grants under section 2408 of title 38, United States Code, that occur on or after that date.

TITLE II—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PUBLIC AND INDIAN HOUSING

HOUSING CERTIFICATE FUND

(INCLUDING TRANSFER AND RESCISSION OF FUNDS)

For activities and assistance to prevent the involuntary displacement of low-income families, the elderly and the disabled because of the loss of affordable housing stock, expiration of subsidy contracts (other than contracts for which amounts are provided under another heading in this Act) or expiration of use restrictions, or other changes in housing assistance arrangements, and for other purposes, $16,280,975,000, of which $640,000,000 shall be from unobligated balances from amounts recaptured from fiscal year 2000 and prior years pursuant to a reduction in the amounts provided for Annual Contributions Contract Reserve Accounts, and amounts that are recaptured in this account to remain available until expended: Provided, That not later than October 1, 2001, the Department of Housing and Urban Development shall reduce from 60 days to 30 days the amount of reserve funds made available to public housing authorities: Provided further, That of the total amount provided under this heading, $16,071,975,000, of which $11,231,975,000 and the aforementioned recaptures shall be available on October 1, 2001 and $4,200,000,000 shall be available on October 1, 2002, shall be for assistance under the United States Housing Act of 1937, as amended (''the Act'' herein) (42 U.S.C. 1437 et seq.): Provided further, That the foregoing amounts shall be for use in connection with expiring or terminating section 8 subsidy contracts, for amendments to section 8 subsidy contracts, for enhanced vouchers (including amendments and renewals) under any provision of law authorizing such assistance under section 8(t) of the Act (42 U.S.C. 1437f(t)), contract administrators, and contracts entered into pursuant to section 441 of the McKinney-Vento Homeless Assistance Act: Provided further, That amounts available under the second proviso under this heading shall be available for section 8 rental assistance under the Act: (1) for the relocation and replacement of housing units that are demolished or disposed of pursuant to the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104–134; Stat. 1321–269); (2) for the conversion of section 23 projects to assistance under section 8; (3) for funds to carry out the family unification program; (4) for the relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to a request from a law enforcement or prosecution agency; (5) for tenant protection assistance, including replacement and relocation assistance; and (6) for the 1-year renewal of section 8 contracts for units in projects that are subject to approved plans of action under the Emergency Low Income Housing Preservation Act of 1987 or the Low-Income Housing Preservation and Resident Homeownership Act of 1990: Provided further, That of the total amount provided under this heading, no less than $13,400,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems: Provided further, That of the total amount provided under this heading, $143,979,000 shall be made available for incremental vouchers under section 8 of the Act, of which $103,979,000 shall be made available on a fair share basis to those public housing agencies that have no less than a 97 percent occupancy rate; and of which $40,000,000 shall be made available to nonelderly disabled families affected by the designation of a public housing development under section 7 of the Act, the establishment of preferences in accordance with section 651 of the Housing and Community Development Act of 1992 (42 U.S.C. 13611), or the restriction of occupancy to elderly families in accordance with section 658 of such Act (42 U.S.C. 13618), and to the extent the Secretary determines that such amount is not needed to fund applications for such affected families, to other nonelderly disabled families: Provided further, That up to $195,601,000 from amounts made available under this heading may be made available for contract administrators: Provided further, That amounts available under this heading may be made available for administrative fees and other expenses to cover the cost of administering rental assistance programs under section 8 of the Act: Provided further, That the fee otherwise authorized under section 8(q) of the Act shall be determined in accordance with section 8(q), as in effect immediately before the enactment of the Quality Housing and Work Responsibility Act of 1998: Provided further, That $1,200,000,000 is rescinded from unobligated balances remaining from funds appropriated to the Department of Housing and Urban Development under this heading or the heading ''Annual contributions for assisted housing'' or any other heading for fiscal year 2001 and prior years: Provided further, That any such balances governed by reallocation provisions under the statute authorizing the program for which the funds were originally appropriated shall not be available for this rescission: Provided further, That the Secretary shall have until September 30, 2002, to meet the rescission in the proviso preceding the immediately preceding proviso: Provided further, That any obligated balances of contract authority that have been terminated shall be canceled.

PUBLIC HOUSING CAPITAL FUND

(INCLUDING TRANSFER OF FUNDS)

For the Public Housing Capital Fund Program to carry out capital and management activities for public housing agencies, as authorized under section 9 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437g), $2,843,400,000, to remain available until September 30, 2005: Provided, That, hereafter, notwithstanding any other provision of law or any failure of the Secretary of Housing and Urban Development to issue regulations to carry out section 9(j) of the United States Housing Act of 1937 (42 U.S.C. 1437g(j)), such section is deemed to have taken effect on October 1, 1998, and, except as otherwise provided in this heading, shall apply to all assistance made available under this same heading on or after such date: Provided further, That of the total amount provided under this heading, in addition to amounts otherwise allocated under this heading, $550,000,000 shall be allocated for such capital and management activities only among public housing agencies that have obligated all assistance for the agency for fiscal years 1998 and 1999 made available under this same heading in accordance with the requirements under paragraphs (1) and (2) of section 9(j) of such Act: Provided further, That notwithstanding any other provision of law or regulation, during fiscal year 2002, the Secretary may not delegate to any Department official other than the Deputy Secretary any authority under paragraph (2) of such section 9(j) regarding the extension of the time periods under such section for obligation of amounts made available for fiscal year 1998, 1999, 2000, 2001, or 2002: Provided further, That notwithstanding the first proviso and paragraphs (3) and (5)(B) of such section 9(j), if at any time before the effectiveness of final regulations issued by the Secretary under section 6(j) of the United States Housing Act of 1937 (42 U.S.C. 1437d(j)) providing for assessment of public housing agencies and designation of high-performing agencies, any amounts made available under the public housing Capital Fund for fiscal year 1999, 2000, 2001, or 2002 remain unobligated in violation of paragraph (1) of such section 9(j) or unexpended in violation of paragraph (5)(A) of such section 9(j), the Secretary shall recapture any such amounts and reallocate such amounts among public housing agencies that, at the time of such reallocation, are not in violation of any requirement under paragraph (1) or (5)(A) of such section: Provided further, That for purposes of this heading, the term ''obligate'' means, with respect to amounts, that the amounts are subject to a binding agreement that will result in outlays immediately or in the future: Provided further, That of the total amount provided under this heading, up to $51,000,000 shall be for carrying out activities under section 9(h) of such Act, of which up to $10,000,000 shall be for the provision of remediation services to public housing agencies identified as ''troubled'' under the Section 8 Management Assessment Program: Provided further, That of the total amount provided under this heading, up to $500,000 shall be for lease adjustments to section 23 projects, and no less than $52,700,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems: Provided further, That no funds may be used under this heading for the purposes specified in section 9(k) of the United States Housing Act of 1937, as amended: Provided further, That of the total amount provided under this heading, up to $75,000,000 shall be available for the Secretary of

Housing and Urban Development to make grants to public housing agencies for emergency capital needs resulting from emergencies and natural disasters in fiscal year 2002: Provided further, That of the total amount provided under this heading, $15,000,000 shall be for a Neighborhood Networks initiative for activities authorized in section 9(d)(1)(E) of the United States Housing Act of 1937, as amended: Provided further, That notwithstanding any other provision of law, amounts made available in the previous proviso shall be awarded to public housing agencies on a competitive basis as provided in section 102 of the Department of Housing and Urban Development Reform Act of 1989.

PUBLIC HOUSING OPERATING FUND

(INCLUDING TRANSFER AND RESCISSION OF FUNDS)

For payments to public housing agencies for the operation and management of public housing, as authorized by section 9(e) of the United States Housing Act of 1937, as amended (42 U.S.C. 1437g(e)), $3,494,868,000, to remain available until September 30, 2003: Provided, That of the total amount provided under this heading, $5,000,000 shall be provided to the Office of Inspector General: Provided further, That of the total amount provided under this heading, $10,000,000 shall be for programs, as determined appropriate by the Attorney General, which assist in the investigation, prosecution, and prevention of violent crimes and drug offenses in public and federally-assisted low-income housing, including Indian housing: Provided further, That funds made available in the previous proviso shall be administered by the Department of Justice through a reimbursable agreement with the Department of Housing and Urban Development: Provided further, That no funds may be used under this heading for the purposes specified in section 9(k) of the United States Housing Act of 1937, as amended: Provided further, That of the unobligated balances remaining from funds appropriated in fiscal year 2001 and prior years under the heading ''Drug elimination grants for low-income housing'' for activities related to the Operation Safe Home Program, $11,000,000 is hereby rescinded.

REVITALIZATION OF SEVERELY DISTRESSED PUBLIC HOUSING (HOPE VI)

For grants to public housing agencies for demolition, site revitalization, replacement housing, and tenant-based assistance grants to projects as authorized by section 24 of the United States Housing Act of 1937, as amended, $573,735,000 to remain available until September 30, 2003, of which the Secretary may use up to $6,250,000 for technical assistance and contract expertise, to be provided directly or indirectly by grants, contracts or cooperative agreements, including training and cost of necessary travel for participants in such training, by or to officials and employees of the department and of public housing agencies and to residents: Provided, That none of such funds shall be used directly or indirectly by granting competitive advantage in awards to settle litigation or pay judgments, unless expressly permitted herein: Provided further, That of the total amount provided under this heading, $5,000,000 shall be for a Neighborhood Networks initiative for activities authorized in section 24(d)(1)(G) of the United States Housing Act of 1937, as amended: Provided further, That notwithstanding any other provision of law, amounts made available in the previous proviso shall be awarded to public housing agencies on a competitive basis as provided in section 102 of the Department of Housing and Urban Development Reform Act of 1989.

NATIVE AMERICAN HOUSING BLOCK GRANTS

(INCLUDING TRANSFERS OF FUNDS)

For the Native American Housing Block Grants program, as authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (25 U.S.C. 4111 et seq.), $648,570,000, to remain available until expended, of which $2,200,000 shall be contracted through the Secretary as technical assistance and capacity building to be used by the National American Indian Housing Council in support of the implementation of NAHASDA; of which $5,000,000 shall be to support the inspection of Indian housing units, contract expertise, training, and technical assistance in the training, oversight, and management of Indian housing and tenant-based assistance, including up to $300,000 for related travel; and of which no less than $3,000,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems: Provided, That of the amount provided under this heading, $5,987,000 shall be made available for the cost of guaranteed notes and other obligations, as authorized by title VI of NAHASDA: Provided further, That such costs, including the costs of modifying such notes and other obligations, 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 the total principal amount of any notes and other obligations, any part of which is to be guaranteed, not to exceed $52,726,000: Provided further, That the Secretary of Housing and Urban Development may provide technical and financial assistance to Indian tribes and their tribally-designated housing entities in accordance with the provisions of NAHASDA for emergency housing, housing assistance, and other assistance to address the problem of mold: Provided further, That for administrative expenses to carry out the guaranteed loan program, up to $150,000 from amounts in the first proviso, which shall be transferred to and merged with the appropriation for ''Salaries and expenses'', to be used only for the administrative costs of these guarantees.

INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, as authorized by section 184 of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a), $5,987,000, to remain available until expended: Provided, That such costs, including the costs 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 total loan principal, any part of which is to be guaranteed, not to exceed $234,283,000.

In addition, for administrative expenses to carry out the guaranteed loan program, up to $200,000 from amounts in the first paragraph, which shall be transferred to and merged with the appropriation for ''Salaries and expenses'', to be used only for the administrative costs of these guarantees.

NATIVE HAWAIIAN HOUSING LOAN GUARANTEE FUND

(INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, as authorized by section 184A of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13b), $1,000,000, to remain available until expended: Provided, That such costs, including the costs 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 total loan principal, any part of which is to be guaranteed, not to exceed $40,000,000.

In addition, for administrative expenses to carry out the guaranteed loan program, up to $35,000 from amounts in the first paragraph, which shall be transferred to and merged with the appropriation for ''Salaries and expenses'', to be used only for the administrative costs of these guarantees.

COMMUNITY PLANNING AND DEVELOPMENT

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

For carrying out the Housing Opportunities for Persons with AIDS program, as authorized by the AIDS Housing Opportunity Act (42 U.S.C. 12901 et seq.), $277,432,000, to remain available until September 30, 2003: Provided, That the Secretary shall renew all expiring contracts for permanent supportive housing that were funded under section 854(c)(3) of such Act that meet all program requirements before awarding funds for new contracts and activities authorized under this section: Provided further, That the Secretary may use up to $2,000,000 of the funds under this heading for training, oversight, and technical assistance activities.

RURAL HOUSING AND ECONOMIC DEVELOPMENT

For the Office of Rural Housing and Economic Development in the Department of Housing and Urban Development, $25,000,000 to remain available until expended, which amount shall be awarded by June 1, 2002, to Indian tribes, State housing finance agencies, State community and/or economic development agencies, local rural nonprofits and community development corporations to support innovative housing and economic development activities in rural areas: Provided, That all grants shall be awarded on a competitive basis as specified in section 102 of the Department of Housing and Urban Development Reform Act of 1989.

EMPOWERMENT ZONES/ENTERPRISE COMMUNITIES

For grants in connection with a second round of empowerment zones and enterprise communities, $45,000,000, to remain available until expended, for ''Urban Empowerment Zones'', as authorized in section 1391(g) of the Internal Revenue Code of 1986 (26 U.S.C. 1391(g)), including $3,000,000 for each empowerment zone for use in conjunction with economic development activities consistent with the strategic plan of each empowerment zone.

COMMUNITY DEVELOPMENT FUND

(INCLUDING TRANSFERS OF FUNDS)

For assistance to units of State and local government, and to other entities, for economic and community development activities, and for other purposes, $5,000,000,000, to remain available until September 30, 2004: Provided, That of the amount provided, $4,341,000,000 is for carrying out the community development block grant program under title I of the Housing and Community Development Act of 1974, as amended (the ''Act'' herein) (42 U.S.C. 5301 et seq.): Provided further, That $70,000,000 shall be for grants to Indian tribes notwithstanding section 106(a)(1) of such Act; $3,300,000 shall be available as a grant to the Housing Assistance Council; $2,600,000 shall be available as a grant to the National American Indian Housing Council; $5,000,000 shall be available as a grant to the National Housing Development Corporation, for operating expenses not to exceed $2,000,000 and for a program of affordable housing acquisition and rehabilitation; $5,000,000 shall be available as a grant to the National Council of La Raza for the HOPE Fund, of which $500,000 is for technical assistance and fund management, and $4,500,000 is for investments in the HOPE Fund and financing to affiliated organizations; and $42,500,000 shall be for grants pursuant to section 107 of the Act of which $4,000,000 shall be made available to support Alaska Native serving institutions and Native Hawaiian serving institutions as defined under the Higher Education Act, as amended, and of which $3,000,000 shall be made available to tribal colleges and universities to build, expand, renovate and equip their facilities: Provided further, That $9,600,000 shall be made available to the Department of Hawaiian Homelands to provide assistance as authorized under title VIII of the Native American Housing Assistance and Self-Determination Act of 1996 (22 U.S.C. 4221 et seq.) (with no more than 5 percent of such funds being available for administrative costs): Provided further, That no less than $13,800,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems: Provided further, That $22,000,000 shall be for

grants pursuant to the Self Help Housing Opportunity Program: Provided further, That not to exceed 20 percent of any grant made with funds appropriated under this heading (other than a grant made available in this paragraph to the Housing Assistance Council or the National American Indian Housing Council, or a grant using funds under section 107(b)(3) of the Act) shall be expended for ''Planning and Management Development'' and ''Administration'', as defined in regulations promulgated by the Department.

Of the amount made available under this heading, $29,000,000 shall be made available for capacity building, of which $25,000,000 shall be made available for Capacity Building for Community Development and Affordable Housing for LISC and the Enterprise Foundation for activities as authorized by section 4 of the HUD Demonstration Act of 1993 (42 U.S.C. 9816 note), as in effect immediately before June 12, 1997, with not less than $5,000,000 of the funding to be used in rural areas, including tribal areas, and of which $4,000,000 shall be for capacity building activities administered by Habitat for Humanity International.

Of the amount made available under this heading, the Secretary of Housing and Urban Development may use up to $55,000,000 for supportive services for public housing residents, as authorized by section 34 of the United States Housing Act of 1937, as amended, and for residents of housing assisted under the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) and for grants for service coordinators and congregate services for the elderly and disabled residents of public and assisted housing and housing assisted under NAHASDA.

Of the amount made available under this heading, $42,000,000 shall be available for neighborhood initiatives that are utilized to improve the conditions of distressed and blighted areas and neighborhoods, to stimulate investment, economic diversification, and community revitalization in areas with population outmigration or a stagnating or declining economic base, or to determine whether housing benefits can be integrated more effectively with welfare reform initiatives: Provided, That these grants shall be provided in accord with the terms and conditions specified in the statement of managers accompanying this conference report.

Of the amount made available under this heading, notwithstanding any other provision of law, $65,000,000 shall be available for YouthBuild program activities authorized by subtitle D of title IV of the Cranston-Gonzalez National Affordable Housing Act, as amended, and such activities shall be an eligible activity with respect to any funds made available under this heading: Provided, That local YouthBuild programs that demonstrate an ability to leverage private and nonprofit funding shall be given a priority for YouthBuild funding: Provided further, That no more than ten percent of any grant award may be used for administrative costs: Provided further, That not less than $10,000,000 shall be available for grants to establish Youthbuild programs in underserved and rural areas: Provided further, That of the amount provided under this paragraph, $2,000,000 shall be set aside and made available for a grant to YouthBuild USA for capacity building for community development and affordable housing activities as specified in section 4 of the HUD Demonstration Act of 1993, as amended.

Of the amount made available under this heading, $294,200,000 shall be available for grants for the Economic Development Initiative (EDI) to finance a variety of targeted economic investments in accordance with the terms and conditions specified in the statement of managers accompanying this conference report.

COMMUNITY DEVELOPMENT LOAN GUARANTEES PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, $14,000,000, to remain available until September 30, 2003, as authorized by section 108 of the Housing and Community Development 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, as amended: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $608,696,000, notwithstanding any aggregate limitation on outstanding obligations guaranteed in section 108(k) of the Housing and Community Development Act of 1974, as amended: Provided further, That in addition, for administrative expenses to carry out the guaranteed loan program, $1,000,000, which shall be transferred to and merged with the appropriation for ''Salaries and expenses''.

BROWNFIELDS REDEVELOPMENT

For Economic Development Grants, as authorized by section 108(q) of the Housing and Community Development Act of 1974, as amended, for Brownfields redevelopment projects, $25,000,000, to remain available until September 30, 2003: Provided, That the Secretary of Housing and Urban Development shall make these grants available on a competitive basis as specified in section 102 of the Department of Housing and Urban Development Reform Act of 1989.

HOME INVESTMENT PARTNERSHIPS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, as amended, $1,846,040,000 to remain available until September 30, 2004: Provided, That of the total amount provided under this heading, $50,000,000 shall be available for the Downpayment Assistance Initiative, subject to the enactment of subsequent legislation authorizing such initiative: Provided further, That should legislation authorizing such initiative not be enacted by June 30, 2002, amounts designated in the previous proviso shall become available for any such purpose authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, as amended: Provided further, That of the total amount provided under this heading, up to $20,000,000 shall be available for housing counseling under section 106 of the Housing and Urban Development Act of 1968; and no less than $17,000,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems.

HOMELESS ASSISTANCE GRANTS

(INCLUDING TRANSFER OF FUNDS)

For the emergency shelter grants program as authorized under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act, as amended; the supportive housing program as authorized under subtitle C of title IV of such Act; the section 8 moderate rehabilitation single room occupancy program as authorized under the United States Housing Act of 1937, as amended, to assist homeless individuals pursuant to section 441 of the McKinney-Vento Homeless Assistance Act; and the shelter plus care program as authorized under subtitle F of title IV of such Act, $1,122,525,000, to remain available until September 30, 2004: Provided, That not less than 30 percent of funds made available, excluding amounts provided for renewals under the shelter plus care program, shall be used for permanent housing: Provided further, That all funds awarded for services shall be matched by 25 percent in funding by each grantee: Provided further, That the Secretary shall renew on an annual basis expiring contracts or amendments to contracts funded under the shelter plus care program if the program is determined to be needed under the applicable continuum of care and meets appropriate program requirements and financial standards, as determined by the Secretary: Provided further, That all awards of assistance under this heading shall be required to coordinate and integrate homeless programs with other mainstream health, social services, and employment programs for which homeless populations may be eligible, including Medicaid, State Children's Health Insurance Program, Temporary Assistance for Needy Families, Food Stamps, and services funding through the Mental Health and Substance Abuse Block Grant, Workforce Investment Act, and the Welfare-to-Work grant program: Provided further, That $2,000,000 of the funds appropriated under this heading shall be available for the national homeless data analysis project: Provided further, That $6,600,000 of the funds appropriated under this heading shall be available for technical assistance: Provided further, That no less than $5,600,000 of the funds appropriated under this heading shall be transferred to the Working Capital Fund: Provided further, That $500,000 shall be made available to the Interagency Council on the Homeless for administrative needs.

HOUSING PROGRAMS

HOUSING FOR SPECIAL POPULATIONS

(INCLUDING TRANSFER OF FUNDS)

For assistance for the purchase, construction, acquisition, or development of additional public and subsidized housing units for low income families not otherwise provided for, $1,024,151,000, to remain available until September 30, 2004: Provided, That $783,286,000 shall be for capital advances, including amendments to capital advance contracts, for housing for the elderly, as authorized by section 202 of the Housing Act of 1959, as amended, and for project rental assistance for the elderly under section 202(c)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, and for supportive services associated with the housing, of which amount $50,000,000 shall be for service coordinators and the continuation of existing congregate service grants for residents of assisted housing projects, and of which amount $50,000,000 shall be for grants under section 202b of the Housing Act of 1959 (12 U.S.C. 1701q–2) for conversion of eligible projects under such section to assisted living or related use: Provided further, That of the amount under this heading, $240,865,000 shall be for capital advances, including amendments to capital advance contracts, for supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act, for project rental assistance for supportive housing for persons with disabilities under section 811(d)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, and for supportive services associated with the housing for persons with disabilities as authorized by section 811(b)(1) of such Act, and for tenant-based rental assistance contracts entered into pursuant to section 811 of such Act: Provided further, That no less than $1,200,000, to be divided evenly between the appropriations for the section 202 and section 811 programs, shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems: Provided further, That, in addition to amounts made available for renewal of tenant-based rental assistance contracts pursuant to the second proviso of this paragraph, the Secretary may designate up to 25 percent of the amounts earmarked under this paragraph for section 811 of such Act for tenant-based assistance, as authorized under that section, including such authority as may be waived under the next proviso, which assistance is five years in duration: Provided further, That the Secretary may waive

any provision of such section 202 and such section 811 (including the provisions governing the terms and conditions of project rental assistance and tenant-based assistance) that the Secretary determines is not necessary to achieve the objectives of these programs, or that otherwise impedes the ability to develop, operate, or administer projects assisted under these programs, and may make provision for alternative conditions or terms where appropriate.

FLEXIBLE SUBSIDY FUND

(TRANSFER OF FUNDS)

From the Rental Housing Assistance Fund, all uncommitted balances of excess rental charges as of September 30, 2001, and any collections made during fiscal year 2002, shall be transferred to the Flexible Subsidy Fund, as authorized by section 236(g) of the National Housing Act, as amended.

MANUFACTURED HOUSING FEES TRUST FUND

For necessary expenses as authorized by the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 U.S.C. 5401 et seq.), $13,566,000, to remain available until expended, to be derived from the Manufactured Housing Fees Trust Fund: Provided, That not to exceed the total amount appropriated under this heading shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund pursuant to section 620 of such Act: Provided further, That the amount made available under this heading from the general fund shall be reduced as such collections are received during fiscal year 2002 so as to result in a final fiscal year 2002 appropriation from the general fund estimated at not more than $0 and fees pursuant to such section 620 shall be modified as necessary to ensure such a final fiscal year 2002 appropriation.

FEDERAL HOUSING ADMINISTRATION

MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

During fiscal year 2002, commitments to guarantee loans to carry out the purposes of section 203(b) of the National Housing Act, as amended, shall not exceed a loan principal of $160,000,000,000.

During fiscal year 2002, obligations to make direct loans to carry out the purposes of section 204(g) of the National Housing Act, as amended, shall not exceed $250,000,000: Provided, That the foregoing amount shall be for loans to nonprofit and governmental entities in connection with sales of single family real properties owned by the Secretary and formerly insured under the Mutual Mortgage Insurance Fund.

For administrative expenses necessary to carry out the guaranteed and direct loan program, $336,700,000, of which not to exceed $332,678,000 shall be transferred to the appropriation for ''Salaries and expenses''; and not to exceed $4,022,000 shall be transferred to the appropriation for ''Office of Inspector General''. In addition, for administrative contract expenses, $160,000,000, of which no less than $118,400,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems: Provided, That to the extent guaranteed loan commitments exceed $65,500,000,000 on or before April 1, 2002, an additional $1,400 for administrative contract expenses shall be available for each $1,000,000 in additional guaranteed loan commitments (including a pro rata amount for any amount below $1,000,000), but in no case shall funds made available by this proviso exceed $16,000,000.

GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of guaranteed loans, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z–3 and 1735c), including the cost of loan guarantee modifications, as that term is defined in section 502 of the Congressional Budget Act of 1974, as amended, $15,000,000, to remain available until expended: Provided, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, of up to $21,000,000,000: Provided further, That any amounts made available in any prior appropriations Act for the cost (as such term is defined in section 502 of the Congressional Budget Act of 1974) of guaranteed loans that are obligations of the funds established under section 238 or 519 of the National Housing Act that have not been obligated or that are deobligated shall be available to the Secretary of Housing and Urban Development in connection with the making of such guarantees and shall remain available until expended, notwithstanding the expiration of any period of availability otherwise applicable to such amounts.

Gross obligations for the principal amount of direct loans, as authorized by sections 204(g), 207(l), 238, and 519(a) of the National Housing Act, shall not exceed $50,000,000, of which not to exceed $30,000,000 shall be for bridge financing in connection with the sale of multifamily real properties owned by the Secretary and formerly insured under such Act; and of which not to exceed $20,000,000 shall be for loans to nonprofit and governmental entities in connection with the sale of single-family real properties owned by the Secretary and formerly insured under such Act.

In addition, for administrative expenses necessary to carry out the guaranteed and direct loan programs, $216,100,000, of which $197,779,000, shall be transferred to the appropriation for ''Salaries and expenses''; and of which $18,321,000 shall be transferred to the appropriation for ''Office of Inspector General''. In addition, for administrative contract expenses necessary to carry out the guaranteed and direct loan programs, $144,000,000, of which no less than $41,000,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems: Provided, That to the extent guaranteed loan commitments exceed $8,426,000,000 on or before April 1, 2002, an additional $1,980 for administrative contract expenses shall be available for each $1,000,000 in additional guaranteed loan commitments over $8,426,000,000 (including a pro rata amount for any increment below $1,000,000), but in no case shall funds made available by this proviso exceed $14,400,000.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION (GNMA)

GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

New commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721(g)), shall not exceed $200,000,000,000, to remain available until September 30, 2003.

For administrative expenses necessary to carry out the guaranteed mortgage-backed securities program, $9,383,000, to be derived from the GNMA guarantees of mortgage-backed securities guaranteed loan receipt account, of which not to exceed $9,383,000 shall be transferred to the appropriation for ''Salaries and expenses''.

POLICY DEVELOPMENT AND RESEARCH

RESEARCH AND TECHNOLOGY

For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970, as amended (12 U.S.C. 1701z–1 et seq.), including carrying out the functions of the Secretary under section 1(a)(1)(i) of Reorganization Plan No. 2 of 1968, $50,250,000, to remain available until September 30, 2003: Provided, That $1,500,000 shall be for necessary expenses of the Millennial Housing Commission, as authorized by section 206 of Public Law 106–74, with the final report due no later than May 30, 2002 and a termination date of August 30, 2002, notwithstanding section 206 (f) and (g) of Public Law 106–74: Provided further, That $1,000,000 shall be for necessary expenses of the commission established under section 525 of the Preserving Affordable Housing for Senior Citizens and Families in the 21st Century Act, with the final report due no later than June 30, 2002 and a termination date of September 30, 2002, notwithstanding section 525 (f) and (g) of Public Law 106–74: Provided further, That of the total amount provided under this heading, $8,750,000 shall be for the Partnership for Advancing Technology in Housing (PATH) Initiative.

FAIR HOUSING AND EQUAL OPPORTUNITY

FAIR HOUSING ACTIVITIES

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, and section 561 of the Housing and Community Development Act of 1987, as amended, $45,899,000, to remain available until September 30, 2003, of which $20,250,000 shall be to carry out activities pursuant to such section 561: Provided, That no funds made available under this heading shall be used to lobby the executive or legislative branches of the Federal Government in connection with a specific contract, grant or loan.

OFFICE OF LEAD HAZARD CONTROL

LEAD HAZARD REDUCTION

For the Lead Hazard Reduction Program, as authorized by section 1011 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, $109,758,000 to remain available until September 30, 2003, of which $10,000,000 shall be for the Healthy Homes Initiative, pursuant to sections 501 and 502 of the Housing and Urban Development Act of 1970 that shall include research, studies, testing, and demonstration efforts, including education and outreach concerning lead-based paint poisoning and other housing-related diseases and hazards: Provided, That of the amounts provided under this heading, $3,500,000 shall be for a one-time grant to the National Center for Lead-Safe Housing.

MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary administrative and non-administrative expenses of the Department of Housing and Urban Development, not otherwise provided for, including not to exceed $25,000 for official reception and representation expenses, $1,097,292,000, of which $530,457,000 shall be provided from the various funds of the Federal Housing Administration, $9,383,000 shall be provided from funds of the Government National Mortgage Association, $1,000,000 shall be provided from the ''Community development loan guarantees program'' account, $150,000 shall be provided by transfer from the ''Native American housing block grants'' account, $200,000 shall be provided by transfer from the ''Indian housing loan guarantee fund program'' account and $35,000 shall be transferred from the ''Native Hawaiian housing loan guarantee fund'' account: Provided, That no less than $85,000,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems: Provided further, That the Secretary shall fill 7 out of 10 vacancies at the GS–14 and GS–15 levels until the total number of GS–14 and GS–15 positions in the Department has been reduced from the number of GS–14 and GS–15 positions on the date of enactment of Public Law 106–377 by two and one-half percent: Provided further, That the Secretary shall submit a staffing plan for the Department by January 15, 2002.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector

General Act of 1978, as amended, $93,898,000, of which $22,343,000 shall be provided from the various funds of the Federal Housing Administration and $5,000,000 shall be provided from the appropriation for the ''Public housing operating fund'': Provided, That the Inspector General shall have independent authority over all personnel issues within the Office of Inspector General.

CONSOLIDATED FEE FUND

(RESCISSION)

Of the balances remaining available from fees and charges under section 7(j) of the Department of Housing and Urban Development Act, $6,700,000 is rescinded.

OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For carrying out the Federal Housing Enterprises Financial Safety and Soundness Act of 1992, including not to exceed $500 for official reception and representation expenses, $27,000,000, to remain available until expended, to be derived from the Federal Housing Enterprises Oversight Fund: Provided, That not to exceed such amount shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund: Provided further, That the general fund amount shall be reduced as collections are received during the fiscal year so as to result in a final appropriation from the general fund estimated at not more than $0: Provided further, That this Office shall submit a staffing plan to the House and Senate Committees on Appropriations no later than January 30, 2002.

ADMINISTRATIVE PROVISIONS

SEC. 201. Fifty percent of the amounts of budget authority, or in lieu thereof 50 percent of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (42 U.S.C. 1437 note) shall be rescinded, or in the case of cash, shall be remitted to the Treasury, and such amounts of budget authority or cash recaptured and not rescinded or remitted to the Treasury shall be used by State housing finance agencies or local governments or local housing agencies with projects approved by the Secretary of Housing and Urban Development for which settlement occurred after January 1, 1992, in accordance with such section. Notwithstanding the previous sentence, the Secretary may award up to 15 percent of the budget authority or cash recaptured and not rescinded or remitted to the Treasury to provide project owners with incentives to refinance their project at a lower interest rate.

SEC. 202. None of the amounts made available under this Act may be used during fiscal year 2002 to investigate or prosecute under the Fair Housing Act any otherwise lawful activity engaged in by one or more persons, including the filing or maintaining of a non-frivolous legal action, that is engaged in solely for the purpose of achieving or preventing action by a Government official or entity, or a court of competent jurisdiction.

SEC. 203. (a) Notwithstanding section 854(c)(1)(A) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)(1)(A)), from any amounts made available under this title for fiscal year 2002 that are allocated under such section, the Secretary of Housing and Urban Development shall allocate and make a grant, in the amount determined under subsection (b), for any State that—

(1) received an allocation in a prior fiscal year under clause (ii) of such section; and

(2) is not otherwise eligible for an allocation for fiscal year 2002 under such clause (ii) because the areas in the State outside of the metropolitan statistical areas that qualify under clause (i) in fiscal year 2002 do not have the number of cases of acquired immunodeficiency syndrome (AIDS) required under such clause.

(b) The amount of the allocation and grant for any State described in subsection (a) shall be an amount based on the cumulative number of AIDS cases in the areas of that State that are outside of metropolitan statistical areas that qualify under clause (i) of such section 854(c)(1)(A) in fiscal year 2002, in proportion to AIDS cases among cities and States that qualify under clauses (i) and (ii) of such section and States deemed eligible under subsection (a).

SEC. 204. (a) Section 225(a) of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000, Public Law 106–74 (113 Stat. 1076), is amended by inserting ''and fiscal year 2002'' after ''fiscal year 2001''.

(b) Notwithstanding any other provision of law, the Secretary of Housing and Urban Development shall allocate to Wake County, North Carolina, the amounts that otherwise would be allocated for fiscal year 2002 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)) to the City of Raleigh, North Carolina, on behalf of the Raleigh-Durham-Chapel Hill, North Carolina Metropolitan Statistical Area. Any amounts allocated to Wake County shall be used to carry out eligible activities under section 855 of such Act (42 U.S.C. 12904) within such metropolitan statistical area.

SEC. 205. Section 106(c)(9) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(c)(9)) is repealed.

SEC. 206. Section 251 of the National Housing Act (12 U.S.C. 1715z–16) is amended—

(1) in subsection (b), by striking ''issue regulations'' and all that follows and inserting the following: ''require that the mortgagee make available to the mortgagor, at the time of loan application, a written explanation of the features of an adjustable rate mortgage consistent with the disclosure requirements applicable to variable rate mortgages secured by a principal dwelling under the Truth in Lending Act.''; and

(2) by adding the following new subsection at the end:

''(d)(1) The Secretary may insure under this subsection a mortgage that meets the requirements of subsection (a), except that the effective rate of interest—

''(A) shall be fixed for a period of not less than the first 3 years of the mortgage term;

''(B) shall be adjusted by the mortgagee initially upon the expiration of such period and annually thereafter; and

''(C) in the case of the initial interest rate adjustment, is subject to the 1 percent limitation only if the interest rate remained fixed for five or fewer years.

''(2) The disclosure required under subsection (b) shall be required for a mortgage insured under this subsection.''.

SEC. 207. (a) Section 203(c) of the National Housing Act (12 U.S.C. 1709(c)) is amended—

(1) in paragraph (1), by striking ''and (k)'' and inserting ''or (k)''; and

(2) in paragraph (2)—

(A) by inserting after ''subsection (v)'' the following: ''and each mortgage that is insured under subsection (k) or section 234(c),''; and

(B) by striking ''and executed on or after October 1, 1994,''.

(b) The amendments made by subsection (a) shall—

(1) apply only to mortgages that are executed on or after the date of enactment of this Act; and

(2) be implemented in advance of any necessary conforming changes to regulations.

SEC. 208. (a) During fiscal year 2002, in the provision of rental assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) in connection with a program to demonstrate the economy and effectiveness of providing such assistance for use in assisted living facilities that is carried out in the counties of the State of Michigan specified in subsection (b) of this section, notwithstanding paragraphs (3) and (18)(B)(iii) of such section 8(o), a family residing in an assisted living facility in any such county, on behalf of which a public housing agency provides assistance pursuant to section 8(o)(18) of such Act, may be required, at the time the family initially receives such assistance, to pay rent in an amount exceeding 40 percent of the monthly adjusted income of the family by such a percentage or amount as the Secretary of Housing and Urban Development determines to be appropriate.

(b) The counties specified in this subsection are Oakland County, Macomb County, Wayne County, and Washtenaw County, in the State of Michigan.

SEC. 209. Section 533 of the National Housing Act (12 U.S.C. 1735f–11) is amended to read as follows:

''SEC. 533. REVIEW OF MORTGAGEE PERFORMANCE AND AUTHORITY TO TERMINATE.—

''(a) PERIODIC REVIEW OF MORTGAGEE PERFORMANCE.—To reduce losses in connection with single family mortgage insurance programs under this Act, at least once a year the Secretary shall review the rate of early defaults and claims for insured single family mortgages originated or underwritten by each mortgagee.

''(b) COMPARISON WITH OTHER MORTGAGEES.—For each mortgagee, the Secretary shall compare the rate of early defaults and claims for insured single family mortgage loans originated or underwritten by the mortgagee in an area with the rate of early defaults and claims for other mortgagees originating or underwriting insured single family mortgage loans in the area. For purposes of this section, the term 'area' means each geographic area in which the mortgagee is authorized by the Secretary to originate insured single family mortgages.

''(c) TERMINATION OF MORTGAGEE ORIGINATION APPROVAL.—(1) Notwithstanding section 202(c) of this Act, the Secretary may terminate the approval of a mortgagee to originate or underwrite single family mortgages if the Secretary determines that the mortgage loans originated or underwritten by the mortgagee present an unacceptable risk to the insurance funds. The determination shall be based on the comparison required under subsection (b) and shall be made in accordance with regulations of the Secretary. The Secretary may rely on existing regulations published before this section takes effect.

''(2) The Secretary shall give a mortgagee at least 60 days prior written notice of any termination under this subsection. The termination shall take effect at the end of the notice period, unless the Secretary withdraws the termination notice or extends the notice period. If requested in writing by the mortgagee within 30 days of the date of the notice, the mortgagee shall be entitled to an informal conference with the official authorized to issue termination notices on behalf of the Secretary (or a designee of that official). At the informal conference, the mortgagee may present for consideration specific factors that it believes were beyond its control and that caused the excessive default and claim rate.''.

SEC. 210. Except as explicitly provided in law, any grant or assistance made pursuant to title II of this Act shall be made on a competitive basis in accordance with section 102 of the Department of Housing and Urban Development Reform Act of 1989.

SEC. 211. Public housing agencies in the States of Alaska, Iowa, and Mississippi shall not be required to comply with section 2(b) of the United States Housing Act of 1937, as amended, during fiscal year 2002.

SEC. 212. Notwithstanding any other provision of law, in fiscal year 2002, in managing and disposing of any multifamily property that is owned or held by the Secretary and is occupied primarily by elderly or disabled families, the Secretary of Housing and Urban Development shall maintain any rental assistance payments

under section 8 of the United States Housing Act of 1937 that are attached to any dwelling units in the property. To the extent the Secretary determines that such a multifamily property owned or held by the Secretary is not feasible for continued rental assistance payments under such section 8, the Secretary may, in consultation with the tenants of that property, contract for project-based rental assistance payments with an owner or owners of other existing housing properties or provide other rental assistance.

SEC. 213. (a) SECTION 207 LIMITS.—Section 207(c)(3) of the National Housing Act (12 U.S.C. 1713(c)(3)) is amended—

(1) by striking ''$30,420'', ''$33,696'', ''$40,248'', ''$49,608'', and ''$56,160'' and inserting ''$38,025'', ''$42,120'', ''$50,310'', ''$62,010'', and ''$70,200'', respectively;

(2) by striking ''$9,000'' and inserting ''$11,250''; and

(3) by striking ''$35,100'', ''$39,312'', ''$48,204'', ''$60,372'', and ''$68,262'' and inserting ''$43,875'', ''$49,140'', ''$60,255'', ''$75,465'', and ''$85,328'', respectively.

(b) SECTION 213 LIMITS.—Section 213(b)(2) of the National Housing Act (12 U.S.C. 1715e(b)(2)) is amended—

(1) by striking ''$30,420'', ''$33,696'', ''$40,248'', ''$49,608'', and ''$56,160'' and inserting ''$38,025'', ''$42,120'', ''$50,310'', ''$62,010'', and ''$70,200'', respectively; and

(2) by striking ''$35,100'', ''$39,312'', ''$48,204'', ''$60,372'', and ''$68,262'' and inserting ''$43,875'', ''$49,140'', ''$60,255'', ''$75,465'', and ''$85,328'', respectively.

(c) SECTION 220 LIMITS.—Section 220(d)(3)(B)(iii) of the National Housing Act (12 U.S.C. 1715k(d)(3)(B)(iii)) is amended—

(1) by striking ''$30,420'', ''$33,696'', ''$40,248'', ''$49,608'', and ''$56,160'' and inserting ''$38,025'', ''$42,120'', ''$50,310'', ''$62,010'', and ''$70,200'', respectively; and

(2) by striking ''$35,100'', ''$39,312'', ''$48,204'', ''$60,372'', and ''$68,262'' and inserting ''$43,875'', ''$49,140'', ''$60,255'', ''$75,465'', and ''$85,328'', respectively.

(d) SECTION 221(d)(3) LIMITS.—Section 221(d)(3)(ii) of the National Housing Act (12 U.S.C. 1715l(d)(3)(ii)) is amended—

(1) by striking ''$33,638'', ''$38,785'', ''$46,775'', ''$59,872'', and ''$66,700'' and inserting ''$42,048'', ''$48,481'', ''$58,469'', ''$74,840'', and ''$83,375'', respectively; and

(2) by striking ''$35,400'', ''$40,579'', ''$49,344'', ''$63,834'', and ''$70,070'' and inserting ''$44,250'', ''$50,724'', ''$61,680'', ''$79,793'', and ''$87,588'', respectively.

(e) SECTION 221(d)(4) LIMITS.—Section 221(d)(4)(ii) of the National Housing Act (12 U.S.C. 1715l(d)(4)(ii)) is amended—

(1) by striking ''$30,274'', ''$34,363'', ''$41,536'', ''$52,135'', and ''$59,077'' and inserting ''$37,843'', ''$42,954'', ''$51,920'', ''$65,169'', and ''$73,846'', respectively; and

(2) by striking ''$32,701'', ''$37,487'', ''$45,583'', ''$58,968'', and ''$64,730'' and inserting ''$40,876'', ''$46,859'', ''$56,979'', ''$73,710'', and ''$80,913'', respectively.

(f) SECTION 231 LIMITS.—Section 231(c)(2) of the National Housing Act (12 U.S.C. 1715v(c)(2)) is amended—

(1) by striking ''$28,782'', ''$32,176'', ''$38,423'', ''$46,238'', and ''$54,360'' and inserting ''$35,978'', ''$40,220'', ''$48,029'', ''$57,798'', ''$67,950'', respectively; and

(2) by striking ''$32,701'', ''$37,487'', ''$45,583'', ''$58,968'', and ''$64,730'' and inserting ''$40,876'', ''$46,859'', ''$56,979'', ''$73,710'', and ''$80,913'', respectively.

(g) SECTION 234 LIMITS.—Section 234(e)(3) of the National Housing Act (12 U.S.C. 1715y(e)(3)) is amended—

(1) by striking ''$30,420'', ''$33,696'', ''$40,248'', ''$49,608'', and ''$56,160'' and inserting ''$38,025'', ''$42,120'', ''$50,310'', ''$62,010'', and ''$70,200'', respectively; and

(2) by striking ''$35,100'', ''$39,312'', ''$48,204'', ''$60,372'', and ''$68,262'' and inserting ''$43,875'', ''$49,140'', ''$60,255'', ''$75,465'', and ''$85,328'', respectively.

SEC. 214. Of the amounts appropriated in the Consolidated Appropriations Act, 2001 (Public Law 106–554), for the operation of an historical archive at the University of South Carolina, Department of Archives, South Carolina, such funds shall be available to the University of South Carolina to fund an endowment for the operation of an historical archive at the University of South Carolina, without fiscal year limitation.

SEC. 215. Section 247 of the National Housing Act (12 U.S.C. 1715z–12) is amended—

(1) in subsection (d), by striking paragraphs (1) and (2) and inserting the following:

''(1) NATIVE HAWAIIAN.—The term 'native Hawaiian' means any descendant of not less than one-half part of the blood of the races inhabiting the Hawaiian Islands before January 1, 1778, or, in the case of an individual who is awarded an interest in a lease of Hawaiian home lands through transfer or succession, such lower percentage as may be established for such transfer or succession under section 208 or 209 of the Hawaiian Homes Commission Act of 1920 (42 Stat. 111), or under the corresponding provision of the Constitution of the State of Hawaii adopted under section 4 of the Act entitled 'An Act to provide for the admission of the State of Hawaii into the Union', approved March 18, 1959 (73 Stat. 5).

''(2) HAWAIIAN HOME LANDS.—The term 'Hawaiian home lands' means all lands given the status of Hawaiian home lands under section 204 of the Hawaiian Homes Commission Act of 1920 (42 Stat. 110), or under the corresponding provision of the Constitution of the State of Hawaii adopted under section 4 of the Act entitled 'An Act to provide for the admission of the State of Hawaii into the Union', approved March 18, 1959 (73 Stat. 5).''; and

(2) by adding at the end the following:

''(e) CERTIFICATION OF ELIGIBILITY FOR EXISTING LESSEES.—Possession of a lease of Hawaiian home lands issued under section 207(a) of the Hawaiian Homes Commission Act of 1920 (42 Stat. 110), shall be sufficient to certify eligibility to receive a mortgage under this section.''.

SEC. 216. Notwithstanding the requirement regarding commitment of funds in the first sentence of section 288(b) of the HOME Investment Partnerships Act (42 U.S.C. 12838(b)), the Secretary of Housing and Urban Development (in this section referred to as the ''Secretary'') shall approve the release of funds under that section to the Arkansas Development Finance Authority (in this section referred to as the ''ADFA'') for projects, if—

(1) funds were committed to those projects on or before June 12, 2001;

(2) those projects had not been completed as of June 12, 2001;

(3) the ADFA has fully carried out its responsibilities as described in section 288(a); and

(4) the Secretary has approved the certification that meets the requirements of section 288(c) with respect to those projects.

SEC. 217. Notwithstanding any other provision of law with respect to this or any other fiscal year, the Housing Authority of Baltimore City may use the remaining balance of the grant award of $20,000,000 made to such authority for development efforts at Hollander Ridge in Baltimore, Maryland with funds appropriated for fiscal year 1996 under the heading ''Public Housing Demolition, Site Revitalization, and Replacement Housing Grants'' for the rehabilitation of the Claremont Homes project and for the provision of affordable housing in areas within the City of Baltimore either (1) designated by the partial consent decree in Thompson v. HUD as nonimpacted census tracts or (2) designated by said authority as either strong neighborhoods experiencing private investment or dynamic growth areas where public and/or private commercial or residential investment is occurring.

TITLE III—INDEPENDENT AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one for replacement only) and hire of passenger motor vehicles; and insurance of official motor vehicles in foreign countries, when required by law of such countries, $30,466,000, to remain available until expended.

In addition, for the partial cost of construction of a new interpretive and visitor center at the American Cemetery in Normandy, France, $5,000,000, to remain available until expended: Provided, That the Commission shall ensure that the placement, scope and character of this new center protect the solemnity of the site and the sensitivity of interested parties including families of servicemen interred at the cemetery, the host country and Allied forces who participated in the invasion and ensuing battle: Provided further, That not more than $1,000,000 shall be for non-construction related costs including initial consultations with interested parties and the conceptual study and design of the new center.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

SALARIES AND EXPENSES

For necessary expenses in carrying out activities pursuant to section 112(r)(6) of the Clean Air Act, as amended, including hire of passenger vehicles, uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902, and for services authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376, $7,850,000, $5,350,000 of which to remain available until September 30, 2002 and $2,500,000 of which to remain available until September 30, 2003: Provided, That the Chemical Safety and Hazard Investigation Board shall have not more than three career Senior Executive Service positions: Provided further, That, hereafter, there shall be an Inspector General at the Board who shall have the duties, responsibilities, and authorities specified in the Inspector General Act of 1978, as amended: Provided further, That an individual appointed to the position of Inspector General of the Federal Emergency Management Agency (FEMA) shall, by virtue of such appointment, also hold the position of Inspector General of the Board: Provided further, That the Inspector General of the Board shall utilize personnel of the Office of Inspector General of FEMA in performing the duties of the Inspector General of the Board, and shall not appoint any individuals to positions within the Board.

DEPARTMENT OF THE TREASURY

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

FUND PROGRAM ACCOUNT

To carry out the Community Development Banking and Financial Institutions Act of 1994, including services authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for ES–3, $80,000,000, to remain available until September 30, 2003, of which $5,000,000 shall be for technical assistance and training programs designed to benefit Native American, Native Hawaiian, and Alaskan Native communities, and up to $9,500,000 may be used for administrative expenses, including administration of the New Markets Tax Credit, up to $6,000,000 may be used for the cost of direct loans, and up to

$1,000,000 may be used for administrative expenses to carry out the direct loan program: Provided, That the cost of direct loans, 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 $51,800,000.

CONSUMER PRODUCT SAFETY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Consumer Product Safety Commission, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable under 5 U.S.C. 5376, purchase of nominal awards to recognize non-Federal officials' contributions to Commission activities, and not to exceed $500 for official reception and representation expenses, $55,200,000.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

NATIONAL AND COMMUNITY SERVICE PROGRAMS

OPERATING EXPENSES

For necessary expenses for the Corporation for National and Community Service (the ''Corporation'') in carrying out programs, activities, and initiatives under the National and Community Service Act of 1990 (the ''Act'') (42 U.S.C. 12501 et seq.), $401,980,000, to remain available until September 30, 2003: Provided, That not more than $31,000,000 shall be available for administrative expenses authorized under section 501(a)(4) of the Act (42 U.S.C. 12671(a)(4)) with not less than $2,000,000 targeted for the acquisition of a cost accounting system for the Corporation's financial management system, an integrated grants management system that provides comprehensive financial management information for all Corporation grants and cooperative agreements, and the establishment, operation, and maintenance of a central archives serving as the repository for all grant, cooperative agreement, and related documents, without regard to the provisions of section 501(a)(4)(B) of the Act: Provided further, That not more than $2,500 shall be for official reception and representation expenses: Provided further, That of amounts previously transferred to the National Service Trust, $5,000,000 shall be available for national service scholarships for high school students performing community service: Provided further, That not more than $240,492,000 of the amount provided under this heading shall be available for grants under the National Service Trust program authorized under subtitle C of title I of the Act (42 U.S.C. 12571 et seq.) (relating to activities including the AmeriCorps program), of which not more than $47,000,000 may be used to administer, reimburse, or support any national service program authorized under section 121(d)(2) of such Act (42 U.S.C. 12581(d)(2)); not more than $25,000,000 shall be made available to activities dedicated to developing computer and information technology skills for students and teachers in low-income communities: Provided further, That not more than $10,000,000 of the funds made available under this heading shall be made available for the Points of Light Foundation for activities authorized under title III of the Act (42 U.S.C. 12661 et seq.), of which not more than $2,500,000 may be used to establish or support an endowment fund, the corpus of which shall remain intact and the interest income from which shall be used to support activities described in title III of the Act, provided that the Foundation may invest the corpus and income in federally insured bank savings accounts or comparable interest bearing accounts, certificates of deposit, money market funds, mutual funds, obligations of the United States, and other market instruments and securities but not in real estate investments: Provided further, That notwithstanding any other law $2,500,000 of the funds made available by the Corporation to the Foundation under Public Law 106–377 may be used in the manner described in the preceding proviso: Provided further, That no funds shall be available for national service programs run by Federal agencies authorized under section 121(b) of such Act (42 U.S.C. 12571(b)): Provided further, That to the maximum extent feasible, funds appropriated under subtitle C of title I of the Act shall be provided in a manner that is consistent with the recommendations of peer review panels in order to ensure that priority is given to programs that demonstrate quality, innovation, replicability, and sustainability: Provided further, That not more than $25,000,000 of the funds made available under this heading shall be available for the Civilian Community Corps authorized under subtitle E of title I of the Act (42 U.S.C. 12611 et seq.): Provided further, That not more than $43,000,000 shall be available for school-based and community-based service-learning programs authorized under subtitle B of title I of the Act (42 U.S.C. 12521 et seq.): Provided further, That not more than $28,488,000 shall be available for quality and innovation activities authorized under subtitle H of title I of the Act (42 U.S.C. 12853 et seq.): Provided further, That not more than $5,000,000 shall be available for audits and other evaluations authorized under section 179 of the Act (42 U.S.C. 12639): Provided further, That to the maximum extent practicable, the Corporation shall increase significantly the level of matching funds and in-kind contributions provided by the private sector, and shall reduce the total Federal costs per participant in all programs: Provided further, That not more than $7,500,000 of the funds made available under this heading shall be made available to America's Promise—The Alliance for Youth, Inc., only to support efforts to mobilize individuals, groups, and organizations to build and strengthen the character and competence of the Nation's youth: Provided further, That not more than $5,000,000 of the funds made available under this heading shall be made available to the Communities In Schools, Inc., to support dropout prevention activities: Provided further, That not more than $2,500,000 of the funds made available under this heading shall be made available to the YMCA of the USA to support school-based programs designed to strengthen collaborations and linkages between public schools and communities: Provided further, That not more than $1,000,000 of the funds made available under this heading shall be made available to Teach For America: Provided further, That not more than $1,500,000 of the funds made available under this heading shall be made available to Parents As Teachers National Center, Inc., to support literacy activities: Provided further, That not more than $1,500,000 of the funds made available under this heading shall be made available to the Youth Life Foundation to meet the needs of children living in insecure environments.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $5,000,000, to remain available until September 30, 2003.

U.S. COURT OF APPEALS FOR VETERANS CLAIMS

SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Court of Appeals for Veterans Claims as authorized by 38 U.S.C. 7251–7298, $13,221,000, of which $895,000 shall be available for the purpose of providing financial assistance as described, and in accordance with the process and reporting procedures set forth, under this heading in Public Law 102–229.

DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, including the purchase of two passenger motor vehicles for replacement only, and not to exceed $1,000 for official reception and representation expenses, $22,537,000, to remain available until expended.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For necessary expenses for the National Institute of Environmental Health Sciences in carrying out activities set forth in section 311(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, $70,228,000.

AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY

TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC HEALTH

For necessary expenses for the Agency for Toxic Substances and Disease Registry (ATSDR) in carrying out activities set forth in sections 104(i), 111(c)(4), and 111(c)(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended; section 118(f) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended; and section 3019 of the Solid Waste Disposal Act, as amended, $78,235,000, to be derived from the Hazardous Substance Superfund Trust Fund pursuant to section 517(a) of SARA (26 U.S.C. 9507): Provided, That notwithstanding any other provision of law, in lieu of performing a health assessment under section 104(i)(6) of CERCLA, the Administrator of ATSDR may conduct other appropriate health studies, evaluations, or activities, including, without limitation, biomedical testing, clinical evaluations, medical monitoring, and referral to accredited health care providers: Provided further, That in performing any such health assessment or health study, evaluation, or activity, the Administrator of ATSDR shall not be bound by the deadlines in section 104(i)(6)(A) of CERCLA: Provided further, That none of the funds appropriated under this heading shall be available for ATSDR to issue in excess of 40 toxicological profiles pursuant to section 104(i) of CERCLA during fiscal year 2002, and existing profiles may be updated as necessary.

ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

For science and technology, including research and development activities, which shall include research and development activities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended; necessary expenses for personnel and related costs and travel expenses, including uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; procurement of laboratory equipment and supplies; other operating expenses in support of research and development; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $698,089,000, which shall remain available until September 30, 2003.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For environmental programs and management, including necessary expenses, not otherwise provided for, for personnel and related costs and travel expenses, including uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals 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; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships

in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project; and not to exceed $6,000 for official reception and representation expenses, $2,054,511,000, which shall remain available until September 30, 2003.

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, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $34,019,000, to remain available until September 30, 2003.

BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of, or for use by, the Environmental Protection Agency, $25,318,000, to remain available until expended.

HAZARDOUS SUBSTANCE SUPERFUND

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including sections 111(c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611), and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project; $1,270,000,000 (of which $100,000,0000 shall not become available until September 1, 2002), to remain available until expended, consisting of $635,000,000, as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended by Public Law 101–508, and $635,000,000 as a payment from general revenues to the Hazardous Substance Superfund for purposes as authorized by section 517(b) of SARA, as amended: Provided, That funds appropriated under this heading may be allocated to other Federal agencies in accordance with section 111(a) of CERCLA: Provided further, That of the funds appropriated under this heading, $11,867,000 shall be transferred to the ''Office of Inspector General'' appropriation to remain available until September 30, 2003, and $36,891,000 shall be transferred to the ''Science and technology'' appropriation to remain available until September 30, 2003.

LEAKING UNDERGROUND STORAGE TANK PROGRAM

For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by section 205 of the Superfund Amendments and Reauthorization Act of 1986, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $73,000,000, to remain available until expended.

OIL SPILL RESPONSE

For expenses necessary to carry out the Environmental Protection Agency's responsibilities under the Oil Pollution Act of 1990, $15,000,000, to be derived from the Oil Spill Liability trust fund, to remain available until expended.

STATE AND TRIBAL ASSISTANCE GRANTS

For environmental programs and infrastructure assistance, including capitalization grants for State revolving funds and performance partnership grants, $3,733,276,000, to remain available until expended, of which $1,350,000,000 shall be for making capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act, as amended (the ''Act''); $850,000,000 shall be for capitalization grants for the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act, as amended, except that, notwithstanding section 1452(n) of the Safe Drinking Water Act, as amended, none of the funds made available under this heading in this Act, or in previous appropriations Acts, shall be reserved by the Administrator for health effects studies on drinking water contaminants; $75,000,000 shall be for architectural, engineering, planning, design, construction and related activities in connection with the construction of high priority water and wastewater facilities in the area of the United States-Mexico Border, after consultation with the appropriate border commission; $40,000,000 shall be for grants to the State of Alaska to address drinking water and wastewater infrastructure needs of rural and Alaska Native Villages; $343,900,000, in addition to $124,725 previously appropriated under this heading in Public Law 106–377 and $498,900 previously appropriated under this heading in Public Law 106–554, shall be for making grants for the construction of wastewater and water treatment facilities and groundwater protection infrastructure in accordance with the terms and conditions specified for such grants in the statement of the managers accompanying this Act; and $1,074,376,000 shall be for grants, including associated program support costs, to States, federally recognized tribes, interstate agencies, tribal consortia, and air pollution control agencies for multi-media or single media pollution prevention, control and abatement and related activities, including activities pursuant to the provisions set forth under this heading in Public Law 104–134, and for making grants under section 103 of the Clean Air Act for particulate matter monitoring and data collection activities of which and subject to terms and conditions specified by the Administrator, $25,000,000 shall be for Environmental Information Exchange Network grants, including associated program support costs: Provided, That for fiscal year 2002, State authority under section 302(a) of Public Law 104–182 shall remain in effect: Provided further, That notwithstanding section 603(d)(7) of the Act, the limitation on the amounts in a State water pollution control revolving fund that may be used by a State to administer the fund shall not apply to amounts included as principal in loans made by such fund in fiscal year 2002 and prior years where such amounts represent costs of administering the fund to the extent that such amounts are or were deemed reasonable by the Administrator, accounted for separately from other assets in the fund, and used for eligible purposes of the fund, including administration: Provided further, That for fiscal year 2002, and notwithstanding section 518(f) of the Federal Water Pollution Control Act, as amended, the Administrator is authorized to use the amounts appropriated for any fiscal year under section 319 of that Act to make grants to Indian tribes pursuant to section 319(h) and 518(e) of that Act: Provided further, That for fiscal year 2002, notwithstanding the limitation on amounts in section 518(c) of the Act, up to a total of 1½ percent of the funds appropriated for State Revolving Funds under title VI of that Act may be reserved by the Administrator for grants under section 518(c) of such Act: Provided further, That no funds provided by this legislation to address the water, wastewater and other critical infrastructure needs of the colonias in the United States along the United States-Mexico border shall be made available to a county or municipal government unless that government has established an enforceable local ordinance, or other zoning rule, which prevents in that jurisdiction the development or construction of any additional colonia areas, or the development within an existing colonia the construction of any new home, business, or other structure which lacks water, wastewater, or other necessary infrastructure.

ADMINISTRATIVE PROVISIONS

For fiscal year 2002, notwithstanding 31 U.S.C. 6303(1) and 6305(1), the Administrator of the Environmental Protection Agency, in carrying out the Agency's function to implement directly Federal environmental programs required or authorized by law in the absence of an acceptable tribal program, may award cooperative agreements to federally-recognized Indian Tribes or Intertribal consortia, if authorized by their member Tribes, to assist the Administrator in implementing Federal environmental programs for Indian Tribes required or authorized by law, except that no such cooperative agreements may be awarded from funds designated for State financial assistance agreements.

Section 136a–1 of title 7, U.S.C. is amended—

(1) in subsection (i)(5)(C)(i) by striking ''$14,000,000'' and inserting ''$17,000,000''; and, by striking ''each'' and inserting ''2002'' after ''fiscal year'';

(2) in subsection (i)(5)(H) by striking ''2001'' and inserting ''2002'';

(3) in subsection (i)(6) by striking ''2001'' and inserting ''2002''; and

(4) in subsection (k)(3)(A) by striking ''2001'' and inserting ''2002''; and, by striking ''1/7'' and inserting ''1/10''.

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 and 6671), hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, not to exceed $2,500 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, $5,267,000.

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses to continue functions assigned to the Council on Environmental Quality and Office of Environmental Quality pursuant to the National Environmental Policy Act of 1969, the Environmental Quality Improvement Act of 1970, and Reorganization Plan No. 1 of 1977, and not to exceed $750 for official reception and representation expenses, $2,974,000: Provided, That notwithstanding section 202 of the National Environmental Policy Act of 1970, the Council shall consist of one member, appointed by the President, by and with the advice and consent of the Senate, serving as chairman and exercising all powers, functions, and duties of the Council.

FEDERAL DEPOSIT INSURANCE CORPORATION

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, $33,660,000, to be derived from the Bank Insurance Fund, the Savings Association Insurance Fund, and the FSLIC Resolution Fund.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $664,000,000, and, notwithstanding 42 U.S.C. 5203, to remain available until expended, of which not to exceed $2,900,000 may be transferred to ''Emergency management planning and assistance'' for the consolidated emergency management performance grant program; $25,000,000 shall be transferred to the Flood Map Modernization Fund; $25,000,000 shall be transferred to ''Emergency management planning and assistance'', for pre-disaster mitigation activities; and $21,577,000 may be used by the Office of Inspector General for audits and investigations.

In addition, for the purposes under this heading, $1,500,000,000, to remain available until expended: Provided, That such amount 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 such amount shall be available only to the extent that an official budget request,

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.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

For the cost of direct loans, $405,000 as authorized by section 319 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act: 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 $25,000,000.

In addition, for administrative expenses to carry out the direct loan program, $543,000.

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, including hire and purchase of motor vehicles as authorized by 31 U.S.C. 1343; uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; expenses of attendance of cooperating officials and individuals at meetings concerned with the work of emergency preparedness; transportation in connection with the continuity of Government programs to the same extent and in the same manner as permitted the Secretary of a Military Department under 10 U.S.C. 2632; and not to exceed $2,500 for official reception and representation expenses, $233,801,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $10,303,000: Provided, That notwithstanding any other provision of law, the Inspector General of the Federal Emergency Management Agency shall also serve as the Inspector General of the Chemical Safety and Hazard Investigation Board.

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses, not otherwise provided for, to carry out activities under the National Flood Insurance Act of 1968, as amended, and the Flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977, as amended (42 U.S.C. 7701 et seq.), the Federal Fire Prevention and Control Act of 1974, as amended (15 U.S.C. 2201 et seq.), the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947, as amended (50 U.S.C. 404–405), and Reorganization Plan No. 3 of 1978, $254,623,000: Provided, That for purposes of predisaster mitigation pursuant to 42 U.S.C. 5131(b) and (c) and 42 U.S.C. 5196(e) and (i), $25,000,000 of the funds made available for project grants under this heading by transfer from ''Disaster relief'', shall be available until expended.

For an additional amount for ''Emergency management planning and assistance'', $150,000,000 for programs as authorized by section 33 of the Federal Fire Prevention and Control Act of 1974, as amended (15 U.S.C. 2201 et seq.): Provided, That up to 5 percent of this amount shall be transferred to ''Salaries and expenses'' for program administration.

RADIOLOGICAL EMERGENCY PREPAREDNESS FUND

The aggregate charges assessed during fiscal year 2002, as authorized by Public Law 106–377, shall not be less than 100 percent of the amounts anticipated by FEMA necessary for its radiological emergency preparedness program for the next fiscal year. The methodology for assessment and collection of fees shall be fair and equitable; and shall reflect costs of providing such services, including administrative costs of collecting such fees. Fees received pursuant to this section shall be deposited in the Fund as offsetting collections and will become available for authorized purposes on October 1, 2002, and remain available until expended.

EMERGENCY FOOD AND SHELTER PROGRAM

To carry out an emergency food and shelter program pursuant to title III of Public Law 100–77, as amended, $140,000,000, to remain available until expended: Provided, That total administrative costs shall not exceed 3½ percent of the total appropriation.

NATIONAL FLOOD INSURANCE FUND

(INCLUDING TRANSFERS OF FUNDS)

For activities under the National Flood Insurance Act of 1968 (''the Act''), the Flood Disaster Protection Act of 1973, as amended, not to exceed $28,798,000 for salaries and expenses associated with flood mitigation and flood insurance operations, and not to exceed $76,381,000 for flood mitigation, including up to $20,000,000 for expenses under section 1366 of the Act, which amount shall be available for transfer to the National Flood Mitigation Fund until September 30, 2003. In fiscal year 2002, no funds in excess of: (1) $55,000,000 for operating expenses; (2) $536,750,000 for agents' commissions and taxes; and (3) $30,000,000 for interest on Treasury borrowings shall be available from the National Flood Insurance Fund without prior notice to the Committees on Appropriations.

In addition, up to $7,000,000 in fees collected but unexpended during fiscal years 2000 through 2001 shall be transferred to the Flood Map Modernization Fund and available for expenditure in fiscal year 2002.

Section 1309(a)(2) of the Act (42 U.S.C. 4016(a)(2)), as amended, is further amended by striking ''2001'' and inserting ''2002''.

Section 1319 of the Act, as amended (42 U.S.C. 4026), is amended by striking ''September 30, 2001'' and inserting ''December 31, 2002''.

Section 1336(a) of the Act, as amended (42 U.S.C. 4056), is amended by striking ''September 30, 2001'' and inserting ''December 31, 2002''.

Section 1376(c) of the Act, as amended (42 U.S.C. 4127(c)), is amended by striking ''December 31, 2001'' and inserting ''December 31, 2002''.

NATIONAL FLOOD MITIGATION FUND

Notwithstanding sections 1366(b)(3)(B)–(C) and 1366(f) of the National Flood Insurance Act of 1968, as amended, $20,000,000, to remain available until September 30, 2003, for activities designed to reduce the risk of flood damage to structures pursuant to such Act, of which $20,000,000 shall be derived from the National Flood Insurance Fund. Of the amount provided, $2,500,000 is to be used for the purchase of flood-prone properties in the city of Austin, Minnesota, and any cost-share is waived.

GENERAL SERVICES ADMINISTRATION

FEDERAL CONSUMER INFORMATION CENTER FUND

For necessary expenses of the Federal Consumer Information Center, including services authorized by 5 U.S.C. 3109, $7,276,000, to be deposited into the Federal Consumer Information Center Fund: Provided, That the appropriations, revenues, and collections deposited into the Fund shall be available for necessary expenses of Federal Consumer Information Center activities in the aggregate amount of $12,000,000. Appropriations, revenues, and collections accruing to this Fund during fiscal year 2002 in excess of $12,000,000 shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

HUMAN SPACE FLIGHT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses, not otherwise provided for, in the conduct and support of human space flight research and development activities, including research, development, operations, support and services; maintenance; construction of facilities including repair, rehabilitation, revitalization and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, environmental compliance and restoration, and acquisition or condemnation of real property, as authorized by law; space flight, spacecraft control and communications activities including operations, production, and services; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; not to exceed $20,000 for official reception and representation expenses; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, $6,912,400,000, to remain available until September 30, 2003, of which amounts as determined by the Administrator for salaries and benefits; training, travel and awards; facility and related costs; information technology services; science, engineering, fabricating and testing services; and other administrative services may be transferred to ''Science, aeronautics and technology'' in accordance with section 312(b) of the National Aeronautics and Space Act of 1958, as amended by Public Law 106–377.

SCIENCE, AERONAUTICS AND TECHNOLOGY

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses, not otherwise provided for, in the conduct and support of science, aeronautics and technology research and development activities, including research, development, operations, support and services; maintenance; construction of facilities including repair, rehabilitation, revitalization, and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, environmental compliance and restoration, and acquisition or condemnation of real property, as authorized by law; space flight, spacecraft control and communications activities including operations, production, and services; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; not to exceed $20,000 for official reception and representation expenses; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, $7,857,100,000, to remain available until September 30, 2003, of which amounts as determined by the Administrator for salaries and benefits; training, travel and awards; facility and related costs; information technology services; science, engineering, fabricating and testing services; and other administrative services may be transferred to ''Human space flight'' in accordance with section 312(b) of the National Aeronautics and Space Act of 1958, as amended by Public Law 106–377, except that no funds may be transferred to the program budget element for the Space Station.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $23,700,000.

ADMINISTRATIVE PROVISIONS

Notwithstanding the limitation on the availability of funds appropriated for ''Human space flight'', or ''Science, aeronautics and technology'' by this appropriations Act, when any activity has been initiated by the incurrence of obligations for construction of facilities as authorized by law, such amount available for such activity shall remain available until expended. This provision does not apply to the amounts appropriated for institutional minor revitalization and construction of facilities, and institutional facility planning and design.

Notwithstanding the limitation on the availability of funds appropriated for ''Human space

flight'', or ''Science, aeronautics and technology'' by this appropriations Act, the amounts appropriated for construction of facilities shall remain available until September 30, 2004.

Notwithstanding the limitation on the availability of funds appropriated for ''Office of Inspector General'', amounts made available by this Act for personnel and related costs and travel expenses of the National Aeronautics and Space Administration shall remain available until September 30, 2002 and may be used to enter into contracts for training, investigations, costs associated with personnel relocation, and for other services, to be provided during the next fiscal year. Funds for announced prizes otherwise authorized shall remain available, without fiscal year limitation, until the prize is claimed or the offer is withdrawn.

No funds in this or any other Appropriations Act may be used to finalize an agreement prior to December 1, 2002 between NASA and a nongovernment organization to conduct research utilization and commercialization management activities of the International Space Station.

NATIONAL CREDIT UNION ADMINISTRATION

CENTRAL LIQUIDITY FACILITY

(INCLUDING TRANSFER OF FUNDS)

During fiscal year 2002, gross obligations of the Central Liquidity Facility for the principal amount of new direct loans to member credit unions, as authorized by 12 U.S.C. 1795 et seq., shall not exceed $1,500,000,000: Provided, That administrative expenses of the Central Liquidity Facility shall not exceed $309,000: Provided further, That $1,000,000 shall be transferred to the Community Development Revolving Loan Fund, of which $650,000, together with amounts of principal and interest on loans repaid, shall be available until expended for loans to community development credit unions, and $350,000 shall be available until expended for technical assistance to low-income and community development credit unions.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For necessary expenses in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), and the Act to establish a National Medal of Science (42 U.S.C. 1880–1881); services as authorized by 5 U.S.C. 3109; authorized travel; maintenance and operation of aircraft and purchase of flight services for research support; acquisition of aircraft; $3,598,340,000, of which not to exceed $300,000,000 shall remain available until expended for Polar research and operations support, and for reimbursement to other Federal agencies for operational and science support and logistical and other related activities for the United States Antarctic program; the balance to remain available until September 30, 2003: Provided, That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation: Provided further, That to the extent that the amount appropriated is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally: Provided further, That $75,000,000 of the funds available under this heading shall be made available for a comprehensive research initiative on plant genomes for economically significant crops.

MAJOR RESEARCH EQUIPMENT AND FACILITIES CONSTRUCTION

For necessary expenses for the acquisition, construction, commissioning, and upgrading of major research equipment, facilities, and other such capital assets pursuant to the National Science Foundation Act of 1950, as amended, including authorized travel, $138,800,000 to remain available until expended: Provided, That the Director shall submit a report to the Committees on Appropriations by February 28, 2002 on the full life-cycle costs of projects funded through this account since fiscal year 1995.

EDUCATION AND HUMAN RESOURCES

For necessary expenses in carrying out science and engineering education and human resources programs and activities pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), including services as authorized by 5 U.S.C. 3109, authorized travel, and rental of conference rooms in the District of Columbia, $875,000,000, to remain available until September 30, 2003: Provided, That to the extent that the amount of this appropriation is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally.

SALARIES AND EXPENSES

For salaries and expenses necessary in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875); services authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed $9,000 for official reception and representation expenses; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; rental of conference rooms in the District of Columbia; reimbursement of the General Services Administration for security guard services; $170,040,000: Provided, That contracts may be entered into under ''Salaries and expenses'' in fiscal year 2002 for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General as authorized by the Inspector General Act of 1978, as amended, $6,760,000, to remain available until September 30, 2003.

NEIGHBORHOOD REINVESTMENT CORPORATION

PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101–8107), $105,000,000, of which $10,000,000 shall be for a homeownership program that is used in conjunction with section 8 assistance under the United States Housing Act of 1937, as amended.

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

For necessary expenses of the Selective Service System, including expenses of attendance at meetings and of training for uniformed personnel assigned to the Selective Service System, as authorized by 5 U.S.C. 4101–4118 for civilian employees; and not to exceed $750 for official reception and representation expenses; $25,003,000: Provided, That during the current fiscal year, the President may exempt this appropriation from the provisions of 31 U.S.C. 1341, whenever the President deems such action to be necessary in the interest of national defense: Provided further, That none of the funds appropriated by this Act may be expended for or in connection with the induction of any person into the Armed Forces of the United States.

TITLE IV—GENERAL PROVISIONS

SEC. 401. Where appropriations in titles I, II, and III of this Act are expendable for travel expenses and no specific limitation has been placed thereon, the expenditures for such travel expenses may not exceed the amounts set forth therefor in the budget estimates submitted for the appropriations: Provided, That this provision does not apply to accounts that do not contain an object classification for travel: Provided further, That this section shall not apply to travel performed by uncompensated officials of local boards and appeal boards of the Selective Service System; to travel performed directly in connection with care and treatment of medical beneficiaries of the Department of Veterans Affairs; to travel performed in connection with major disasters or emergencies declared or determined by the President under the provisions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act; to travel performed by the Offices of Inspector General in connection with audits and investigations; or to payments to interagency motor pools where separately set forth in the budget schedules: Provided further, That if appropriations in titles I, II, and III exceed the amounts set forth in budget estimates initially submitted for such appropriations, the expenditures for travel may correspondingly exceed the amounts therefor set forth in the estimates only to the extent such an increase is approved by the Committees on Appropriations.

SEC. 402. Appropriations and funds available for the administrative expenses of the Department of Housing and Urban Development and the Selective Service System shall be available in the current fiscal year for purchase of uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; hire of passenger motor vehicles; and services as authorized by 5 U.S.C. 3109.

SEC. 403. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of the Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Federal Reserve banks or any member thereof, Federal Home Loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811–1831).

SEC. 404. 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. 405. No funds appropriated by this Act may be expended—

(1) pursuant to a certification of an officer or employee of the United States unless—

(A) such certification is accompanied by, or is part of, a voucher or abstract which describes the payee or payees and the items or services for which such expenditure is being made; or

(B) the expenditure of funds pursuant to such certification, and without such a voucher or abstract, is specifically authorized by law; and

(2) unless such expenditure is subject to audit by the General Accounting Office or is specifically exempt by law from such audit.

SEC. 406. None of the funds provided in this Act to any department or agency may be expended for the transportation of any officer or employee of such department or agency between the domicile and the place of employment of the officer or employee, with the exception of an officer or employee authorized such transportation under 31 U.S.C. 1344 or 5 U.S.C. 7905.

SEC. 407. None of the funds provided in this Act may be used for payment, through grants or contracts, to recipients that do not share in the cost of conducting research resulting from proposals not specifically solicited by the Government: Provided, That the extent of cost sharing by the recipient shall reflect the mutuality of interest of the grantee or contractor and the Government in the research.

SEC. 408. None of the funds provided in this Act may be used, directly or through grants, to pay or to provide reimbursement for payment of the salary of a consultant (whether retained by the Federal Government or a grantee) at more than the daily equivalent of the rate paid for level IV of the Executive Schedule, unless specifically authorized by law.

SEC. 409. None of the funds provided in this Act may be used to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings. Nothing herein affects the authority of the Consumer Product Safety Commission pursuant to section 7 of the Consumer Product Safety Act (15 U.S.C. 2056 et seq.).

SEC. 410. Except as otherwise provided under existing law, or under an existing Executive Order issued pursuant to an existing law, the obligation or expenditure of any appropriation under this Act for contracts for any consulting service shall be limited to contracts which are: (1) a matter of public record and available for public inspection; and (2) thereafter included in a publicly available list of all contracts entered into within 24 months prior to the date on which the list is made available to the public and of all contracts on which performance has not been completed by such date. The list required by the preceding sentence shall be updated quarterly and shall include a narrative description of the work to be performed under each such contract.

SEC. 411. Except as otherwise provided by law, no part of any appropriation contained in this Act shall be obligated or expended by any executive agency, as referred to in the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), for a contract for services unless such executive agency: (1) has awarded and entered into such contract in full compliance with such Act and the regulations promulgated thereunder; and (2) requires any report prepared pursuant to such contract, including plans, evaluations, studies, analyses and manuals, and any report prepared by the agency which is substantially derived from or substantially includes any report prepared pursuant to such contract, to contain information concerning: (A) the contract pursuant to which the report was prepared; and (B) the contractor who prepared the report pursuant to such contract.

SEC. 412. Except as otherwise provided in section 406, 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.

SEC. 413. None of the funds provided in this Act to any department or agency shall be obligated or expended to procure passenger automobiles as defined in 15 U.S.C. 2001 with an EPA estimated miles per gallon average of less than 22 miles per gallon.

SEC. 414. None of the funds appropriated in title I of this Act shall be used to enter into any new lease of real property if the estimated annual rental is more than $300,000 unless the Secretary submits a report which the Committees on Appropriations of the Congress approve within 30 days following the date on which the report is received.

SEC. 415. (a) It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

SEC. 416. None of the funds appropriated in this Act may be used to implement any cap on reimbursements to grantees for indirect costs, except as published in Office of Management and Budget Circular A–21.

SEC. 417. Such sums as may be necessary for fiscal year 2002 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 418. None of the funds made available in this Act may be used for any program, project, or activity, when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

SEC. 419. Corporations and agencies of the Department of Housing and Urban Development which are subject to the Government Corporation Control Act, as amended, are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of such Act as may be necessary in carrying out the programs set forth in the budget for 2002 for such corporation or agency except as hereinafter provided: Provided, That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriations Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.

SEC. 420. Notwithstanding any other provision of law, the term ''qualified student loan'' with respect to national service education awards shall mean any loan determined by an institution of higher education to be necessary to cover a student's cost of attendance at such institution and made directly to a student by a state agency, in addition to other meanings under section 148(b)(7) of the National and Community Service Act.

SEC. 421. Unless otherwise provided for in this Act or through reprogramming of funds, no part of any appropriation for the Department of Housing and Urban Development shall be available for any activity in excess of amounts set forth in the budget estimates submitted to Congress.

SEC. 422. None of the funds appropriated or otherwise made available by this Act shall be used to promulgate a final regulation to implement changes in the payment of pesticide tolerance processing fees as proposed at 64 Fed. Reg. 31040, or any similar proposals. The Environmental Protection Agency may proceed with the development of such a rule.

SEC. 423. The Environmental Protection Agency may not use any of the funds appropriated or otherwise made available by this Act to implement the Registration Fee system codified at 40 Code of Federal Regulations Subpart U (sections 152.400 et seq.) if its authority to collect maintenance fees pursuant to FIFRA section 4(i)(5) is extended for at least 1 year beyond September 30, 2001.

SEC. 424. Except in the case of entities that are funded solely with Federal funds or any natural persons that are funded under this Act, none of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties to lobby or litigate in respect to adjudicatory proceedings funded in this Act. A chief executive officer of any entity receiving funds under this Act shall certify that none of these funds have been used to engage in the lobbying of the Federal Government or in litigation against the United States unless authorized under existing law.

SEC. 425. No part of any funds appropriated in this Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

SEC. 426. None of the funds provided in title II for technical assistance, training, or management improvements may be obligated or expended unless HUD provides to the Committees on Appropriations a description of each proposed activity and a detailed budget estimate of the costs associated with each activity as part of the Budget Justifications. For fiscal year 2002, HUD shall transmit this information to the Committees by January 8, 2002 for 30 days of review.

SEC. 427. All Departments and agencies funded under this Act are encouraged, within the limits of the existing statutory authorities and funding, to expand their use of ''E-Commerce'' technologies and procedures in the conduct of their business practices and public service activities.

SEC. 428. Section 104(n)(4) of the Cerro Grande Fire Assistance Act (Public Law 106–246) is amended by striking ''beginning not later than the expiration of the 1-year period beginning on the date of the enactment of this Act.'' and inserting ''within 120 days after the Director issues the report required by subsection (n) in 2002 and 2003.''.

SEC. 429. None of the funds provided by this Act may be used for the purpose of implementing any administrative proposal that would require military retirees to make an ''irrevocable choice'' for any specified period of time between Department of Veterans Affairs or military health care under the new TRICARE for Life plan authorized in the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public 106–398).

SEC. 430. None of the funds appropriated by this Act may be used to delay the national primary drinking water regulation for Arsenic published on January 22, 2001, in the Federal Register (66 Fed. Reg. pages 6976 through 7066, amending parts 141 through 142 of title 40 of the Code of Federal Regulations).

SEC. 431. Subtitle B of title VI of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5197–5197g) is amended by adding at the end the following:

''SEC. 629. MINORITY EMERGENCY PREPAREDNESS DEMONSTRATION PROGRAM.

''(a) IN GENERAL.—The Director shall establish a minority emergency preparedness demonstration program to research and promote the capacity of minority communities to provide data, information, and awareness education by providing grants to or executing contracts or cooperative agreements with eligible nonprofit organizations to establish and conduct such programs.

''(b) ACTIVITIES SUPPORTED.—An eligible nonprofit organization may use a grant, contract, or cooperative agreement awarded under this section—

''(1) to conduct research into the status of emergency preparedness and disaster response awareness in African American and Hispanic households located in urban, suburban, and rural communities, particularly in those States and regions most impacted by natural and man-made disasters and emergencies; and

''(2) to develop and promote awareness of emergency preparedness education programs within minority communities, including development and preparation of culturally competent educational and awareness materials that can be used to disseminate information to minority organizations and institutions.

''(c) ELIGIBLE ORGANIZATIONS.—A nonprofit organization is eligible to be awarded a grant, contract, or cooperative agreement under this section with respect to a program if the organization is a nonprofit organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)) and exempt from tax under section 501(a) of such Code, whose primary mission is to provide services to communities predominately populated by minority citizens, and that can demonstrate a partnership with a minority-owned business enterprise or minority business located in a HUBZone

(as defined in section 3(p) of the Small Business Act (15 U.S.C. 632(p))) with respect to the program.

''(d) USE OF FUNDS.—A recipient of a grant, contract, or cooperative agreement awarded under this section may only use the proceeds of the grant, contract, or agreement to—

''(1) acquire expert professional services necessary to conduct research in communities predominately populated by minority citizens, with a primary emphasis on African American and Hispanic communities;

''(2) develop and prepare informational materials to promote awareness among minority communities about emergency preparedness and how to protect their households and communities in advance of disasters;

''(3) establish consortia with minority national organizations, minority institutions of higher education, and faith-based institutions to disseminate information about emergency preparedness to minority communities; and

''(4) implement a joint project with a minority serving institution, including a part B institution (as defined in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2))), an institution described in subparagraph (A), (B), or (C) of section 326 of that Act (20 U.S.C. 1063b(e)(1)(A), (B), or (C)), and a Hispanic-serving institution (as defined in section 502(a)(5) of that Act (20 U.S.C. 1101a(a)(5))).

''(e) APPLICATION AND REVIEW PROCEDURE.—To be eligible to receive a grant, contract, or cooperative agreement under this section, an organization must submit an application to the Director at such time, in such manner, and accompanied by such information as the Director may reasonably require. The Director shall establish a procedure by which to accept such applications.

''(f) AUTHORIZATION OF APPROPRIATION.—There is authorized to be appropriated to carry out this section $1,500,000 for fiscal year 2002 and such funds as may be necessary for fiscal years 2003 through 2007. Such sums shall remain available until expended.''.

SEC. 432. None of the funds made available by this Act may be used to implement or enforce the requirement under section 12(c) of the United States Housing Act of 1937, as amended (42 U.S.C. 1437j(c)) relating to community service, except with respect to any resident of a public housing project funded with any amounts provided under section 24 of the United States Housing Act of 1937, as amended, or any predecessor program for the revitalization of severely distressed public housing (HOPE VI).

SEC. 433. Section 1301 of title XIII of Division B of H.R. 5666, as enacted by section 1(a)(4) of Public Law 106–554, is amended by striking ''facilities'' and inserting in lieu thereof ''facilities, including the design and construction of such facilities,''.

SEC. 434. The amounts subject to the fifth proviso under the heading, ''Emergency Response Fund'', in Public Law 107–38, which are available for transfer to the Department of Housing and Urban Development 15 days after the Director of the Office of Management and Budget has submitted to the House and Senate Committees on Appropriations a proposed allocation and plan for use of the funds for the Department, may be used for purposes of 'Community Development Block Grants', as authorized by title I of the Housing and Community Development Act of 1974, as amended: Provided, That such funds may be awarded to the State of New York for assistance for properties and businesses damaged by, and for economic revitalization related to, the September 11, 2001 terrorist attacks on New York City, for the affected area of New York City, and for reimbursement to the State and City of New York for expenditures incurred from the regular Community Development Block Grant formula allocation used to achieve these same purposes: Provided further, That the State of New York is authorized to provide such assistance to the City of New York: Provided further, That in administering these funds and funds under section 108 of such Act used for economic revitalization activities in New York City, the Secretary may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds or guarantees (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a finding that such waiver is required to facilitate the use of such funds or guarantees, and would not be inconsistent with the overall purpose of the statute or regulation: Provided further, That such funds shall not adversely affect the amount of any formula assistance received by the State of New York, New York City, or any categorical application for other Federal assistance: Provided further, That the Secretary shall publish in the Federal Register any waiver of any statute or regulation that the Secretary administers pursuant to title I of the Housing and Community Development Act of 1974, as amended, no later than 5 days before the effective date of such waiver: Provided further, That the Secretary shall notify the Committees on Appropriations on the proposed allocation of any funds and any related waivers pursuant to this section no later than 5 days before such allocation.

This Act may be cited as the ''Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2002''.

And the Senate agree to the same.

JAMES T. WALSH,
TOM DELAY,
DAVID L. HOBSON,
JOE KNOLLENBERG,
RODNEY P. FRELINGHUYSEN,
ANNE M. NORTHUP,
JOHN E. SUNUNU,
VIRGIL GOODE, Jr.,
ROBERT B. ADERHOLT,
BILL YOUNG,
ALAN B. MOLLOHAN,
MARCY KAPTUR,
CARRIE P. MEEK,
DAVID PRICE,
ROBERT E. CRAMER, Jr.,
CHAKA FATTAH,
DAVID OBEY,
Managers on the Part of the House.

BARBARA A. MIKULSKI,
PATRICK J. LEAHY,
TOM HARKIN,
ROBERT C. BYRD,
HERB KOHL,
TIM JOHNSON,
ERNEST F. HOLLINGS,
DANIEL K. INOUYE,
CHRISTOPHER S. BOND,
CONRAD BURNS,
RICHARD C. SHELBY,
LARRY E. CRAIG,
(except for general provision on arsenic),
PETE V. DOMENICI,
(except for general provision on arsenic),
MIKE DEWINE,
TED STEVENS,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2620) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying report.

The language and allocations set forth in House Report 107–159 and Senate Report 107–43 should be complied with unless specifically addressed to the contrary in the conference report and statement of the managers. Report language included by the House which is not changed by the report of the Senate or the conference and Senate report language which is not changed by the conference is approved by the committee of the conference. The statement of the managers, while repeating some report language for emphasis, does not intend to negate the language referred to above unless expressly provided herein. In cases which the House or Senate have directed the submission of a report, such report is to be submitted to both House and Senate Committees on Appropriations.

Unless specifically addressed in this statement of the managers or in the House or Senate reports accompanying H.R. 2620, the conferees agree to retain the reprogramming thresholds for each department or agency at the level established by the fiscal year 1999 reports.

RELATIONSHIP WITH BUDGET OFFICES

Through the years, the Appropriations Committees have channeled most of their inquiries and requests for information and assistance through the budget offices of the various departments, agencies, and commissions. The Committees have often pointed out the natural affinity and relationship between these organizations and the Appropriations Committees which makes such a relationship workable. The conferees reiterate their position that while the Committees reserve the right to call upon all offices in the departments, agencies, and commissions, the primary conjunction between the Committees and these entities must normally be through the budget offices. The Committees appreciate all the assistance received from each of the departments, agencies, and commissions during this past year. The workload generated by the budget process is large and growing, and therefore, a positive, responsive relationship between the Committees and the budget offices is absolutely essential to the appropriations process.

TITLE I—DEPARTMENT OF VETERANS AFFAIRS

Of the amounts approved in the appropriations accounts in this title, the Department must limit transfers of funds between objectives to not more than $500,000, except as specifically noted, without prior approval of the Committees. No changes may be made to any account or objective, except as approved by the Committees, if it is construed to be policy or change in policy. Any activity or program cited in the statement of the managers shall be construed as the position of the conferees and should not be subject to reductions or reprogramming without prior approval of the Committees. It is the intent of the conferees that all carryover funds in the various appropriations accounts are subject to the normal reprogramming requirements outlined above. The Department is expected to comply with all normal rules and regulations in carrying out these directives. Finally, the Department should continue to notify the Committees regarding reorganizations of offices, programs, or activities prior to the planned implementation of such reorganizations.

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

(INCLUDING TRANSFER OF FUNDS)

Appropriates $24,944,288,000 for compensation and pensions as proposed by both the House and the Senate, of which not more than $17,940,000 is to be transferred to general operating expenses and medical care.

READJUSTMENT BENEFITS

Appropriates $2,135,000,000 for readjustment benefits as proposed by both the House and the Senate. Deletes bill language proposed by the Senate allowing funds to be payable for any court order, award or settlement.

VETERANS INSURANCE AND INDEMNITIES

Appropriates $26,200,000 for veterans insurance and indemnities as proposed by both the House and the Senate.

VETERANS HOUSING BENEFIT PROGRAM FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

Appropriates such sums as may be necessary for costs associated with direct and guaranteed loans from the veterans housing benefit program fund program account as proposed by both the House and the Senate, plus $164,497,000 to be transferred to and merged with general operating expenses.

EDUCATION LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

Appropriates $1,000 for the costs of direct loans from the education loan fund program account as proposed by both the House and the Senate, plus $64,000 to be transferred to and merged with general operating expenses.

VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

Appropriates $72,000 for the costs of direct loans from the vocational rehabilitation loans program account as proposed by both the House and the Senate, plus $274,000 to be transferred to and merged with general operating expenses.

NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT (INCLUDING TRANSFER OF FUNDS)

Appropriates $544,000 for administrative expenses of the Native American housing loan program account to be transferred to and merged with general operating expenses as proposed by both the House and the Senate.

GUARANTEED TRANSITIONAL HOUSING LOANS FOR HOMELESS VETERANS PROGRAM ACCOUNT

Provides up to $750,000 of the funds available in medical care and general operating expenses to carry out the guaranteed transitional housing loans for homeless veterans program as proposed by both the House and the Senate.

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

(INCLUDING TRANSFER OF FUNDS)

Appropriates $21,331,164,000 for medical care instead of $21,282,587,000 as proposed by the House and $21,379,742,000 as proposed by the Senate.

Retains bill language proposed by the Senate delaying the availability of $675,000,000 for equipment and land and structures until August 1, 2002 remaining available until September 30, 2003. The House proposed delaying $900,000,000 for the same purposes.

Retains bill language making $900,000,000 available until September 30, 2003 as proposed by the Senate instead of $500,000,000 as proposed by the House.

Deletes bill language limiting $3,000,000,000 for maintenance and operations expenses as proposed by the House. The conferees strongly support the redirection of medical resources from the maintenance and operations of unneeded buildings to support direct patient care and encourage the efforts to reduce those expenditures as the Capital Asset Realignment for Enhanced Services (CARES) process moves forward.

Provides $15,000,000 from medical funds for CARES projects instead of $30,000,000 as proposed by the Senate. The House did not identify any funds in this account for CARES.

Retains language proposed by the Senate transferring collected receipts in the medical care collections fund to the medical care account. The House provided transfer authority in a separate medical care collections fund appropriating paragraph.

For a number of years GAO and the Congress have been encouraging the VA and Department of Defense (DOD) to work together to find ways to share resources and provide better health care for our Nation's military, military retirees, and veterans. The conferees direct the Secretary of Veterans Affairs, in cooperation with the Secretary of Defense, to submit to the Committees on Appropriations a credible plan by September 1, 2002 for no less than three demonstration sites where the VA and DOD will fully integrate operations, pharmacy services, billing and records, and treatment. Further, the conferees direct the VA to include in the plan VA–DOD sharing options that complement CARES principles. The conferees direct both Secretaries to consider the opportunity presented at the Tripler Army Medical Center for this demonstration program.

The conferees are dismayed by GAO reports outlining the dismal state of VHA's record on third party collections. The conferees direct the Secretary to undertake a demonstration project for a minimum of two years utilizing not less than $3,000,000 to obtain a private sector contractor to install and operate a total patient financial services system. In addition to the guidelines set forth in House Report 107–159, the demonstration should be developed in a manner that recognizes that this problem exists in all VISNs and any solution for a single VISN must be usable and exportable in an efficient manner to all VISNs. The conferees believe an essential element of this demonstration is the effective use of private sector business services in concert with VA employees.

The conferees are troubled by the abundance of conflicting information and lack of uniformity across VA's health system in regard to atypical anti-psychotic medications. Providing care for the seriously mentally ill is one of VA's top priorities and requires a special level of commitment, as this population is especially vulnerable and difficult to treat. Atypical anti-psychotic medication prescribing practices must not be used as performance indicators when evaluating a physician's work; nor should price, market share, and corporate interest factor into choosing the best drug to treat mental illness. To this end, the conferees direct the Secretary to communicate clearly to each doctor, facility director and pharmacy manager that atypical anti-psychotic pharmaceutical prescribing practices are not to be used as a measure of job performance and reiterate the Department's policy that physicians are to use their best clinical judgment when choosing atypical anti-psychotic medications. However, the conferees are aware that there is a wide price disparity between the currently available atypical anti-psychotic drugs and the Department should feel free to also communicate relative cost data for all atypical anti-psychotic drugs to its physicians.

The conferees direct the VA to keep an open policy with regard to formulating new schizophrenia and serious mental illness treatment protocols as new treatments become available, but those protocols should be based on scientific and clinical studies showing improvements in treatment efficacy or a decrease in side-effects, with cost savings as a subordinate goal to appropriate treatment options.

The conferees are aware of a proposal to establish a Center for Healthcare Information at the Office of Medical Information Security Service at the Martinsburg VAMC to improve the security of VA's computerized medical records. The conferees direct the VA to report to the Committees by March 1, 2002 on the feasibility of establishing this Center.

The conferees direct the VA to report to the Committees on Appropriations by August 2, 2002 on the VA's application of viscosupplementation as an alternative means of treating degenerative knee diseases in veterans. The report should include the potential costs and benefits of the procedure as a part of VA's health care delivery and VA's recommendations for future use of the procedure.

The conferees are aware of local concerns regarding the elements of the April 2001 report titled ''Plan for the Development of a 25–Year General Use Plan for Department of Veterans Affairs West Los Angeles Healthcare Center.'' The conferees strongly urge the VA to work with the local community when formulating a plan to best use the campus for improving veterans' access to VA-provided services.

MEDICAL CARE COLLECTIONS FUND

(INCLUDING TRANSFER OF FUNDS)

Deletes the medical care collections fund paragraph as proposed by the House and instead provides transfer authority in medical care as proposed by the Senate.

MEDICAL AND PROSTHETIC RESEARCH

Appropriates $371,000,000 for medical and prosthetic research as proposed by the House instead of $390,000,000 as proposed by the Senate.

The conferees understand that the VA has developed an agreement for intellectual property sharing with university research institutions. Some universities have expressed concerns about a university's right to inventions that are developed from supported research. Further, there are concerns whether the VA's agreements are consistent with the Bayh-Dole Act and similar agreements utilized by other Federal agencies. Accordingly, the conferees direct the VA to report to the Committees on Appropriations by February 1, 2002 regarding these concerns. In responding to the Committees, the VA should consult with universities and university associations, including the American Association of Medical Colleges, the Association of University Technology Managers, and the Council on Government Relations.

The conferees direct the continued partnership with the National Technology Transfer Center at the current level of effort.

MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES

Appropriates $66,731,000 for medical administration and miscellaneous operating expenses as proposed by the House instead of $67,628,000 as proposed by the Senate. The conferees agree to retain language proposed by the Senate providing a limitation on the availability of funds from Management Field Service reimbursements of September 30, 2002.

The conferees agree that there is concern about the guidance and leadership provided by headquarters to guarantee quality healthcare and sound fiscal management across the system. The VA is directed to submit with the fiscal year 2002 operating plan the signed performance agreements of all 22 VISN directors, action plans for each VISN on how that VISN will improve collection

rates, and financial reports from the three VISNs which received supplemental loans and funding for the second consecutive year summarizing how those VISNs have become financially sound.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

Appropriates $1,195,728,000 for general operating expenses as proposed by the House instead of $1,194,831,000 as proposed by the Senate. Retains language proposed by the House allowing funds to be used for the administrative expenses of department-wide capital planning, management and policy activities.

The conferees agree to fund the Veterans Benefits Administration at not less than $955,352,000. The conferees are optimistic about the recommendations put forward by the Department of Veterans Affairs Compensations and Pensions Task Force and commend the Secretary for announcing his intentions to implement most of the recommendations. The conferees look forward to the fiscal year 2003 budget hearings in hopes that implementation of the short-term recommendations will yield improvements in claims processing times by spring 2003.

NATIONAL CEMETERY ADMINISTRATION

Appropriates $121,169,000 for the national cemetery administration as proposed by both the House and the Senate.

OFFICE OF INSPECTOR GENERAL

Appropriates $52,308,000 for the Office of Inspector General as proposed by the House instead of $48,308,000 as proposed by the Senate. The conferees have agreed to provide the higher funding level due to the nation-wide benefit payment review planned in response to the recent benefits fraud investigation in Atlanta, Georgia.

CONSTRUCTION, MAJOR PROJECTS

Appropriates $183,180,000 for construction, major projects as proposed by the House instead of $155,180,000 as proposed by the Senate.

The conferees agree to the projects included in the budget estimate plus $125,000 for planning a national cemetery in the Albuquerque, New Mexico area to be offset from the working reserve. The conferees have provided up to $125,000 to start initial cemetery planning activities in Albuquerque, but direct that further funding for cemetery construction activities must be considered in the greater context of funding the country's national veterans cemetery needs as presented in the Department's needs assessment report due December, 2001.

The conferees agree that the electrical fire at the Miami VAMC presents a unique situation compromising VA's ability to provide patient care in an environment safe for patients and employees and agree to provide $28,300,000 for the emergency repair project even though VISN 8 has not undergone a CARES review.

The conferees remain strongly supportive of CARES. This nation-wide review is critical to ensuring VA's capital assets can support current and long-term health care needs and are rehabilitated and aligned for optimal efficiency and access. The conferees agree to provide $60,000,000 from construction, major projects, for CARES initiatives, of which $10,000,000 is for Phase III studies. If less than $10,000,000 is required for Phase III, the balance may be used for construction.

The conferees are strongly encouraged by the recommendations from Phase I of CARES, which if implemented, could re-invest at least $270,000,000 over the next 20 years from capital costs to improving direct access and care for veterans in the region. In support of the Phase I recommendations, the conferees have identified $40,000,000 of the $60,000,000 provided in construction, major projects to move forward with the blind and spinal cord injury center at the Hines VAMC conditional upon the Secretary certifying that a full and open consultation process was conducted regarding the VISN 12 recommendations, implementing Option B of the CARES VISN 12 Service Delivery Options with a developed implementation plan including milestones, and initiating Phase II of CARES.

As a part of the CARES process in VISN 12, VA recently completed a formal comment process where VA solicited input from a large number of affected and interested parties. The conferees direct the Secretary to certify to the Congress that he has carried out a full and open consultation process with all affected stakeholders and after submission of such certification, finalize decisions regarding CARES in VISN 12 not later than January 15, 2002.

The conferees strongly urge that the Secretary consider the needs for improvements and safety upgrades to the West Virginia National Cemetery in Grafton, West Virginia in the formulation of the Department's fiscal year 2003 budget requirements. The conferees are aware that initial planning documents have been prepared for this initiative and encourage the completion of design and architectural plans within available funds pending this review.

FACILITY REHABILITATION FUND

Deletes $300,000,000 for establishment of the facility rehabilitation fund as proposed by the House. The Senate did not include this account.

CONSTRUCTION, MINOR PROJECTS

Appropriates $210,900,000 for construction, minor projects instead of $178,900,000 as proposed by both the House and the Senate. Retains language proposed by the House limiting additional CARES funds upon notification of and approval by the Committees on Appropriations.

PARKING REVOLVING FUND

Appropriates $4,000,000 for the parking revolving fund as proposed by both the House and the Senate.

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

Appropriates $100,000,000 for grants for construction of state extended care facilities as proposed by both the House and the Senate.

GRANTS FOR CONSTRUCTION OF STATE VETERANS CEMETERIES

Appropriates $25,000,000 for grants for construction of state veterans cemeteries as proposed by both the House and the Senate.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

Retains eight administrative provisions proposed by both the House and the Senate, seven of which were included in the fiscal year 2001 bill.

Deletes language proposed by the House eliminating the health services improvement fund.

Retains language proposed by the House allowing VA to deduct associated administrative expenses from enhanced use proceeds and use those receipts in the same fiscal year the receipts are received.

Retains language proposed by the House allowing the Department to reimburse from fiscal year 2002 salary and expenses accounts for services rendered to the Office of Resolution Management up to $28,555,000 and the Office of Employment Discrimination Complaint Adjudication up to $2,383,000. The Senate proposed a similar provision with technical differences.

Deletes language proposed by the Senate directing the VA to conduct a cost and benefit study on viscosupplementation as a treatment option for knee replacements. The conferees have agreed to instead include report language in the medical care account directing the VA to complete such a study.

Retains language proposed by the Senate recognizing the North Dakota Veterans Cemetery as a state cemetery eligible under the Grants for State Veterans Cemeteries Program.

Deletes language proposed by the Senate establishing a 60-day wait period for any action related to VISN 12 realignment. The conferees have agreed to instead include report language in the construction, major projects account.

TITLE II—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

The conferees restate the reprogramming requirements with respect to amounts approved for each appropriations account within this title. The Department must limit the reprogramming of funds between the programs, projects, and activities within each account to not more than $500,000 without prior approval of the Committees on Appropriations. Unless otherwise identified in this statement of managers or committee reports, the most detailed allocation of funds presented in the budget justifications shall be considered to be approved, with any deviation from such approved allocation subject to the normal reprogramming requirements outlined above. Further, it is the intent of the conferees that all carryover funds in the various accounts, including recaptures and deobligations, are subject to the normal reprogramming requirements outlined above. Further, no changes may be made to any program, project, or activity if it is construed to be policy or a change in policy, without prior approval of the Committees. Finally, the conferees expect to be notified regarding reorganizations of offices, programs or activities prior to the planned implementation of such reorganizations, as well as be notified, on a monthly basis, of all ongoing litigation, including any negotiations or discussions, planned or ongoing, regarding a consent decree between the Department and any other entity.

PUBLIC AND INDIAN HOUSING

HOUSING CERTIFICATE FUND

(INCLUDING TRANSFER AND RESCISSION OF FUNDS)

Appropriates $15,640,975,000 instead of $15,694,242,000 as proposed by the House and $15,658,769,000 as proposed by the Senate.

The conference agreement assumes an additional $640,000,000 in prior year carryover is available to meet section 8 renewal requirements based upon a reduction in reserve funds available to public housing authorities (PHAs) as proposed by the House and the Senate. Language is included to implement the change in reserve funds as proposed by the House. The conferees understand that HUD has the authority to provide PHAs with the necessary funds to administer their section 8 contracts, nevertheless the conferees direct HUD to ensure that PHAs have the funds to administer all section 8 contracts in a normal manner, including vouchers that turn over during the year. In cases where PHAs require additional funds for approved uses and amounts, HUD shall provide to these PHAs the necessary section 8 funds. The conferees also direct HUD to make quarterly reports to the Committees on Appropriations on the status and availability of all section 8 reserves maintained by PHAs.

The conference agreement includes the following:

Contract Renewals.—$15,725,153,000, of which $640,000,000 is derived from prior year carryover, for expiring section 8 housing assistance contracts, section 8 amendments, enhanced vouchers, and contracts entered into

pursuant to section 441 of the McKinney-Vento Homeless Assistance Act. Funds for the renewal of section 811 tenant-based assistance is provided under the housing for special populations account as proposed by the House.

The conferees reiterate the direction included in the Senate report requiring renewal costs for section 8 project-based programs to be discretely identified in the fiscal year 2003 budget justifications.

Incremental Vouchers.—$143,979,000 to provide ''incremental'' section 8 housing assistance vouchers to increase the number of low-income individuals and families receiving assistance. Of this amount, $103,979,000 is provided for 18,000 vouchers to be distributed on a fair share basis to PHAs having a voucher utilization rate of at least 97 percent, instead of $157,334,000 as proposed by the House and $98,623,000 as proposed by the Senate. HUD is expected to distribute these vouchers within 90 days of enactment of this Act, and to report to the Committees on Appropriations of the House and the Senate on compliance with this requirement no later than February 15, 2002. The remaining $40,000,000 is provided for 7,900 new vouchers for distribution to non-elderly, disabled residents who are affected by the designation of public and assisted housing as ''elderly-only'' developments, instead of $39,912,000 as proposed by the House. Bill language is included, as proposed by the House and the Senate, to earmark funds for this purpose in recognition of the fact that people with disabilities are often unable to find affordable housing absent section 8 tenant-based assistance.

The conferees reiterate the House reporting requirement related to identification and remediation of PHAs designated as troubled under the Section Eight Management Assessment Program (SEMAP).

Contract Administrators.—$195,601,000 for section 8 contract administrators as proposed by the House. Modified language is included, similar to language proposed by the House, to designate funds for this purpose. The Senate bill did not include a similar provision.

Tenant Protection.—$202,842,000 for tenant protection vouchers to replace lost project-based section 8 assistance. Funding for new vouchers under the HOPE VI program is provided within the revitalization of severely distressed public housing (HOPE VI) account as proposed by the House and the Senate.

Includes language transferring no less than $13,400,000 to the Working Capital Fund for development and maintenance of information technology systems as proposed by the Senate, instead of no less than $11,000,000 as proposed by the House.

Rescinds $1,200,000,000 from unobligated balances available from the recapture of excess section 8 funds, instead of $886,000,000 as proposed by the House and $615,000,000 as proposed by the Senate. Language is included requiring that the rescission be applied against available funds appropriated in fiscal year 2001 and prior years for any account under title II as proposed by the House, instead of requiring that the rescission be applied against available funds appropriated in fiscal year 2002 and prior years in this account as proposed by the Senate.

Includes language proposed by the House to prohibit the rescission of funds governed by statutory reallocation provisions. The Senate did not include a similar provision.

Does not include language proposed by the Senate requiring that the renewal of expiring section 8 contracts subject to the Emergency Low Income Housing Preservation Act of 1987 (ELIHPA) and the Low-Income Housing Preservation and Resident Homeownership Act of 1990 (LIHPRHA) are to be capped at current rents. This means that the rents for these projects shall be renewed on a one-year basis consistent with the plans of action that were approved as part of the efforts to preserve these projects as low-income housing under ELIHPA and LIHPRHA. Nevertheless, the conferees remain concerned that many of these projects were over-subsidized through these preservation efforts. The conferees believe HUD needs to review all these preservation projects and look at restructuring the mortgages and contract requirements where appropriate. The conferees direct HUD to report to the Committees on Appropriations on this review and the status of these projects no later than June 15, 2002.

Does not include language proposed by the Senate requiring that additional unobligated balances from this account be rescinded and reallocated to other accounts in title II and title III of this Act. The House bill did not include a similar provision.

PUBLIC HOUSING CAPITAL FUND

(INCLUDING TRANSFER OF FUNDS)

Appropriates $2,843,400,000 for the public housing capital fund instead of $2,943,400,000 as proposed by the Senate and $2,555,000,000 as proposed by the House.

Includes modified language designating $550,000,000 to be allocated only to those PHAs which utilized their funds in compliance with statutory timeliness requirements pursuant to the Quality Housing and Work Responsibility Act of 1998 (QHWRA), similar to language proposed by the House, to enable those PHAs to address their backlog of maintenance needs in addition to their annual maintenance requirements. The Senate did not include similar language.

Includes modified language making funds available for four years instead of two years as proposed by the House and the Senate.

Includes language restating the applicability of the QHWRA timeliness requirements to fiscal year 1999 funds as proposed by the House. The Senate did not include a similar provision.

Includes modified language allowing the Secretary or Deputy Secretary to waive QHWRA timeliness requirements similar to language proposed by the House. The Senate did not include a similar provision.

Includes modified language requiring the recapture of funds from PHAs not in compliance with QHWRA timeliness requirements similar to language proposed by the House. The Senate did not include a similar provision.

Includes language to define obligations as proposed by the House. The Senate did not include a similar provision.

The conferees reiterate the House direction requiring quarterly reports on PHA utilization of capital funds, delineated by PHA and fiscal year, with the first report due no later than February 1, 2002.

Includes $51,000,000 for technical assistance as proposed by the House, instead of $50,000,000 as proposed by the Senate. Of this amount, $10,000,000 is for remediation services to troubled PHAs as proposed by the House. The Senate did not include a similar provision.

Transfers no less than $52,700,000 from this account to the Working Capital Fund for the development and maintenance of information technology systems, instead of no less than $43,000,000 as proposed by the House and the Senate.

Includes new language designating $15,000,000 for the Neighborhood Networks Initiative. These funds are to be competitively awarded to PHAs for the establishment and initial operation of computer centers in and around public housing to enhance resident self-sufficiency, employability, and economic self-reliance. These amounts, combined with $5,000,000 provided for under the revitalization of severely distressed public housing (HOPE VI) account, as well as $5,000,000 in current on-going projects, will provide a total of $25,000,000 for the Neighborhood Networks Initiative in fiscal year 2002. The conferees support efforts to close the digital divide, and believe that the needs of public housing residents must be an important part of any initiative to achieve that goal and can help ameliorate drug and crime problems in public housing through new opportunities for education growth and employment opportunities. The conferees expect HUD to work with other Federal agencies to develop a comprehensive approach to address the digital divide, and encourages HUD to submit a proposal as part of the fiscal year 2003 budget to address comprehensively the needs of public and federally-assisted housing residents.

The conferees remain concerned over the long-term capital needs and viability of public housing projects. The conferees believe that reforms included in the public housing capital fund account will result in a more effective and targeted use of these capital funds and help preserve the investment that has been made in public housing over the years. In addition, the conferees continue to support funding for the HOPE VI program as a complementary program targeted to the revitalization of distressed public housing. The conferees direct HUD to provide by June 15, 2002, a report on the lessons learned from HOPE VI, including best practices and the impact of HOPE VI on surrounding communities as well as the extent to which HOPE VI projects have leveraged private investments and revitalized economic redevelopment in these communities. In addition, the conferees request that HUD provide an analysis of the extent to which the HOPE VI program can be a model for the replacement of the older and distressed section 8 housing stock.

PUBLIC HOUSING OPERATING FUND

(INCLUDING TRANSFER AND RESCISSION OF FUNDS)

Appropriates $3,494,868,000 for the public housing operating fund as proposed by the House instead of $3,384,868,000 as proposed by the Senate.

The conferees have provided an 8.1 percent increase over the fiscal year 2001 level for this account to reflect the merger of funds previously provided for drug elimination activities through the public housing drug elimination program (PHDEP) into this account. The conferees note that PHAs are authorized to use their operating and capital funds for anti-crime and anti-drug activities. It is the conferees understanding that two-thirds of all PHAs fund these activities from within their operating and capital funds, while the remaining one-third of PHAs receive supplemental funding through PHDEP in addition to their regular operating and capital fund allocations. In lieu of continuing to provide a supplementary funding source for selected PHAs, the conferees have instead increased funding for operating subsidies to be distributed to all PHAs. To the extent that additional assistance is required to combat issues and activities related to crime and drugs, the conferees have included modified language designating $10,000,000 to be allocated by the United States Attorney General through existing Department of Justice programs, such as the Weed and Seed program, to address those areas in public, Indian, and federally-assisted housing where additional resources are necessary to augment State and local efforts to effectively fight crime and drugs as proposed by the House. The Senate bill did not include similar language.

The conference agreement assumes the termination of the Operation Safe Home program as recommended by the Senate. Of the

amount provided, $5,000,000 is available to the Office of Inspector General to support the closeout of this program and to transition personnel previously participating in Operation Safe Home to other investigative activities. The House bill proposed $10,000,000 for the Office of Inspector General exclusively for Operation Safe Home, while the Senate did not propose any funding for this activity. In addition, $6,500,000 from prior year funds appropriated under PHDEP for Operation Safe Home operational costs remain available for operational costs necessary to complete on-going activities. Includes new language rescinding $11,000,000 from prior year funds made available for Operation Safe Home which are in excess of amounts necessary to complete on-going activities.

The conferees do not concur with the language in the Senate report related to the June 7, 2000, settlement agreement with the Puerto Rico Public Housing Authority (PRPHA). However, the conferees expect HUD to ensure that PRPHA is treated in a manner consistent with similar PHAs as HUD develops a final rule implementing a new operating fund formula for all PHAs based upon the results of the public housing operating cost study mandated in Public Law 106–74.

The conferees expect HUD to provide the Chicago Housing Authority (CHA) with maximum regulatory flexibility as provided for in the Moving to Work Demonstration agreement dated February 6, 2000, as amended, as proposed in the Senate report. The conferees direct HUD to determine CHA's funding allocation in the same manner as all other PHAs.

The conferees have included direction under the public housing capital fund account in lieu of the direction included in the Senate report under this account related to the long-term capital needs for public housing.

DRUG ELIMINATION GRANTS FOR LOW-INCOME HOUSING

The conferees do not provide funding for this account. The conferees have instead merged funding for these activities into the public housing operating fund account, and increased operating funds to accommodate this merger. All activities permissible under the public housing drug elimination program (PHDEP) are authorized activities under the operating and capital fund accounts. In addition, the conferees are aware that some PHAs currently have unspent PHDEP funds available. The conferees intend that PHAs be allowed to continue to spend their PHDEP funds as PHAs transition their anti-crime and anti-drug programs into their annual operating budgets, and encourage PHAs to continue to support such programs.

The conferees understand that PHDEP was created in 1989, to provide supplemental funding to address the gaps in services and programs available to combat serious crime and drug problems which existed in some areas of public housing, particularly severely distressed public housing. At the time PHDEP was created, Federal assistance to States and localities to address crime and drug problems in local communities, including public housing, was limited. The conferees note that since that time, however, Federal funding to States and localities for police, crime, and drug prevention programs has grown dramatically, particularly through the Department of Justice. Over the last six years, over $9,000,000,000 in new Federal assistance has been provided through the Department of Justice, including funds to deploy over 110,000 new police officers into local communities and funds to establish 1,000 new Boys and Girls Clubs exclusively in public housing.

The conferees further note that over the last six years, funds have been provided to demolish over 100,000 units of the most severely distressed public housing through the HOPE VI program and the capital fund program, resulting in the revitalization of entire neighborhoods previously adversely impacted by the presence of severely deteriorated housing.

To the extent that additional assistance is required, the conferees have also included $10,000,000 under the public housing operating fund account to be allocated by the United States Attorney General through existing Department of Justice programs, such as the Weed and Seed program, to address those areas in public, Indian, and federally-assisted housing where additional resources are necessary to augment State and local efforts to combat crime and drugs.

REVITALIZATION OF SEVERELY DISTRESSED PUBLIC HOUSING (HOPE VI)

Appropriates $573,735,000 for the revitalization of severely distressed public housing program (HOPE VI) as proposed by the House and the Senate. Includes language designating $6,250,000 for technical assistance and contract expertise instead of $5,000,000 as proposed by the House and $7,500,000 as proposed by the Senate.

Includes new language designating $5,000,000 for the Neighborhood Networks Initiative. These funds are to be competitively awarded to PHAs for the establishment and initial operation of computer centers in conjunction with fiscal year 2002 HOPE VI applicants to enhance resident self-sufficiency, employability, and economic self-reliance. These funds are not intended to limit the Secretary's ability to award additional funds for these activities as part of the regular HOPE VI process. These amounts, combined with $15,000,000 provided under the public housing capital fund, as well as $5,000,000 in current on-going projects, will provide a total of $25,000,000 for the Neighborhood Networks Initiative in fiscal year 2002.

The conferees are aware of the valuable efforts made by the Housing Research Foundation to collect and disseminate objective information on the HOPE VI program. The conferees encourage HUD to continue this initiative.

NATIVE AMERICAN HOUSING BLOCK GRANTS

(INCLUDING TRANSFERS OF FUNDS)

Appropriates $648,570,000 as proposed by the House and the Senate. Transfers no less than $3,000,000 to the Working Capital Fund for the development and maintenance of information technology systems as proposed by the Senate instead of no less than $2,000,000 as proposed by the House.

Includes language to establish a total loan volume of not to exceed $52,726,000 for title VI loans as proposed by the House instead of $54,600,000 as proposed by the Senate.

Includes modified language, similar to language proposed by the Senate, to allow the Secretary to provide assistance to Indian tribes and tribally-designated housing entities to address the problem of black mold consistent with the terms of NAHASDA. The Secretary is directed to work with FEMA, the Indian Health Service, the Bureau of Indian Affairs, and other appropriate Federal agencies in developing a plan to maximize Federal resources to address emergency housing and related problems associated with black mold. The House did not include similar language.

INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

Appropriates $5,987,000 for guaranteed loans for Native American housing on trust lands as proposed by the House and the Senate.

NATIVE HAWAIIAN HOUSING LOAN GUARANTEE FUND

(INCLUDING TRANSFER OF FUNDS)

Appropriates $1,000,000 for guaranteed loans for Native Hawaiian housing as proposed by the Senate. Includes language establishing a total loan volume of not to exceed $40,000,000 and provides $35,000 for administrative costs as proposed by the Senate. The House did not propose funding for this program.

COMMUNITY PLANNING AND DEVELOPMENT

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

Appropriates $277,432,000 for housing opportunities for persons with AIDS (HOPWA) as proposed by the House and the Senate.

Includes modified language similar to language proposed by the Senate requiring HUD to renew all expiring HOPWA contracts for permanent supportive housing funded under the non-formula component of the HOPWA program so long as the projects meet all other program requirements. The House did not include a similar provision.

RURAL HOUSING AND ECONOMIC DEVELOPMENT

Appropriates $25,000,000 for rural housing and economic development as proposed by the Senate. Includes language requiring funds to be awarded competitively by June 1, 2002 as proposed by the Senate. The House did not propose funding for this program.

EMPOWERMENT ZONES/ENTERPRISE COMMUNITIES

Appropriates $45,000,000 for grants to the second round of empowerment zones instead of $75,000,000 as proposed by the Senate. Includes language designating $3,000,000 for each empowerment zone to be used in conjunction with economic development activities detailed in the strategic plans of each empowerment zone instead of $5,000,000 for each zone as proposed by the Senate. The House did not propose funding for this program. The conferees believe that this program should be funded as a mandatory program as originally contemplated.

The conferees direct the HUD Inspector General to review the use of empowerment zone funds and report the findings to the Committees on Appropriations no later than April 1, 2002.

COMMUNITY DEVELOPMENT FUND

(INCLUDING TRANSFERS OF FUNDS)

Appropriates $5,000,000,000 for various activities funded in this account, instead of $4,811,993,000 as proposed by the House and $5,012,993,000 as proposed by the Senate. The conferees agree to the following:

—$4,341,000,000 for formula grants under the Community Development Block Grant program (CDBG), instead of $4,339,300,000 as proposed by the House and the Senate;

—$70,000,000 for grants to Indian tribes instead of $69,000,000 as proposed by the House and $71,000,000 as proposed by the Senate;

—$42,500,000 for section 107 grants, instead of $34,434,000 as proposed by the House and $45,500,000 as proposed by the Senate. Within the amount provided for section 107 grants, the conference agreement provides the following earmarks:

$7,000,000 for insular areas;

$10,500,000 for historically black colleges and universities;

$3,000,000 for community development work study;

$7,500,000 for Hispanic serving institutions;

$7,500,000 for the Community Outreach Partnerships program;

$3,000,000 for tribal colleges and universities; and

$4,000,000 for Alaska Native serving institutions and Native Hawaiian serving institutions;

—$3,300,000 for the Housing Assistance Council as proposed by the House instead of $3,000,000 as proposed by the Senate;

—$2,600,000 for the National American Indian Housing Council as proposed by the Senate instead of $2,794,000 as proposed by the House;

—$5,000,000 for the National Housing Development Corporation for continuation of its program of acquisition, rehabilitation, and preservation of at-risk affordable housing, including $2,000,000 for operating expenses as proposed by the House. The Senate did not propose funding for this program;

—$5,000,000 for the National Council of La Raza HOPE Fund, of which $500,000 is for technical assistance and fund management and $4,500,000 is for investments and financing as proposed by the House. The Senate did not propose funding for this program;

—$9,600,000 for the Department of Hawaiian Homelands for assistance as authorized by title VIII of the Native American Housing Assistance and Self-Determination Act of 1996, with not more than five percent for administrative costs, as proposed by the Senate. The House did not propose funding for this program;

—$22,000,000 for grants to eligible grantees under section 11 of the Self-Help Housing Opportunity Program, instead of $21,956,000 as proposed by the House and $20,000,000 as proposed by the Senate;

—$29,000,000 for the Capacity Building for Community Development and Affordable Housing program, authorized by section 4 of the Department of Housing and Urban Development Demonstration Act, as in effect before June 12, 1997, instead of $29,387,000 as proposed by the House and $28,450,000 as proposed by the Senate. Of the amount provided, at least $5,000,000 shall be for capacity building activities in rural areas as proposed by the Senate instead of $4,989,000 as proposed by the House. Additionally, $4,000,000 is for Habitat for Humanity International, instead of $4,442,000 as proposed by the House and $3,450,000 as proposed by the Senate;

—$55,000,000 for supportive services, congregate services and service coordinators for residents of public and Indian housing as proposed by the Senate, instead of $54,879,000 as proposed by the House;

—$65,000,000 for Youthbuild instead of $69,868,000 as proposed by the House and $70,000,000 as proposed by the Senate. This amount includes $2,000,000 for capacity building activities as proposed by the House and the Senate, and $10,000,000 for underserved and rural areas as proposed by the Senate;

—$42,000,000 for the Neighborhood Initiatives program instead of $25,000,000 as proposed by the House and the Senate. Does not include language proposed by the House related to unobligated prior year balances. The Senate did not include a similar provision. Targeted grants shall be provided as follows:

$500,000 for the County of Tulare, California, for development of the Dinuba regional vocational training facility;

$250,000 for the City of Oceanside, California for the Crown Heights neighborhood revitalization project;

$1,000,000 for the Colorado Mountain Housing Coalition;

$700,000 for the City of Miami, Florida, Model Homeownership Zone Pilot Project;

$200,000 for McHenry County, Illinois, for economic development along the Fox River;

$3,000,000 for the Louisville Community Development Bank for continuation of the Louisville Neighborhood Initiative;

$750,000 for the City of Brewer, Maine for the redevelopment of its waterfront;

$750,000 for the City of St. Paul, Minnesota, for the Phalen Village Superblock project;

$2,500,000 for the Grand Avenue Redevelopment Project in Kansas City, Missouri;

$1,000,000 for Urban Strategies for the construction of affordable, mixed-income housing for disabled individuals in the Central West End area of the City of Saint Louis, Missouri;

$750,000 for the City of St. Louis, Missouri, for development of the Forest Park Master Plan;

$1,000,000 for Beyond Housing, a St. Louis Missouri non-profit to preserve homes in the Castle Point, Pagedale and NE University City areas;

$250,000 for the City of Wildwood, New Jersey, for revitalization of the Pacific Avenue Business District;

$1,000,000 to the City of Syracuse, New York for the Neighborhood Initiative Program;

$5,000,000 to Home Headquarters in Syracuse, New York for a Home Equity Assurance Pilot Program and other Neighborhood Initiative projects;

$200,000 to the City of Canandaigua, New York, for Lagoon Park development;

$200,000 to the City of Albany, New York, for the Corning Park Revitalization Project;

$300,000 to the City of Philadelphia, Pennsylvania to support the Neighborhood Transformation Initiative, which will demolish many abandoned homes as well as revitalize the areas;

$200,000 to Universal Community Homes, Philadelphia, Pennsylvania to continue the conversion of more than 500 parcels of land into for-sale units to low-and moderate-income families;

$250,000 for the City of Anderson, South Carolina for the Murray/Franklin Street neighborhood revitalization project;

$10,000,000 for the State of South Dakota to maintain the physical integrity of the Homestake Mine in preparation for the potential development of a major research facility on that site;

$400,000 for the City of Watertown, South Dakota, for a community revitalization project;

$300,000 for Campbell County, South Dakota, for economic development activities;

$1,000,000 for the City of Bellingham, Washington, for the Holly Street landfill redevelopment project;

$1,000,000 for the City of Milwaukee, Wisconsin, for the Menominee River Valley redevelopment project;

$500,000 for the City of Madison, Wisconsin to develop affordable low income housing;

$6,000,000 to the Vandalia Heritage Foundation, Inc. for community and neighborhood revitalization and economic diversification initiatives;

$1,000,000 for the City of Beckley, West Virginia, to revitalize a blighted area;

$2,000,000 for the Boys and Girls Clubs of America for the operating and start-up costs of clubs located in or near, and primarily serving residents of, public and Indian housing.

—$294,200,000 for economic development initiatives. Targeted grants shall be made as follows:

$490,000 to the Kenai Peninsula Borough in Alaska for construction of low-income housing for senior citizens;

$990,000 for Catholic Community Services for its Adult Day Care facility in Juneau, Alaska to provide day care for the elderly persons;

$1,250,000 for the United Way community services facility in Anchorage, Alaska to complete construction of a social service facility to serve low-income people;

$1,500,000 for Alaska Pacific University for the restoration of a historic property in Anchorage, Alaska;

$1,500,000 for the Municipality of Anchorage, Alaska for the expansion of the Alaska Zoo;

$2,250,000 for Fairbanks, Alaska to provide winter recreation opportunities for military and civilian persons at the Fairbanks North Star Borough Birch Hill recreation area;

$45,000 to the Hillsboro-Lawrence County, Alabama Boys and Girls Club;

$50,000 to Guntersville, Alabama to extend sewer lines to the Marshall-Jackson Mental Health Center;

$50,000 to the City of Decatur, Alabama for improvements to Delano Park;

$50,000 to the City of Hollywood, Alabama for wastewater infrastructure improvements;

$50,000 to the Housing Authority of the City of Huntsville, Alabama for the continuation of a music education program;

$50,000 to Walker County, Alabama for assembly costs of the Walker County Center of Technology;

$80,000 to Leesburg, Alabama for sewer and water infrastructure expansion to the city boat dock;

$85,000 to The Whole Backstage Marshall County Theater Group in Marshall County, Alabama for renovation of facilities;

$100,000 to the City of Selma, Alabama for the acquisition of the Lovelady Building on historic Water Avenue in Selma, Alabama;

$100,000 to the Northwest Alabama Council of Local Governments for the development of a master plan for the Florence-Lauderdale County Port Authority;

$100,000 to the Tuskegee Area Health Education Center in Alabama for a rural HIV/AIDS program;

$115,000 to the Birmingham Building Trade Towers, Inc. for renovation the Birmingham Building Trades Tower in Alabama;

$115,000 to the University of Montevallo, Alabama for repair of historic structures;

$125,000 to Brilliant, Alabama for access road improvement and water line extension to industrial park;

$125,000 to Winfield, Alabama for site work preparation of land for industrial use;

$150,000 to Family Connection, Inc. in Alabaster, Alabama to construct a facility to house a new diversionary program for first time juvenile offenders in Shelby County, Alabama;

$150,000 for the City of Mobile, Alabama for the building renovation for the Mobile Opera/Symphony Collaboration;

$190,000 to Albertville, Alabama for a civic center;

$200,000 to Jasper, Alabama for recreational park construction;

$200,000 to the Clark County Commission, Alabama for establishment of the Forestry Museum;

$400,000 to the Shoals Economic Development Authority in Florence, Alabama for the construction of a joint economic development facility to be used by SEDA and the Shoals Chamber of Commerce;

$240,000 for the Patient One Medical Transport System of Alabama for wheelchair accessible vehicles, drivers, and program expenses;

$250,000 to Oakwood College of Alabama for the establishment of a Wellness Center;

$250,000 for Eufala, Alabama for downtown revitalization;

$300,000 to BizTech located in Huntsville, Alabama for the construction of a business development facility;

$300,000 to the City of Mobile, Alabama for improvements to a recreational pier and facilities at McNally Park;

$300,000 to the Covington County Commission in Alabama for the construction of the second phase of the Covington County Farm Center;

$350,000 to the Housing Authority of the City of Andalusia to expand their existing preschool programs and facility to accommodate more low-income, high risk children in Andalusia, Alabama;

$400,000 to the Alabama Historical Commission for the renovation of the Historic Green County Courthouse in Green County, Alabama;

$500,000 to the American Village for the construction of Federal Hall and the Liberty Square Expansion in Montevallo, Alabama;

$500,000 to the City of Hamilton, Alabama for the construction of a call center facility;

$500,000 to the City of Winfield, Alabama for the construction of a call center facility;

$500,000 to the Cleveland Avenue YMCA so that they may expand their existing programs to serve more young people in Montgomery, Alabama;

$500,000 to the Lakeshore Foundation in Birmingham, Alabama to expand their existing facilities to serve a larger population of Alabamians with physical disabilities;

$500,000 to the National Children's Advocacy Center in Huntsville, Alabama for the establishment of a research and training facility;

$500,000 to the USS Alabama Battleship Commission for a restoration initiative;

$1,000,000 to Spring Hill College in Mobile, Alabama for construction of the Regional Library Resource Center;

$300,000 for Studio for the Arts of Pocahontas, Arkansas, for a new facility;

$1,000,000 or the City of DeQueen, Arkansas for the development of a cultural awareness center;

$50,000 to the Tohono O'odham Tribe in Arizona for development of a veterans memorial monument and park;

$300,000 Boys and Girls Club of the East Valley, Temple Arizona for its Guadalupe Branch;

$740,000 to Arizona State University for the establishment of the Center for Basic Research and Applied Research within the Barry M. Goldwater Center for Science and Engineering;

$1,000,000 to the City of Tucson, Arizona for the Fox Tucson Theatre and Archive Project to restore and renovate a historic theater;

$30,000 to the City of Temecula, California for the Job Skills and Commuter Census;

$30,000 to the Cuban Resource Center in Los Angeles, California for community center improvements;

$50,000 to Easter Seals Tri-Counties in California for the Easter Seals Child Development Center;

$50,000 to Environment Now in Santa Monica, California for continued development of the Ballona Creek Trail and Bikeway;

$50,000 to the City of Anaheim, California for the Senior Citizen Wing Expansion of the Brookhurst Community Center;

$50,000 to the City of La Puente, California for an addition to the La Puente Youth Learning Center;

$50,000 to the City of Placerville, California for the rehabilitation and development of the Gold Bug Park, the Meagher House;

$50,000 to the City of Rancho Cucamonga, California for construction of a senior center;

$50,000 to the County of San Bernardino, California for the youth baseball/softball field complex at Spring Valley Lake in Victorville;

$50,000 to the County of San Bernardino, California for the Barstow Wading Pool;

$50,000 to the Mothers of East LA Santa Isabel in Los Angeles, California for improvements to a community garden;

$50,000 to the West Haven Community Center in Garden Grove, California for construction costs;

$75,000 to the Angelus Plaza Senior Housing Complex in Los Angeles, California for the acquisition of multi-language translation equipment;

$75,000 to the City of Long Beach, California for construction of the Admiral Kidd Park Community Center;

$90,000 to the City of Temecula, California for the Vail Ranch Middle School Basketball Lighting Project;

$100,000 to the Ed Roberts Campus in Berkeley, California for planning and development of their disability campus;

$100,000 to Marin City, California for Marin City Cultural and Community Center facility needs;

$100,000 to the American Film Institute for the establishment of a Screen Education Center for public school teacher training;

$100,000 to the City of Los Angeles, California for construction needs of the Boyle Heights Youth Technology and Recreation Center;

$100,000 to the City of Los Angeles, California for the Red Car Trolley study;

$75,000 to the Fort Ord Re-use Authority in Marina, California for economic development re-use activities at the former Fort Ord;

$100,000 to the Heritage Camp Foundation in California for its Feria de California program;

$100,000 to the Housing Trust of Santa Clara County, California for affordable housing efforts in Silicon Valley;

$100,000 to the Leimert Park Merchants Association in Los Angeles, California for continued revitalization efforts in the Leimert Park Village;

$125,000 to the City of Los Angeles, California for construction of the Ernest E. Debs Nature Center;

$150,000 to the City of Modesto, California for infrastructure needs in distressed neighborhoods;

$150,000 to the City of Vallejo, California for development of a fire suppression system of Mare Island;

$150,000 to the Davis Street Community Center in Central Alameda, California for facilities needs;

$175,000 to the Fine Arts Museum of San Francisco, California for construction needs of the M.H. de Young Memorial Museum;

$190,000 to the City of Simi Valley, California for the expansion of the Simi Valley Senior Citizens Center;

$190,000 to the City of Westminster, California for construction of a multi-cultural Community Center;

$198,000 to the City of Riverside, California and the California Department of Parks and Recreation for the Citrus Park project;

$200,000 to the City of Eureka, California for Fisherman Dock Area Harbor capital improvement needs;

$200,000 to the City of Highland, California for the city history museum;

$200,000 to the City of Inglewood, California for design and construction needs related to a new seniors center;

$200,000 to the City of Needles, California for blight abatement;

$200,000 to the City of Twentynine Palms, California for the Twentynine Palms Visitor Center;

$200,000 to the County of San Bernardino, California for construction of the Hall of Paleontology at the San Bernardino County Museum;

$200,000 to the County of San Bernardino, California for the Big Bear Zoo relocation and expansion;

$200,000 to the Town of Apple Valley, California for Phase One of Civic Center Park;

$200,000 to the Town of Yucca Valley, California for the Southside Community Park;

$240,000 to the City of Diamond Bar, California for construction of a senior center;

$240,000 to the Kern County Superintendent of Schools Office for the Mobility Opportunities via Education project as a component of the Southeast Bakersfield, California Redevelopment Project;

$250,000 for Covenant House California, for purchase and renovation of a new facility for the East Bay Street Outreach and Community Service Center;

$250,000 for the Center Theatre Group, of Los Angeles, California, for the Culver City Theater project;

$250,000 for the Martin Luther King, Jr. Freedom Center of Oakland, California, for facility construction;

$250,000 to Pacific Union College in Angwin, California for the Napa Valley Community Resource Center;

$290,000 to the City of Citrus Heights, California for the Sunrise MarketPlace Revitalization Project;

$290,000 to the City of Stockton, California for the historic restoration of the Fox Theatre;

$290,000 to the Fund for the Preservation of the California State Mining and Mineral Museum;

$300,000 for Community Medical Centers of Fresno, California, for renovations to the Fresno Community Regional Medical Center;

$300,000 to the City and County of San Francisco, California for its Masterlease Hotel program for the homeless;

$300,000 to the City of East Palo Alto, California for the redevelopment of the Ravenswood Industrial Area;

$300,000 to the City of Salinas, California for construction of a municipal pool;

$275,000 to the City of Santa Monica, California for gateway needs at the Santa Monica Mountains National Recreation Area;

$300,000 to the Sacramento California Housing and Redevelopment Agency for the Sacramento Asian Sports Foundation, to construct a community center;

$490,000 to El Centro Regional Medical Center in Imperial County, California for construction of a heliport;

$490,000 to HomeAid to assist efforts to build and renovate homeless shelters;

$490,000 to the City of Bakersfield, California for the Baker Street Corridor project;

$490,000 to the City of Monrovia, California for the Old Town Monrovia Revitalization Project;

$490,000 to the City of Redding, California for the Stillwater Industrial Park;

$490,000 to the Sweetwater Authority in California for the Sweetwater and Loveland Reservoirs Recreation Project;

$500,000 to the San Dieguito Transportation Cooperative of California to centralize school bus transportation operations and increase service capacity;

$740,000 to the City of Lancaster, California to complete the Lancaster National Soccer Center;

$750,000 for the City of East Palo Alto, California to redevelop the Ravenswood industrial area;

$750,000 for the West Angeles Community Development Corporation of Los Angeles, California, for development of the West Angeles Plaza;

$190,000 to the City of Oceanside, California for revitalization of the Crown Heights Neighborhood;

$800,000 for the Town of Mountain Village, Colorado for an affordable housing initiative;

$1,500,000 for the City of Denver, Colorado for revitalization;

$50,000 to the City of Hartford, Connecticut for redevelopment of the North Star Plaza area in the North End community of Hartford;

$75,000 to the University of Hartford, in Hartford, Connecticut for the Hartt School Performing Arts Center;

$100,000 to the Town of Derby, Connecticut for restoration of the Sterling Opera House;

$300,000 for Connecticut Hospice, Inc., of Branford, Connecticut, for construction of a new facility;

$800,000 for the Southside Institutions Neighborhood Alliance of Hartford, Connecticut, for neighborhood revitalization in Hartford;

$390,000 to Norwich Community Development Corporation in Norwich, Connecticut for rehabilitation of the historic Capehart Mill;

$375,000 to the Domestic Violence Services of Greater New Haven, Connecticut for a domestic violence transitional housing project;

$490,000 to the Warner Theater in Torrington, Connecticut for facility renovations;

$50,000 for the Delaware Valley Historical Aircraft Association, Delaware County to complete their building project which will house historic military aircraft presently on outdoor display in Willow Grove, Pennsylvania;

$50,000 to Delaware Valley Community Health, Inc. for facilities needs at the Maria de los Santos Health Center in Philadelphia, Pennsylvania;

$300,000 for the Boys and Girls Club of Delaware for facility construction and renovation;

$750,000 for the YMCA of Delaware for renovations to the Central Branch YMCA;

$25,000 to the Orlando Community Redevelopment Agency in Orlando, Florida for redevelopment of Otey Place;

$50,000 to the Tampa Bay Performing Arts Center in Tampa, Florida for expansion purposes;

$50,000 to the Tampa Bay, Florida Port Authority for the channelside economic development project;

$100,000 to the Alachua County Board of Commissioners in Alachua County, Florida for land conservation efforts related to the Emerald Necklace initiative;

$100,000 to the City of Gainesville, Florida for the Depot Avenue economic development project;

$200,000 to St. Petersburg Beach, Florida for the Don Vista Community Center;

$200,000 to the Alachua County Board of Commissioners in Alachua County, Florida for a program to stabilize and revitalize distressed neighborhoods, including the City of Archer;

$240,000 to the Brevard Community College in Florida for renovations and infrastructure improvements to the Cocoa Village Playhouse;

$240,000 to the City of Daytona Beach, Florida for the Daytona Beach Boardwalk Revitalization;

$240,000 to the City of Maitland, Florida for a senior citizens center;

$240,000 to the Florida Association of Counties for continuation of a national pilot project for assisting rural communities to develop and sustain professional economic development initiatives;

$450,000 to Bethune Cookman College in Daytona Beach, Florida for costs related to a community services and student union building;

$340,000 to the City of South Miami, Florida for urban infrastructure upgrades and street enhancements;

$350,000 for Covenant House, Florida, Inc., for transitional housing;

$490,000 to Sebring Airport Authority of Florida for development of a light industrial commercial business park;

$490,000 to the City of Clearwater, Florida for the ''Beach by Design Initiative'';

$490,000 to the City of Deerfield Beach, Florida for the construction of the Mitigation Operation Center;

$500,000 to Pinellas County, Florida for the Gulf Boulevard project;

$500,000 to Pinellas Park, Florida for community hurricane evacuation infrastructure improvements;

$500,000 to the City of Safety Harbor, Florida to repair and replace brick streets and underground utilities;

$500,000 to the Miami-Dade County Housing Finance Authority of Florida for the provision of housing within the Liberty City/Model City neighborhoods for public housing residents of those neighborhoods displaced by changes in public housing;

$740,000 to Edison Community College in Fort Myers, Florida for the renovation of the Barbara B. Mann Performing Arts Hall;

$1,000,000 to Miami-Dade County, Florida for the provision of housing within the Liberty City/Model City neighborhoods for public housing residents of those neighborhoods displaced by changes in public housing;

$2,000,000 to St. Petersburg, Florida for the Sunken Gardens improvement project;

$100,000 to Clarkston Community Center, Inc. in DeKalb County, Georgia for renovations;

$100,000 to DeKalb County, Georgia for development of a multipurpose civic and community center;

$100,000 to Spelman College in Atlanta, Georgia for historic preservation of Packard Hall;

$150,000 to the Historic Savannah Foundation of Georgia to revitalize housing in the historic Savannah neighborhoods;

$200,000 to College Partners, Inc in Atlanta, Georgia for community development and revitalization initiative;

$240,000 to the ARCH Educational Network in Georgia for construction of an education center;

$240,000 to the City of Macon, Georgia for redevelopment of a Brownfields site;

$300,000 for Covenant House Georgia, to purchase and renovate a new community service center in Atlanta, Georgia;

$350,000 for Rockdale County, Georgia, for construction of Georgia's Veterans Park;

$400,000 for the Tubman African American Museum in Macon, Georgia for construction of the Tubman African American Museum;

$490,000 to Gwinnett County, Georgia for the Liberty Heights Neighborhood Revitalization Project;

$490,000 to the Warner Robins Century of Flight Museum in Georgia for facilities expansion;

$500,000 to the Liberty County, Georgia Development Authority for the Coastal MegaPark for continued planning and engineering studies and infrastructure development;

$750,000 for development of the Dr. Martin Luther King, Sr., Community Service Center in Atlanta, Georgia;

$200,000 for the County of Maui, Hawaii for restoration of the Iao Theater in Wailuku Town;

$300,000 for the County of Kauai, Hawaii, for the Heritage Trails project;

$500,000 for the YMCA of Honolulu, Hawaii, for reconstruction and expansion of the Kalihi YMCA facility;

$500,000 for the YMCA of Kauai, Hawaii, for construction of a multipurpose community center;

$750,000 for the Boys and Girls Club of Hawaii to establish three new Boys and Girls Clubs of Hawaii in the Hawaiian homestead areas of Papakolea, Nanakuli and Paukukalo;

$800,000 for the Filipino Community Center, Inc. of Honolulu, Hawaii to develop a new community center;

$490,000 to the City of Des Moines, Iowa for the redevelopment of the Des Moines Advance Technology Agribusiness Park;

$500,000 for City of Waterloo, Iowa, for brownfields redevelopment;

$500,000 for the City of Cedar Rapids, Iowa, for brownfields revitalization;

$500,000 for the City of Council Bluffs, Iowa, for the Katelman neighborhood redevelopment project;

$500,000 for the City of Davenport, Iowa, for the East Davenport Development Corporation mixed-income housing development;

$500,000 for the City of Des Moines, Iowa, for brownfields redevelopment;

$500,000 for the Iowa Department of Economic Development for the Main Street Program;

$500,000 to Homeward, Inc. in North Central Iowa to assist local employers with housing programs and help low- to moderate-income families purchase or remodel existing homes;

$1,000,000 for Dubuque, Iowa for the development of an American River Museum;

$290,000 to the City of Jerome, Idaho for the renovation of facilities for a mixed-use community education, health, and technology center;

$500,000 for the Lewis and Clark State College for the Idaho Virtual Incubator;

$500,000 for the University of Idaho for a technology incubator at Post Falls, Idaho;

$1,000,000 for the Clearwater Economic Development Association for the implementation of the Lewis and Clark Bicentennial plan;

$1,000,000 for the University of Idaho for a performance and education facility;

$50,000 to Family Focus in Evansville, Illinois for facilities needs;

$75,000 to Columbia College in Chicago, Illinois for an integrated student services and activities center;

$90,000 to the Taylorville Community School District in Taylorville, Illinois for construction of a Fine Arts Educational Center;

$100,000 to Knox College in Illinois for renovations of Alumni Hall for the Abraham Lincoln Studies Center;

$100,000 to the City of Calumet Park, Illinois for recreation center facility needs;

$100,000 to the City of Chicago, Illinois for the Lake Calumet Area Land Acquisition Redevelopment project;

$100,000 to the City of Elgin, Illinois for expansion of the Elgin Child Daycare Center;

$100,000 to the Haymarket Center in Chicago, Illinois for the purchase and renovation of a facility;

$100,000 to the Illinois Quad Cities Mississippi Riverfront Redevelopment partnership for redevelopment efforts;

$100,000 to the Westie Holistic in Chicago, Illinois for expansion of the Youth and Services Division;

$100,000 to the United Services of Chicago, Inc. in Illinois for a job training project in the Chicago metropolitan area;

$140,000 to the Morrisonville Emergency Services Facility in Morrison, Illinois for construction of facilities;

$150,000 for American Lung Association of Illinois for technology upgrades for the Tobacco Quitline and veterans outreach programs;

$150,000 for Asian Human Services of Chicago, Illinois, to expand its community empowerment programs;

$150,000 for Catholic Urban Programs of East St Louis, Illinois to expand its emergency housing facility;

$150,000 for the Shelby County Community Services Agency, of Shelbyville, Illinois, for construction of a child care center;

$150,000 for the World War II Illinois Veterans Memorial of Springfield, Illinois, for construction;

$150,000 to Southern Illinois University in Carbondale, Illinois for infrastructure needs related to the development of a University Research Park;

$175,000 for the Quincy, Illinois, Housing Authority to expand its community center facilities;

$200,000 to the City of Berwyn, Illinois for expansion and renovations of public safety and fire facilities;

$225,000 for the Peace/Education Coalition of Chicago, Illinois for expansion of a community youth center and related programs;

$240,000 to Cornerstone Services, Inc. in Will County, Illinois for the reconstruction of a warehouse into a developmental training center for adults with disabilities;

$240,000 to Joliet Junior College of Illinois for the Bridging Community, Economic and Workforce Development Through Local Partnerships Project;

$300,000 for Casa Central of Chicago, Illinois, for expansion of a community technology center facility and services;

$300,000 to Sugar Grove, Illinois for drinking water infrastructure improvements;

$350,000 for Career Transitions Center of Chicago, Illinois, for property acquisition and rehabilitation to develop a social services outreach facility;

$470,000 to Will County, Illinois for renovation, expansion and facility improvement for the County Courthouse;

$490,000 to the City of Des Plaines, Illinois for conversion of an existing building into a multi-use community resource center;

$500,000 for Christopher House of Chicago, Illinois, for construction of a family resource center;

$500,000 for the City of Moline, Illinois, for riverfront redevelopment efforts in Moline, East Moline, and Rock Island;

$500,000 to Eureka College in Eureka, Illinois for construction of a new science and technology center;

$1,300,000 to Rush-Presbyterian St. Luke's Medical Center in Chicago, Illinois for the Center on Research and Aging;

$50,000 to the City of Indianapolis, Indiana for revitalization efforts focused on the historic Massachusetts Avenue Corridor;

$50,000 to the War Memorials Commission in Indianapolis, Indiana for continued restoration of the Indiana World War Memorial Plaza;

$100,000 to the City of South Bend, Indiana for demolition and revitalization in the Studebaker Auto/Oliver Plow Works industrial corridor;

$140,000 for Tri-State University located in Angola, Indiana for the development of the Tri-State University Center for Educational Excellence;

$190,000 to the University of Saint Francis in Fort Wayne, Indiana for construction and outfitting of the proposed Professional Development Center;

$290,000 to Ball State University of Muncie, Indiana for facilities expansion and renovation of the Midwest Entrepreneurial Education Center;

$300,000 for the City of Jeffersonville, Indiana, for redevelopment of the Quartermaster Depot;

$490,000 to the James Whitcomb Riley Hospital for Children in Indiana to expand and enhance services at the autism clinic;

$500,000 for the Historic Preservation Association of Jasper County, Indiana for the restoration of Drexel Hall;

$500,000 to the City of Merrillville, Indiana for drinking water and wastewater infrastructure improvements;

$650,000 to the City of Hobart, Indiana for sewage treatment facility needs;

$740,000 to Purdue University in Indiana for the Ultra-Performance Nanotechnology Center in West Lafayette, Indiana;

$1,000,000 for the City of Carmel for its Indiana parks development;

$240,000 to the City of Manhattan, Kansas for the apron expansion at the Manhattan Regional Airport;

$490,000 to the City of Hutchinson, Kansas to properly seal all abandoned brine well sites;

$750,000 to Power Community Development Corporation for development of a grocery supermarket in Wichita, Kansas;

$1,000,000 to the City of Hutchinson, Kansas for revitalization;

$70,000 to Allen County, Kentucky for upgrades to the Emergency 911 System;

$190,000 to Simpson County, Kentucky for repairs and renovation of the Emergency Operations Center;

$200,000 to the Southern Star Development Corporation for construction of a multipurpose community facility;

$228,000 to the First Gethsemane Center in Louisville, Kentucky for renovation of facilities;

$250,000 to the Western Kentucky Growers Association for capital improvements and equipment;

$275,000 to Brooklawn Youth Services for construction of a multipurpose activities building and gymnasium;

$347,000 to the Canaan Community Development Corporation for the Canaan Christian Academy child development center;

$400,000 to the Shiloh Community Renewal Center in Kentucky for facilities reconstruction and rehabilitation;

$475,000 to the City of Lynch, Kentucky for construction and restoration of facilities associated with the Kentucky Coal Mine Museum;

$500,000 to the New Zion Community Foundation Development for construction of a community-based consumer center;

$525,000 to the London-Laurel County Tourist Commission for design and land acquisition for a Civil War historical/interpretive theme park in Laurel County, Kentucky;

$4,500,000 for the University of Louisville for the expansion of its main library;

$50,000 to the Acadia Economic Development Corporation for establishment of a business incubator in Crowley, Louisiana;

$90,000 to the City of New Iberia, Louisiana for downtown revitalization;

$100,000 to Iberia Parish, Louisiana for the New Iberia conference center;

$100,000 to the Town of Golden Meadow, Louisiana for recreational and job training uses;

$100,000 to the Town of Grand Isle, Louisiana for the Grand Isle Civic/Conference Center;

$150,000 to St. John the Baptist Parish, Louisiana for the planning, design and construction of a civic center/farmers market;

$200,000 for Booker T. Community Outreach, Inc., of Monroe, Louisiana, for an elderly living center;

$200,000 for Kingsley House, Inc., of New Orleans, Louisiana, for facility and service expansion;

$200,000 to the New Orleans Regional Planning Commission for bike paths and recreational infrastructure improvements in the St. Charles, St. Bernard, and Plaquemines Parishes of Louisiana;

$250,000 for Dillard University of New Orleans, Louisiana, the International Center for Economic Freedom project;

$250,000 for the City of Donaldsonville, Louisiana, for riverfront development;

$250,000 to the City of Mandeville, Louisiana for the Mandeville Trailhead Project;

$250,000 to the Port of South Louisiana for expansion of the Globalplex Intermodal Terminal Facility;

$275,000 for the Mirabeau Family Learning Center, Inc., of New Orleans, Louisiana, for expansion of facilities and services;

$290,000 to DeSoto Parish, Louisiana for transportation infrastructure improvements associated with the West DeSoto Industrial Park and Riverfront Park;

$300,000 for the City of Shreveport, Louisiana, for develop supporting infrastructure for its Convention Center and Downtown Redevelopment project;

$400,000 for the City of Vidalia, Louisiana for construction of the Gateway Center at the Vidalia riverfront;

$490,000 to the City of Port Allen, Louisiana for economic development and downtown revitalization;

$500,000 for the Audubon Nature Institute, Inc., of New Orleans, Louisiana, for development of the Living Science Museum;

$1,000,000 for the Louisiana Department of Culture, Recreation, and Tourism for development activities related to the Louisiana Purchase Bicentennial Celebration;

$50,000 to the Cambridge, Massachusetts Redevelopment Authority for implementation of a public space redevelopment initiative;

$100,000 to Salem State College in Salem, Massachusetts for construction of an arts center;

$100,000 to the Caritas Good Samaritan Medical Center in Brockton, Massachusetts for construction of a cancer center;

$100,000 to the City of Lawrence, Massachusetts for parking facility needs in the Lower Gateway area of Lawrence;

$100,000 to the City of Worchester, Massachusetts for the Gardner-Kirby-Hammond Street neighborhood revitalization project;

$100,000 to the Computer Access for Empowerment Program in North Worchester County, Massachusetts for a program to bring computer access to needy areas;

$150,000 for Fall River, Massachusetts, for the Iwo Jima project;

$150,000 for the Charlestown, Massachusetts, Boys and Girls Club for facility renovations;

$175,000 to North Adams, Massachusetts for facilities needs related to the Windsor Mills Incubator Project;

$250,000 to the Mystic Valley Development Commission for a regional technology development project known as TeleCom City;

$325,000 to Nueva Esperanza in Holyoke, Massachusetts for the Main Street Mercado project and the New Hope Fish Farm project;

$275,000 to the Baystate Medical Center, Inc. in Springfield, Massachusetts for the Pioneer Valley Life Sciences Initiative;

$300,000 to the YMCA of Greater Springfield, Massachusetts for rehabilitation of Camp Norwood;

$350,000 for Fitchburg State College, of Fitchburg Massachusetts, for the development of a new technology center;

$400,000 for the City of Lawrence, Massachusetts, for economic development activities;

$70,000 for St. Ambrose Housing Aid Center of Baltimore, Maryland, for development of a new youth center by the Stadium School Youth Dreamers;

$100,000 to the Fayette Street Outreach Center in Baltimore, Maryland for development of a building into offices and a community center;

$150,000 for the Rural Development Center, University of Maryland Eastern Shore, for economic development efforts of Delmarva Low Impact Tourism Experiences;

$240,000 to the Bethesda Academy of Performing Arts in Maryland for continued construction of the ''Imagination Stage Center for the Arts'';

$240,000 to the Town of Garrett Park, Maryland for renovation of the town center, Penn Place;

$290,000 for the Enterprise Foundation for stabilization and redevelopment efforts in

the Forrest Park and Lauraville neighborhoods of Baltimore, Maryland;

$300,000 for the Living Classrooms Foundation of Baltimore, Maryland, for expansion of the Workforce Development Center;

$300,000 for the Ruth Enlow Library System of Garrett County, Maryland, for construction of the new Grantsville Branch library;

$300,000 to the Spring Dell Center in La Plata, Maryland for construction of a new facility;

$375,000 to the Bowie Regional Arts Vision Association in Bowie, Maryland for construction of a new concert hall;

$400,000 for the Women's Industrial Exchange of Baltimore, Maryland, for redevelopment of Charles Street property;

$500,000 for the Kennedy Kreiger Institute of Baltimore, Maryland, for development of a new community behavioral health center;

$500,000 for the Montgomery County Department of Housing and Community Affairs, Maryland, for streetscaping and revitalization efforts in Wheaton;

$500,000 for the Montgomery County Department of Housing and Community Affairs, Maryland, for the Stewartown Homes digital divide initiative;

$500,000 for the National Federation of the Blind for the development of the National Research and Training Institute for the Blind in Baltimore, Maryland;

$500,000 for the New Shiloh Community Development Corporation of Baltimore, Maryland, for construction of a multi-purpose center;

$500,000 for Way Station, Inc., of Frederick, Maryland, for development of the Way Station Community Mental Health and National Education Center;

$750,000 for the Fells Point Creative Alliance of Baltimore, Maryland, for development of the Patterson Center for the Arts;

$50,000 to the City of Westbrook, Maine for downtown revitalization efforts including the construction of a parking garage;

$50,000 to the International Northeast Biotechnology Corridor in Fairfield, Maine for economic development efforts directed at biotechnology companies;

$100,000 to the Franco-American Heritage Center at St. Mary's in Lewiston, Maine for the redevelopment of the St. Mary's Church into a learning center, museum and performing arts space;

$1,000,000 for the City of Lewiston, Maine for the funding of a community and economic development center;

$1,000,000 for the Wiscassett Regional Development Corporation for the Maine Yankee Power Plane Reuse Initiative;

$140,000 to the Livingston Arts Council for renovations of the Downtown Howell Opera House in Howell, Michigan;

$140,000 to the Village of Holly, Michigan for the Railroad Depot Renovation Project;

$150,000 to the Detroit Medical Center in Detroit, Michigan for site readiness efforts related to the Sinai Redevelopment Project;

$250,000 to the Chippewa-Luce-Mackinac Community Action Human Resources Authority in Michigan for a downtown community revitalization project;

$250,000 to the Henry Ford Museum and Greenfield Village in Dearborn, Michigan for the ''America's Transportation Stories'' project;

$750,000 for Wayne County, Michigan, for the Wayne County Nutritional Seniors Kitchen;

$350,000 to NorthStar Varsity Park Redevelopment in Detroit, Michigan for a targeted housing production program;

$600,000 to the City of Mt. Clemens, Michigan for development and operations of a community recreation center;

$750,000 for Focus: HOPE of Detroit, Michigan, for facility renovation;

$750,000 to the National Center for Manufacturing Sciences in Ann Arbor, Michigan for infrastructure costs related to the development and deployment of advanced technologies to the manufacturing base;

$100,000 to Bemidji State University in Minnesota for construction of the American Indian Cultural Resource Center;

$100,000 to the Boys and Girls Club of Detroit Lakes, Minnesota for facility needs;

$240,000 to the National Audubon Society for the Audubon Ark Project in Dubuque, Iowa;

$300,000 to the Audubon Center of the North Woods in Minnesota for a capital project to increase accessibility;

$340,000 to Fairview Southdale Hospital in Edina, Minnesota for the Fairview Health Services' ''Healthy Mothers and Babies Technology Demonstration'' initiative;

$600,000 for the Mesabi Academy and Martin Hughes School of Buhl, Minnesota, for facility renovation and program expansion;

$600,000 to the Reuben Lindh Family Services in Minneapolis, Minnesota for facilities rehabilitation;

$175,000 for the American Indian Opportunities Industrial Center in Minneapolis, Minnesota for rehabilitation of facilities;

$50,000 for Applied Urban Research Institute of Kansas City Missouri for a study to develop a city-wide plan to assist troubled youth;

$75,000 to the Kansas City, Missouri for redevelopment of the former U.S. Courthouse;

$240,000 to Logan College of Chiropractic's in Chesterfield, Missouri for the continued development and construction of a Learning Resource Center;

$250,000 for the City of St. Joseph, Missouri for downtown redevelopment project;

$250,000 for the Cuba, Missouri Tourism Center for the historic district improvement project;

$250,000 for the Sparta, Missouri Community Development Organization for the development of an industrial park;

$250,000 for the Andrew County Museum and Historical Society in Missouri for expansion of their museum;

$250,000 for Squaw Creek National Wildlife Refuge in Missouri for construction of an Education Auditorium, boardwalk and outdoor classroom;

$250,000 for the Missouri Forest Heritage Center in Shannon Co., Missouri for the construction of a forest resource management center;

$300,000 for the Central Missouri Lake of the Ozarks Convention and Visitor Bureau community center;

$300,000 for the City of Fayette, Missouri Downtown revitalization project;

$300,000 for the Perry County, Missouri Industrial Development Authority to renovate building to serve as a Center for Industry and Education;

$340,000 to the Central Missouri Food Bank in Columbia, Missouri for construction of facilities;

$450,000 for the Rolla, Missouri Chamber of Commerce for downtown revitalization project;

$500,000 for Downtown West Plains Inc., for City square renovation and downtown revitalization project of West Plains Missouri;

$500,000 for North Central Regional Water Commission in Unionville, Missouri for planning and design of water supply reservoir project;

$500,000 to the University of Missouri-Rolla for research of affordable housing composite materials;

$500,000 for Operation Breakthrough in Kansas City, Missouri for facility expansion and redevelopment;

$500,000 for University of Missouri at St. Louis, Missouri for a mobile vision screening program;

$1,000,000 for the City of Kansas City Missouri for the City Market renovation project;

$1,000,000 for the Community Development Corporation of Kansas City, Missouri, for continued revitalization of the northwest corner of 63rd and Prospect Avenue;

$1,000,000 for the University of Missouri-Kansas City for continued development of it's collaborative Life Sciences Initiative;

$1,250,000 to the City of St. Louis, Missouri for construction of a multi-purpose community center;

$1,990,000 to Springfield, Missouri for land acquisition within the Jordan Valley redevelopment area;

$250,000 for Missouri Western State College in St. Joseph, Missouri for planning and renovation of the Agenstein Science and Math Building;

$50,000 to the City of Jackson, Mississippi for the linking of cultural and entertainment districts through the extension of Oakley Street;

$150,000 to Mississippi State University in consultation with the Mississippi Mainstreet Association to promote small town revitalization by utilizing the resources of the Small Town Center;

$200,000 to Community Connections in Mississippi for a pilot low income housing project in Southern Mississippi;

$200,000 to Leake County, Mississippi for site preparation and infrastructure improvements for an industrial park;

$200,000 to the City of Carthage, Mississippi to renovate the historic elementary school auditorium;

$200,000 to the Oktibbeha County Economic Development Authority in Mississippi for the establishment of an industrial park;

$250,000 to Jackson State University in Jackson, Mississippi for renovations to the Center for the Study of the 20th Century African American;

$300,000 for the Chickasaw Trails Industrial Authority in Mississippi for preliminary planning and engineering for an industrial park;

$300,000 for the Stoneville Research and Education Complex in Stoneville, Mississippi for renovation and expansion;

$450,000 for Jackson State University in Jackson, Mississippi, for the renovation of the Margaret J. Walker Alexander Research Center;

$500,000 for Harrisburg Arts and Social Services Center in Tupelo, Mississippi for renovation of facilities and program needs;

$500,000 for Mississippi State University for a state capacity development initiative;

$500,000 for the City of Madison, Mississippi for main street reconstruction;

$1,000,000 for Jackson County, Mississippi for the construction of a county community center;

$1,000,000 for Mississippi State University for the Mississippi Center for Advanced Vehicular Systems and Engineering Extension Facility;

$2,000,000 for the University of Southern Mississippi for its National Center for Excellence in Economic Development, Education, Research and Community Service;

$240,000 to the University of Montana Missoula for the research and economic development enterprise;

$1,000,000 for Great Falls, Montana for the Missouri Riverfront Park Enhancement project;

$1,000,000 for MSU-Billings for the development of the Billings Technology Training and Technology program as a business incubator;

$1,000,000 for TechRanch of Bozeman, Montana, for development of a technology incubator for the Gallatin area and Eastern Montana;

$20,000 to the County of Richmond, North Carolina for the demolition of the Imperial Foods Plant;

$50,000 to Cumberland County, North Carolina for development of the Fayetteville-Cumberland County Dr. Martin Luther King, Jr. Memorial Park;

$50,000 to the North Carolina Cultural Center in Robeson County, North Carolina for construction of the center;

$50,000 to the North Carolina Department of Agriculture for the development of a Centralized Agricultural Cold/Freezer Storage Facility and Processing Center in rural Eastern North Carolina at the Global TransPark;

$100,000 to the North Carolina Community Land Trust Initiative for capacity building and operational support;

$100,000 to the North Carolina Fair Housing Center for a consumer education campaign to combat predatory lending;

$100,000 to the Wilson Family Resource Center in Wilson, North Carolina for rehabilitation of facilities;

$150,000 to the Discovery Place Museum in Charlotte, North Carolina for renovations needs;

$150,000 to the North Carolina Institute of Disaster Studies for activities related to the mitigation of natural and technological disasters;

$220,000 to the Town of Troy, North Carolina for the Rent-to-Own Housing Pilot project;

$240,000 to the Albemarle Downtown Development Corporation for green space development;

$250,000 to OPC Mental Health in Carrboro, North Carolina for renovation of a thrift shop;

$250,000 to Passage Home in Raleigh, North Carolina for neighborhood restoration in the WE CAN Weed and Seed target area of Southeast Raleigh;

$250,000 to the Burch Avenue Center in Durham, North Carolina for the construction of a multi-purpose community center;

$300,000 for Western Carolina University of Cullowhee, North Carolina, for Millennial Campus project;

$300,000 to Alleghany County, North Carolina for construction of a community center as part of the Alleghany Wellness Center;

$340,000 to Central Piedmont Community College in Charlotte, North Carolina for construction a workforce development training center;

$400,000 to Self-Help Ventures Fund in Durham, North Carolina for their revolving loan fund;

$490,000 to the Mayland Community College in Spruce Pine, North Carolina for the Avery Satellite Campus project;

$700,000 to Wake Forest University and Winston-Salem State University in North Carolina for construction of a research facility for the Idealliance program;

$1,000,000 for Henderson, North Carolina for the construction of the Embassy Cultural Center;

$100,000 to the City of Rugby, North Dakota for implementation of the Rural Economic Area Partnerships strategic plan;

$400,000 for Lewis and Clark Community Works of North Dakota, for a rural housing development fund;

$900,000 for Sitting Bull College in Fort Yates, North Dakota for construction of a new science facility;

$1,000,000 for the North Central Planning Council, North Dakota, to relocate agricultural structures;

$1,000,000 for the Rural Economic Area Partnerships (REAP) Zones to build on and leverage economic development opportunities in North Dakota;

$240,000 to the University of Nebraska at Omaha for the Peter Kiewit Institute and the College of Information Science and Technology to conduct research in the area of computer security;

$240,000 to Walthill, Nebraska for the Walthill Public Schools for construction and equipping of two science laboratory classrooms and facilities;

$300,000 for the Northeast Family Center of Lincoln, Nebraska, for facility renovations;

$490,000 to Doane College in Crete, Nebraska for the rehabilitation of the historic Whitcomb Conservator;

$500,000 for the Girls and Boys Town USA in Omaha, Nebraska to address the needs of at-risk boys and girls;

$1,000,000 for the Community Alliance in Omaha, Nebraska for its 'Building Homes, Rebuilding Lives' program;

$40,000 for ''My Friend's Place'' in the City of Dover, New Hampshire for emergency shelter needs;

$140,000 to the Monadnock Ice Center Association for construction and operation of a year-round ice arena downtown Keene, New Hampshire;

$180,000 for the Laconia Public Library in New Hampshire for facility improvements;

$190,000 for the Mt. Washington Valley Economic Council's ''Technology Village Incubator'';

$240,000 to the University of New Hampshire in Manchester, New Hampshire for the relocation of the Engineering Technology Laboratory;

$340,000 to Lebanon College of Lebanon, New Hampshire to implement a medical and dental training program;

$350,000 for the New Hampshire Community Technical College for the Emerging Technology Center at Pease;

$500,000 for Concord, New Hampshire to cleanup brownfields;

$500,000 for Keene, New Hampshire to cleanup brownfields;

$500,000 for Milford, New Hampshire for downtown revitalization;

$1,000,000 for the City of Nashua, New Hampshire to create housing opportunities;

$50,000 to Hopewell Township, New Jersey for renovations to the Historic Hunt House;

$50,000 to South Brunswick, New Jersey for design and construction of a new library;

$50,000 to the Alice Paul Centennial Foundation for continuation of the Paulside Rehabilitation Project in Mount Laurel, New Jersey;

$90,000 to Fanwood Township, New Jersey for downtown revitalization;

$100,000 for Morristown Neighborhood House for the infrastructure improvements to the Manahan Village Resident Center Childcare facility in Morristown, New Jersey;

$100,000 for the Adults and Children Together Against Violence program for the development of violence prevention programs;

$100,000 to Brookdale Community College in New Jersey for facilities needs related to the New Jersey Coastal Communiversity;

$100,000 to Passaic County Community College in Patterson, New Jersey for programming and equipment needs;

$100,000 to Englewood Hospital and Medical Center in Englewood, New Jersey for Breast Care facilities expansion;

$100,000 to Holy Name Hospital in Teaneck, New Jersey for dialysis center expansion;

$140,000 to Burlington County, New Jersey for Fairview Street curb replacement;

$140,000 to Burlington County, New Jersey for Ark Road sidewalk improvements;

$200,000 to the Essex County, New Jersey Office of Emergency Management for emergency service needs;

$200,000 to the Morris County, New Jersey Office of Emergency Management for emergency service needs;

$200,000 to the Somerset County, New Jersey Office of Emergency Management for emergency service needs;

$200,000 to the Sussex County, New Jersey Office of Emergency Management for emergency service needs;

$200,000 to the Urban League of Hudson County, New Jersey for construction related to a workforce development center;

$240,000 to Mercer County, New Jersey for the KidsBridge Children's Cultural Center;

$240,000 to the City of North Wildwood, New Jersey for improvements to the beach, boardwalk, and entertainment district of the City;

$250,000 for the New Jersey Community Development Corporation, of Paterson, New Jersey, for redevelopment of abandoned property;

$250,000 for the Township of Hamilton, New Jersey, for renovations of a senior center;

$250,000 to the University Heights Science Park in Newark, New Jersey for historic preservation;

$290,000 to Mercer County, New Jersey for senior centers in East Windsor and Washington Townships;

$300,000 for the Borough of Paulsboro, New Jersey, for brownfields redevelopment;

$490,000 for Valley Hospital's Cancer Care Center in Paramus, New Jersey;

$300,000 for the Rio Grande Community Development Corporation, of Albuquerque, New Mexico, for construction of the South Valley Economic Development Center;

$450,000 for Curry County, New Mexico for infrastructure improvements to the Curry County Fairgrounds;

$490,000 to the Hispanic Chamber of Commerce of Albuquerque, New Mexico for the construction of a Job Opportunity Center in Barelas, New Mexico;

$650,000 for the City of Espanola, New Mexico, to build a veterans memorial;

$1,000,000 for Albuquerque Health Care for the Homeless to complete renovation of a health care facility for the homeless in Albuquerque, New Mexico;

$1,000,000 for the City of Las Cruces, New Mexico for the Model Extension Program for Increasing Homeownership conducted by New Mexico State University;

$1,000,000 for the Santa Fe Rape Crisis Center in New Mexico to construct a new facility to house the center, including outreach planning offices;

$1,000,000 for the Southern New Mexico Fair and Rodeo in Dona Ana County for infrastructure improvements and to build a multi-purpose event center;

$500,000 for the Community Pantry of Gallup/McKinley County, New Mexico, for facility construction;

$50,000 for the Reno Veterans Memorial Project, of Reno, Nevada, for construction of a memorial;

$50,000 to the City of Henderson, Nevada for the expansion of a downtown arts district and heritage preservation;

$100,000 to the Nevada Science Technology Center in Las Vegas, Nevada, for development assistance;

$150,000 for Boulder City, Nevada, for renovation, modernization, and expansion of public recreation facilities;

$250,000 for the Boys and Girls Club of Carson City, Nevada to establish a new community center;

$250,000 for the Intertribal Council of Nevada to establish a housing division;

$290,000 to the City of Reno, Nevada for urban development activities in the city's commercial center;

$700,000 for development of a job training facility for workers in the hospitality industry in Las Vegas, Nevada;

$750,000 for the Reno, Nevada, housing authority for the Friendship Lane housing revitalization project;

$750,000 for the Smart Start Child Care Center and Expertise School of Las Vegas, Nevada, for construction of a child care facility;

$1,000,000 for Sparks, Nevada for the revitalization of the West End community;

$20,000 to the City of Syracuse, New York for equipment and renovations to the Syracuse Boys and Girls Club;

$25,000 to the City of Gloversville, New York to establish a memorial to World War II veterans;

$25,000 to the Clinton County, New York Office of Emergency Services for communications infrastructure improvements that service the Lyon Mountain and Ausable Forks areas of the county;

$40,000 to Onondaga County, New York for the installation of a water line for the Sentinel Heights Fire Department;

$50,000 to Safe Haven, Inc., in Oswego, New York for the continued construction of a museum/interpretive center chronicling the Fort Ontario Emergency Refugee;

$50,000 to the Collins Public Library Board of Trustees for the new Town of Collins, New York Public Library;

$50,000 to the County of Onondaga, New York for an interpretive center at Baltimore Woods;

$50,000 to the Hamburg Natural History Society, Inc., for the Penn Dixie Paleontological and Outdoor Education Center in Hamburg, New York;

$50,000 to the Irish Classical Theatre Company in Buffalo, New York for marketing and expansion of program;

$50,000 to the Roundabout Theater Company in New York City, New York for facility needs;

$50,000 to the YMCA of Greater New York for construction of a gym and teen center in Queens, New York;

$250,000 to the Long Island Aquarium in Bay Shore, New York for facilities needs;

$70,000 to the Legacies and Landmarks Consortium of Greater Rochester, New York for activities to promote regional tourism;

$75,000 to the Harbor Child Care Corporation in New Hyde Park, New York for improvements to the existing facility;

$75,000 to the Jamaica Center for Arts and Learning in New York for renovation of the First Dutch Reformed Church;

$75,000 to the New York City Department of Parks and Recreation for remediation and restoration of the College Point Sports Complex in Queens, New York;

$80,000 to the Amherst Museum in Amherst, New York for construction of a boat launch facility;

$80,000 to the Variety Boys and Girls Club of Queens, New York for the Teen Education for Every Nationality Program;

$90,000 to Wyoming County, New York to replace a public safety communications tower and related hardware and computer systems;

$100,000 to Lewis County General Hospital in Lowville, New York for infrastructure repairs and improvements;

$100,000 to the City of Auburn, New York for a housing market study;

$100,000 to the City of Buffalo, New York for the provision of shelter and other services to refugees by VIVE La Casa;

$100,000 to the City of Ogdensburg, New York for reconstruction of Fort LaPresentation;

$100,000 to the Metropolitan Development Association in Syracuse, New York for the Genesee Street Armory study;

$100,000 to the Nassau University Medical Center in East Meadow, Long Island, New York for the renovation and repair of its Hempstead Community Health Center;

$100,000 to the New York City Planning Commission to study the effects of rezoning Staten Island on the growth of development;

$100,000 to the Schenectady Family Health Services, in Schenectady, New York for facilities expansion;

$100,000 to the State University of New York at Potsdam for the creation and operation of a Northern New York Travel and Tourism Research Center to be located at the Merwin Rural Services Institute;

$100,000 to the Staten Island Freedom Memorial Fund for construction of a memorial in the Staten island community of St. George, New York;

$100,000 to the Village of Green Island, New York for public access and infrastructure needs;

$115,000 to the Staten Island Catholic Youth Organization Community Center of New York for expansion of facilities to include a new gymnasium;

$125,000 to the National Lighthouse Center and Museum in St. George, New York for developing and installing exhibits;

$50,000 to the Village of Tuckahoe, New York for streetscape improvements;

$500,000 to Take the Field in New York City, New York for a program to rebuild the public school athletic facilities;

$150,000 to the Abyssinian Development Corporation for rehabilitation needs of the Renaissance Ballroom and Theater Complex in Harlem, New York;

$150,000 to the Hillside Children's Center in Rochester, New York for the modernization and upgrade of the facility's Monroe Avenue Campus;

$150,000 to the Long Island Housing Partnership, Long Island for neighborhood revitalization;

$150,000 to the Mount Morris Park Community Improvement Association in New York for development of the Parkside Inn, a community economic development initiative;

$150,000 to the New York City Department of Parks and Recreation in New York, New York for the completion of an irrigation system during the third phase of the Joyce Kilmer Park restoration project;

$150,000 to the Strong Museum in Rochester, New York for expansion and upgrade of museum facilities;

$150,000 to the Village of Freeport, New York for the downtown revitalization project;

$125,000 to the WXXI Public Broadcasting Council in Rochester, New York for building renovations necessary to meet health, safety, and occupational requirements, as well as to meet FCC mandated digital broadcasting standards;

$150,000 to the City of Auburn for renovations and infrastructure improvements to the Merry Go Round Playhouse in Auburn, New York;

$190,000 to the Cortland County Business Development Corporation for equipment and infrastructure improvements for Wetstone Technologies;

$190,000 to the Orange County Mental Health Association in Orange County, New York for the ''Home-To-Stay'' project;

$200,000 to Onondaga County, New York for infrastructure improvements to the Village of Tully's Water System;

$200,000 to the Battle of Plattsburgh Association of Plattsburgh, New York to rehabilitate a building to create an interpretive center;

$100,000 to the City of Buffalo, New York for the repair and rehabilitation by the Buffalo Philharmonic Orchestra of the Birge Mansion;

$100,000 to the City of Buffalo, New York for the purchase of audiophones for displays and exhibits at the Buffalo and Erie County Historical Society;

$200,000 to the City of Cortland, New York for the Cortland Sports Complex;

$200,000 to the City of Hornell, New York, for restoration of the historic depot;

$200,000 to the City of Syracuse, New York for building renovations to the Onondaga Historical Association;

$200,000 to the City of Syracuse, New York for renovations and infrastructure improvements to the Huntington Family Center;

$100,000 to the City of White Plains, New York for streetscape improvements to Mamaroneck Avenue;

$200,000 to the State University of New York College of Environmental Science and Forestry for water infrastructure improvements on a portion of Onondaga Creek;

$150,000 to Fred Daris Underground Theater, Inc. in the South Bronx, New York for the restoration of a theater and the installation of a theater company;

$225,000 to the Gowanus Canal Community Development Corporation in Brooklyn, New York for development of a comprehensive community development plan;

$240,000 to Putnam County, New York for a new senior citizens center;

$250,000 to Covenant House New York for renovation of their crisis center;

$250,000 to Mary Mitchell Family and Youth Center in the South Bronx, New York for after school and teen programs, improvement of computer lab and family literacy programs, and to increase usage of the center by the local community;

$250,000 to Onondaga Community College for equipment, training and infrastructure improvements to the Lean Manufacturing Lab;

$250,000 to Phipps House and We Stay/Nos Quedamos Inc. for the construction of day rooms and gardens at La Casa de Felicidad in the South Bronx, New York;

$250,000 to the Brooklyn Public Library in New York for construction and renovation of educational and cultural facilities;

$250,000 to the Central New York Regional Planning and Development Board for the development of the Finger Lakes Open Space and Agricultural Land Conservation Project;

$250,000 to the City of Hudson, New York for the construction of utility service, boat launch and bulk-head along the Hudson River waterfront area;

$250,000 to the Cornell Agriculture and Food Technology Park—Geneva Station in Ontario County, New York to continue infrastructure development, design and facilities construction;

$250,000 to the Lesbian and Gay Community Services Center, New York City for infrastructure upgrades;

$250,000 to the State University of New York College of Environmental Science and Forestry for the Syracuse Southwest Community Environmental Center;

$250,000 to the Staten Island, New York YMCA for facilities expansion to create a South Shore Center Youth/Teen Annex;

$250,000 for infrastructure improvements to the Tioughnioga Riverfront Development Project in Cortland County, New York;

$290,000 to Kaleida Health for the planning and design of facilities for Children's Hospital in Buffalo, New York;

$300,000 to Onondaga County, New York for redevelopment of the Three Rivers Area in the Town of Clay;

$200,000 to the Village of Saugerties, New York for streetscape improvements in the historical district;

$250,000 to Carnegie Hall in New York for continuation of Carnegie Hall's Third Stage Project;

$250,000 to Jazz at Lincoln Center in New York City for facility construction;

$200,000 to the University Colleges of Technology at the State University of New York for continued development of a Telecommunications Center for Education;

$200,000 for research and infrastructure improvements for the Center of Excellence in Nanoelectronics at Albany, New York;

$500,000 to the Children's Center in Brooklyn, New York for the construction of a facility to house educational and therapeutic programs for disabled children.

$200,000 to Rensselaer County, New York for safety and guide rail improvements to county highways;

$340,000 to the Natural History Museum of the Adirondacks in Tupper Lake, New York, for building construction;

$350,000 to Onondaga County, New York for waterline improvements in the Town of Skaneateles;

$400,000 to Polytechnic University, Brooklyn for the National Center for E-Commerce;

$400,000 to the City of Syracuse, New York for renovations to the Sibley Building;

$450,000 to the Apollo Theater Foundation in Harlem, New York for theater restoration;

$450,000 to Union College, of Albany, New York for the Union-Schenectady Neighborhood Initiative;

$490,000 to Madison County, New York for economic development and infrastructure improvements for industrial park sites;

$490,000 to the City of Rome, New York for site development and infrastructure improvements related to the South Rome Industrial Park;

$490,000 to the North Shore-Long Island Jewish Health System in New York for an emergency room preparedness program;

$500,000 to the City of Buffalo, New York for the construction of additional facilities at the Burchfield-Penney Art Center;

$500,000 to the State University of New York at Albany for continued development of a manufacturing/workforce training center;

$700,000 to the City of Auburn, New York for Phase I of the Owasco Riverfront Park Project;

$990,000 to St. Bonaventure University of St. Bonaventure, New York for renovations of Delaroche Hall;

$750,000 to the City of Syracuse, New York for the design, development and construction of an International Tourism Center at the Carousel Center;

$990,000 to the Cancer Institute of Long Island at Stony Brook University, New York to develop and implement a clinical database of breast and prostate cancer patients;

$25,000 to the Music Conservatory of Westchester, New York for construction and capital improvements on their new facility;

$125,000 to the City of Yonkers, New York for renovation of the waterfront area around Riverfront Park;

$100,000 to the Village of Larchmont, New York for streetscape improvements;

$100,000 to the Endicott Performing Arts Center in Endicott, New York for restoration of the Lyric Theater;

$50,000 to the Latino Cultural School of Arts in Lorain, Ohio for facilities needs;

$100,000 to the Akron, Ohio Zoological Park for development of the Environmental Education Center;

$135,000 to the Ohio Department of Development for continued development of the Black Swamp rural arts initiative in Ottawa, Lucas, Wood, and Fulton counties;

$15,000 to the Fulton County, Ohio Commission for rehabilitation of a Civil War memorial;

$200,000 to the National Interfaith Hospitality Network for expanding local network support services;

$240,000 to Columbus State Community College in Columbus, Ohio for construction of a new child development center;

$250,000 to the Rural Health Collaborative of Southern Ohio for a Community Health and Wellness Center Initiative;

$300,000 to the Dayton-Montgomery County Port Authority in Ohio for urban job creation;

$300,000 to the Mandel School of Applied Social Sciences' Center for Community Development at Case Western Reserve University for the Louis Stokes Fellow Program in Community Organization and Development;

$390,000 to Brown County General Hospital for construction and equipment as part of the Community Health and Wellness Center Initiative;

$390,000 to the University of Cincinnati Medical Center in Cincinnati, Ohio for renovation and expansion of the Medical Sciences Building;

$400,000 to Clark County, Ohio for infrastructure upgrades for economic development;

$400,000 to Urbana University in Urbana, Ohio for the renovation of Bailey and Barclay Halls;

$422,000 to the Richland County, Ohio Emergency Management Agency to purchase electromechanical outdoor warning sirens;

$490,000 to Heidelberg College in Tiffin, Ohio for construction of facilities for the school's Water Quality Laboratory;

$490,000 to Lake Metroparks in Concord Township, Ohio for the Environmental Education Center at Camp Klein;

$500,000 for the City of Cleveland, Ohio for the construction of the Cleveland Intercultural Center;

$500,000 to John Carroll University in Cleveland, Ohio for the needs related to the Dolan Center for Science and Technology;

$750,000 to the Ohio State University for the Neighborhood Revitalization Initiative to improve housing opportunities, public safety/crime reduction, and ''Gateway Center'' Facilities;

$900,000 for Franklin County, Ohio for purchase of park land;

$1,000,000 for the City of Dayton, Ohio for the revitalization of historic main Street;

$1,000,000 for Wellsville, Ohio for improvements to a riverside transportation center;

$1,000,000 to Mount Union College in Alliance, Ohio for a new science facility;

$1,500,000 to the City of Toledo, Ohio for improvements to the near downtown historic commercial district, and to leverage the potential of not-for-profit community and economic development organizations;

$140,000 to the City of El Reno, Oklahoma for development of a trolley system;

$300,000 to the City of Oklahoma City for the Oklahoma Land Run Memorial;

$490,000 to the City of Bennington, Oklahoma for construction of a multipurpose building;

$1,490,000 to the City of Midwest City, Oklahoma for Phase II of the City's tornado recovery;

$50,000 to the City of Newberg, Oregon for transition of the Newberg Central School into a community center;

$50,000 to the City of Portland, Oregon for the North Macadam Greenway initiative;

$100,000 to the Rural Oregon Continuum of Care (ROCC) consortium for scattered site transitional housing needs;

$120,000 to the City of The Dalles, Oregon for the Mid-Columbia Veterans Memorial Project;

$150,000 to the Boys and Girls Club of Albany, Oregon for construction of an addition to existing facilities;

$300,000 for Dalles, Oregon, for development of the Dalles Fiber Optic Loop;

$550,000 for the Oregon Food Bank for its food distribution efforts;

$1,000,000 for Eastern Oregon University for construction of a science center;

$200,000 for Irvington Covenant CDC in Portland, Oregon to develop affordable housing;

$20,000 to the Dormont Historical Society in Dormont, Pennsylvania for organizational support;

$20,000 to the McKeepsport Little Theater in McKeepsport, Pennsylvania for facility renovation;

$30,000 to the Senior Adult Activities Center of Montgomery, Pennsylvania for facilities renovation;

$40,000 to Juniata County, Pennsylvania for outdoor recreational facilities;

$45,000 to the Reading Berks Human Relations Council in Pennsylvania for purposes related to its mission;

$50,000 to the Armstrong County Commission, Pennsylvania for the horse park at Crooked Creek Lake;

$70,000 to the Briar Bush Nature Center in Montgomery County, Pennsylvania for restoration of the visitors center, refurbishment of the bird observatory, and education program expansion;

$90,000 to Bucks County, Pennsylvania for design and engineering costs for a beautification effort along Route 13;

$90,000 to Bucks County, Pennsylvania for the redevelopment and revitalization of the downtown business district of Bristol Borough, Pennsylvania;

$100,000 for the Philadelphia Zoo, Pennsylvania to expand construction of Children's Zoo;

$100,000 Punxsutawney Community Center in Punxsutawney, Pennsylvania for infrastructure improvements and renovation of facilities;

$100,000 to Bucks County, Pennsylvania for infrastructure and area site improvements at the Stainless Inc. property brownfield site in Perkasie Borough;

$100,000 to Discovery Square, Erie, Pennsylvania for the construction of an educational and cultural complex;

$100,000 to the Borough of Frackville, Pennsylvania for Central Business District improvements;

$100,000 to the Borough of Millerstown, Perry County, Pennsylvania for improvements to the Borough Municipal Building, which will allow the Borough to implement several community programs including substance abuse deterrent programs and clinics, Scouting programs as well as senior informational programs and facilities;

$100,000 to the Borough of New Hope, Pennsylvania for the James A. Michener Museum to build the infrastructure for a satellite facility in New Hope;

$100,000 to the Borough of Shenandoah, Pennsylvania for Central Business District economic development activities;

$100,000 to the OLYMPIA ship of Independence Seaport Museum to provide ship repairs which will contribute to the economic development of the Penn's Landing waterfront area in Philadelphia;

$100,000 to the Urban Redevelopment Authority of Pittsburgh, Pennsylvania for the Bloomfield-Garfield housing revitalization effort;

$150,000 to Rostraver Township, Pennsylvania for infrastructure improvements related to an economic development initiative;

$150,000 to the City of Washington, Pennsylvania for construction and operations needs of a recreation and community economic development center;

$150,000 to the State College Baseball Club, Inc. for the development and operation of a new sports complex for youth baseball and softball in Centre County, Pennsylvania;

$160,000 to the Borough of Wayensboro, Pennsylvania for infrastructure improvements for an industrial area along Ninth street;

$200,000 to the Allegheny Housing Authority of Pennsylvania to construct the Groveton Village Computer/Support Services Center;

$200,000 to the Hiram G. Andrews Center in Johnstown, Pennsylvania for an employment program for students with disabilities targeted at emerging technical markets;

$200,000 to the Scottdale Community Pool Association in Scottdale, Pennsylvania for the facility needs associated with the continued operations of the former YMCA pool;

$200,000 to the Urban Redevelopment Authority of Pittsburgh in conjunction with Northside Properties in Pittsburgh, Pennsylvania to acquire the 332 unit, scattered site affordable housing development with project-based Section 8 rental subsidy;

$200,000 to the People's Emergency Center Community Development Corporation in Philadelphia, Pennsylvania for implementation of a Neighborhood Transformation and Revitalization Plan in West Philadelphia;

$200,000 to the Johnstown-Cambria County Airport in Cambria County, Pennsylvania for customer service area renovation needs;

$240,000 to the Beaver County, Pennsylvania Corporation for Economic Development for the Riverfront Development Project, Bridgewater Crossing;

$240,000 to the Boys and Girls Club of Erie, Pennsylvania for a facility expansion project;

$240,000 to the County of Lancaster, Pennsylvania for the Sunnyside Neighborhood Development Project;

$250,000 to the City of Chester, Pennsylvania for revitalization of its waterfront;

$250,000 to the City of Scranton, Pennsylvania for the construction of a garage and retail facility at the new hotel/convention center;

$250,000 to the City of Williamsport of Lycoming County, Pennsylvania for infrastructure development for industrial expansion;

$250,000 to the Good Shepherd School in Braddock, Pennsylvania for facility renovation;

$200,000 to the Town of Johnstown, Pennsylvania for the Kernville neighborhood recreation project;

$250,000 to the City of Philadelphia, Pennsylvania for assistance to Daggett Street homeowners;

$300,000 for the expansion of facilities of the Re Place at Good Shepard Home, Lehigh County, Pennsylvania which will provide employment opportunities for persons with mental and physical challenges in sales, business administration, mechanical repair, janitorial skills and computer refurbishing;

$300,000 to the Ogontz Avenue Revitalization Corporation, Philadelphia, Pennsylvania, to assist with substantial rehabilitation of 40–50 severely deteriorated vacant properties that will be developed as a part of the West Oak Lane community development rebuilding initiative;

$350,000 for the Urban Development authority of Pittsburgh, Pennsylvania for the Harbor Gardens Greenhouse project;

$350,000 to the American Cities Foundation in Philadelphia, Pennsylvania for support of the Community Leadership Institute;

$350,000 to CitiVest in Wilkes-Barre, Pennsylvania for housing and economic development efforts in northeast Pennsylvania;

$400,000 to the City of Reading, Pennsylvania for the development of the Morgantown Road Industrial Park on what is currently a brownfields site;

$400,000 to the Please Touch Museum in Philadelphia, Pennsylvania for facilities needs;

$490,000 to the City of Harrisburg, Pennsylvania for the CORRIDORone Regional Rail program of the Modern Transit Partnership in downtown Harrisburg, Pennsylvania;

$490,000 to the University Technology Park, Inc. in Chester, Pennsylvania for construction of the Institute for Economic Development;

$500,000 to the Winnie Palmer Nature Reserve in Pennsylvania for development of the reserve;

$700,000 to the American Cities Foundation in Philadelphia, Pennsylvania for support of the Home Ownership Institute;

$900,000 to the City of Lancaster, Pennsylvania for the development of an entertainment/retail complex which is intended to enhance the economic development provide hundreds of new jobs;

$1,400,000 to the County of Cambria, Pennsylvania for the design and construction of the Northern Cambria Recreation Facility;

$250,000 to UPMC Lee Hospital in Johnstown, Pennsylvania for the Convalescent Garden project;

$25,000 to West Bay Community Action in Warwick, Rhode Island for programs supporting the elderly, the homeless, and children;

$25,000 to the Rhode Island Emergency Management Agency for needs of the First Responders Program;

$50,000 for the City of Providence, Rhode Island, for inner city recreational facilities;

$50,000 for the Rhode Island Jewish War Veterans for a veterans memorial;

$100,000 for the Coastal Institute at the University of Rhode Island for development of a sustainable management plan for Narragansett Bay;

$100,000 for the Institute for the Study and Practice of Nonviolence in Providence, Rhode Island for construction of a community center;

$100,000 for the South Providence Development Corporation in Providence, Rhode Island for the development of a recycling facility;

$100,000 to the Woonsocket Fire Department in Woonsocket, Rhode Island for equipment and technology upgrades associated with fire safety and communications;

$150,000 for Pell-Chafee Performance Center in Providence, Rhode Island to complete construction;

$200,000 for Cornerstone Adult Services in Warwick, Rhode Island for the construction of an Alzheimer's day center;

$200,000 for the Boys and Girls Club of Pawtucket, Rhode Island, for development of a new facility;

$200,000 for the Newport Art Museum in Newport, Rhode Island for historical renovation;

$275,000 to the town of Smithfield, Rhode Island for continued development and modernization of Deerfield Park, including the expansion of the Smithfield Senior Center;

$350,000 for the Herreshoff Marine Museum in Bristol, Rhode Island to restore and expand a maritime heritage museum;

$450,000 for the City of Providence, Rhode Island for the development of a Botanical Center at Roger Williams Park and Zoo;

$450,000 for the Providence Performing Arts Center for building modernization in Providence, Rhode Island;

$500,000 for Town of Johnston, Rhode Island for rehabilitation of a senior center;

$1,000,000 for Traveler's Aid of Rhode Island for relocation and expansion in Providence, Rhode Island;

$150,000 to the City of Marion, South Carolina for renovations of the Joyner Auditorium, and adjoining space, into a cultural arts center;

$190,000 to the City of Spartanburg, South Carolina for the Motor Racing Museum of the South;

$200,000 to South Carolina State University in Orangeburg, South Carolina for planning, engineering, and construction of a multidisciplinary research and conference center;

$490,000 to the City of Myrtle Beach, South Carolina for a Pavilion Area Master Plan;

$500,000 for Spoleto Festival, USA, of Charleston, South Carolina, for rehabilitation of the historic Middleton-Pinckney House;

$500,000 for the City of Charleston, South Carolina's Homeownership Initiative to create affordable housing opportunities;

$750,000 for infrastructure improvements to the School of the Building Arts in Charleston, South Carolina;

$825,000 to Marlboro County, South Carolina for costs associated with the construction and equipping of the Marion Wright Edelman Library in Bennettsville, South Carolina;

$1,000,000 for the Sea Island Comprehensive Health Care Corporation, Inc., of Johns Island, South Carolina, for affordable housing and economic development purposes;

$150,000 for the City of Tea, South Dakota, to develop a community library;

$250,000 for the Lake Area Improvement Corporation of Madison, South Dakota, for development of the Madison Technical Center;

$300,000 for Black Hills Community Development Corporation of Lead, South Dakota, for economic development efforts related to the closure of the Homestake Gold Mine;

$300,000 for South Dakota School of Mines and Technology of Rapid City, South Dakota, for renovations and rehabilitation related to the development of the Rapid City Children's Science Center;

$300,000 for the Flandreau Development Corporation of Flandreau, South Dakota, for infrastructure related to the Flandreau industrial park development;

$300,000 for the Union Gospel Mission in Sioux Falls, South Dakota, for renovations to the historic Farley Lostcher building;

$400,000 for the City of Brookings, South Dakota, for renovations and rehabilitation to the historic Brookings Middle School;

$800,000 for the Sioux Falls, South Dakota, Development Foundation for development of a facility that will support technology-based businesses;

$550,000 for the City of Watertown, South Dakota, for development related to the Hanten Industrial Park;

$1,750,000 for planning, design, and construction of the Wakpa Sica Reconciliation Place in South Dakota;

$150,000 for Children's Village in Pine Ridge, South Dakota, for a new facility;

$150,000 for Wagner, South Dakota, for economic development activities;

$200,000 for the Aberdeen Business Improvement District of South Dakota for a downtown development revolving loan fund;

$200,000 for Turning Point/Volunteers of America in Sioux Falls, South Dakota for construction of a youth services facility;

$50,000 to the Melrose Community Technology Center in the Orange Mound neighborhood of Memphis, Tennessee for reconstruction of the historic Melrose School for use as a new community technology center;

$100,000 to the Memphis Zoo in Memphis, Tennessee for the Northwest Passage Campaign;

$500,000 to Hamilton County, Tennessee for the Broadband Economic Development Initiative;

$740,000 to the Historic Tennessee Theatre Foundation, Inc. for construction and renovation of facilities;

$950,000 for the City of Chattanooga, Tennessee for the revitalization of the Alton Park neighborhood;

$1,000,000 for the City of Memphis, Tennessee for the Soulsville Revitalization project;

$25,000 to the Acres Home Community Development Corporation in Houston, Texas for an athletic complex;

$50,000 to the Houston Community College in Houston, Texas for development of the 5th Ward Community Technology Center;

$75,000 to the City of Abilene, Texas for renovation of the historic Wooten Hotel;

$75,000 to the City of Houston, Texas's Department of Health and Human Services for the Lead Based Paint Hazard Control Program;

$100,000 to Texas A&M-Kingsville for construction of the Kingsville Center for Young Children;

$100,000 to the City of Austin, Texas for the expansion of the SMART Housing Project;

$100,000 to the Heights Association in Houston, Texas for community beautification initiatives;

$150,000 to the T.R. Hoover Community Development Corporation in Dallas, Texas for completion of the T.R. Hoover Multipurpose Center and purchase of equipment;

$175,000 to the City of San Angelo Development Corporation in Texas for the establishment of a regional industrial park;

$175,000 to the Windsor Elderly and Housing Center in Abilene, Texas for elevator replacement;

$200,000 to Willacacy County Boys and Girls Club in Willacacy County, Texas for a sports complex;

$200,000 for a design, engineering and economic feasibility study for the Trinity River Visions project in Fort Worth, Texas;

$300,000 to the Fort Worth Transportation Authority for the development of a public market in Fort Worth, Texas;

$350,000 to the City of Waco, Texas for the housing assistance program;

$500,000 for the City of Wichita Falls, Texas for the restoration of the old Holt Hotel property;

$500,000 to the Victory Art Center in Fort Worth, Texas for the adaptive use and historic renovation of the old Our Lady of Victory building;

$740,000 to the Globe of the Great Southwest in Midland, Texas for facilities expansion;

$740,000 to the Old Red Courthouse Museum in Dallas, Texas for the restoration of facilities to house the Museum of Dallas History and preservation and enhancement of artifacts in the collection;

$1,000,000 for the City of Fort Worth, Texas for the redevelopment of a residential and commercial center along Hemphill Street;

$1,000,000 for the Greater El Paso, Texas Chamber of Commerce for a local economic development initiative for the creation of jobs and housing;

$1,000,000 to Alvin Community College, Texas for the Pearland College Center;

$1,000,000 to the University of Incarnate Word in San Antonio, Texas for the renovation and expansion of the Science and Engineering Center;

$490,000 for West Valley City, Utah for the construction of the West Valley City Multi-Cultural Community Center;

$490,000 to the American West Heritage Foundation in Utah for the planning and design of a cultural and interpretive center;

$800,000 for the City of West Jordan, Utah for the development of a senior citizens center;

$1,000,000 for Sevier County, Utah for a multi-events center;

$50,000 to the Town of Boydton, Virginia for economic development activities;

$70,000 to the Fairfax County Economic Development Authority for the creation and promotion of a video detailing the historical significance of Annandale, Virginia;

$90,000 to the County of Fairfax, Virginia for the Annandale Community Cultural Arts Center;

$100,000 to the An Achievable Dream program in Newport News, Virginia for expansion of education programs;

$100,000 to the Towns of Clarksville and Chase City, Virginia for economic development at their joint industrial park;

$140,000 to the County of Northampton, Virginia for a Workforce Training and Business Development Center on the Eastern Shore of Virginia;

$150,000 for the Nelson Center in Lovington, Virginia for renovation and expansion of facilities;

$150,000 to Winchester County, Virginia for the historic restoration of the Winchester County Courthouse;

$175,000 to the Arlington Housing Corporation in Arlington, Virginia to improve and expand community centers at low income multifamily properties, and support ongoing affordable housing programs;

$200,000 to Virginia Highlands Small Business Incubator, Inc. for the development of a regional small business incubator in Southwest Virginia;

$240,000 to the City of Chesapeake, Virginia for the redevelopment of Campostella Square;

$240,000 to the Virginia Air and Space Center in Hampton, Virginia for expansion of facilities including the Aviation Gallery and the World's Fair Welcome Center;

$250,000 to Edgehill Recovery Retreat Center, in Winchester, Virginia for facilities needs;

$290,000 to the Virginia Holocaust Museum in Richmond, Virginia for facility renovations;

$400,000 to the Natural Gas Vehicle Association in Arlington, Virginia for continued expansion of the Airport-Alternative Fuel Vehicle Demonstration Project at Dallas-Fort Worth International Airport;

$490,000 to Eastern Mennonite University of Harrisonburg, Virginia for the University Commons project;

$500,000 to the Glen Burnie Foundation to establish the Museum of the Shenandoah Valley at Glen Burnie in Winchester, Virginia;

$600,000 to the Arlandria Health Center for Women and Children in Alexandria, Virginia for facilities needs;

$600,000 for the City of Staunton, Virginia for a local, cultural revitalization initiative;

$700,000 to the City of Danville and Pittsylvania County, Virginia for the infrastructure improvements for the City/County Cyber Park;

$1,000,000 for the Christopher Newport University in Newport News, Virginia for the development of the Christopher Newport University Fine Arts Center;

$1,000,000 to the St. Coletta School in Alexandria, Virginia for facilities needs;

$50,000 to the Essex Junction Lions Club for design and construction of a veterans memorial in Essex Junction, Vermont;

$100,000 to the Burlington, Vermont Community Land Trust for the start up of the Vermont Employee Ownership Center;

$100,000 to the Vermont Housing Conservation Board for the building renovation and construction of a battered women's shelter in St. Albans, Vermont;

$150,000 for the Haskell Free Library for repairs to this historic building located in Derby Line, Vermont;

$200,000 to the Vermont Foodbank for food shelf activities;

$300,000 for the Brattleboro Arts Initiative of Brattleboro, Vermont, for the rehabilitation of the historic Latchis Theatre and Community Arts Center;

$350,000 for the George D. Aiken Resource Conservation and Development Council of Randolph, Vermont for the purchase of equipment;

$500,000 for the Kaw Valley Center in Vermont, Kansas for infrastructure and community outreach;

$500,000 for the Vermont Housing and Conservation Board for development of affordable housing at Macauley Square;

$750,000 to the Vermont Housing and Conservation Board for the development of affordable housing in Vermont;

$750,000 to the Vermont Institute of Natural Science of Woodstock, Vermont to support construction of a public education and wildlife rehabilitation facility in Quechee, Vermont;

$2,000,000 for the Lake Champlain Science Center in Burlington, Vermont for facility construction and rehabilitation;

$50,000 to the City of Poulsbo, Washington for improvements to the public library;

$50,000 to the Nooksack Indian Tribe in Washington for expansion of the Youth Leaders Center facility;

$80,000 to the YWCA in Bremerton, Washington for facilities expansion;

$90,000 to the City of Duvall, Washington for the renovation and conversion of a city-owned building into a youth center;

$90,000 to the City of Maple Valley, Washington for the construction of a youth center;

$90,000 to the Greenwater Mutual Water Association of Washington state for construction of a water system to provide fire and domestic flow to the designated rural business center of Greenwater;

$100,000 to the City of Seattle, Washington for renovations to the Seattle Center Opera House;

$200,000 to Pierce County Washington for the establishment of the Gig Harbor Peninsula Historical Society and the creation of a museum and cultural center;

$240,000 to the City of Black Diamond, Washington for engineering and construction of a replacement water main and improvements to the existing pump station serving the Black Diamond region;

$250,000 to the University of Washington-Tacoma for development of the Institute of Technology;

$250,000 to the Valley Boys and Girls Club in Clarkston, Washington for facilities construction;

$300,000 for the City of Renton, Washington, for the Port Quendall brownfields redevelopment project;

$500,000 to Whitworth College in Spokane, Washington for construction of the Regional Learning and Resource Center;

$750,000 to Bates Technical College for upgrade of transmission equipment for KBTC–TV, a PBS affiliate in Tacoma, Washington;

$1,000,000 for the Port of Ridgefield of Ridgefield, Washington for brownfields redevelopment;

$1,000,000 for the West Central Community Center of Spokane, Washington, for site acquisition and preparation related to the expansion of childcare facilities;

$50,000 for the Eau Claire Area Industrial Development Corporation, Wisconsin, for the Chippewa Valley Technology Network;

$200,000 to the City of Madison, Wisconsin for the Affordable Housing Subdivision project;

$50,000 to the Medical College of Wisconsin for planning related to a Biomedical Research and Technology Incubator;

$50,000 to the Urban Open Space Foundation in Madison, Wisconsin for downtown revitalization efforts;

$80,000 to the Ashland County Sheriff's Department in Ashland, Wisconsin for an Ice Angel Windsled;

$100,000 for Fairness in Rural Lending in Wisconsin for the Community Lender Partnership Initiative;

$120,000 to the City of Rhinelander, Wisconsin for construction of a rail spur;

$275,000 for the African American World Cultural Center in Wisconsin for construction;

$175,000 for the Centro de la Communidad Unida in Wisconsin for construction of an alternative school for at risk students;

$200,000 for Adams County, Wisconsin for the construction of an industrial park;

$200,000 or the City of Beloit, Wisconsin for urban renewal activities;

$200,000 to the Wausau Kayak/Canoe Corporation in Wausau, Wisconsin for course upgrade;

$240,000 to St. Norbert College in DePere, Wisconsin for a regional library learning center;

$300,000 for the City of Appleton, Wisconsin for the reconstruction of College Avenue;

$300,000 for the City of Sheboygan, Wisconsin to demolish an old manufacturing building;

$300,000 to Alverno College in Milwaukee, Wisconsin for the modernization of their liberal arts facility for Digital Diagnostic Portfolio Technology;

$500,000 to Impact 7 for a business development project in Centuria, Wisconsin;

$1,100,000 to the Northwest Regional Planning Commission in Spooner, Wisconsin for a revolving loan fund to assist storm impacted areas in northwestern Wisconsin;

$125,000 to the Greenbrier Valley Economic Development Corporation in Lewisburg, West Virginia for a cooperative economic development effort with 4-County Economic Development Authority located in Oakhill, West Virginia;

$290,000 to Mason County, West Virginia/Point Pleasant Riverfront Park Committee for a city revitalization project;

$350,000 for Bethany College in West Virginia to complete work on a health and wellness center;

$375,000 to Regions 1 and 4 Planning and Development Councils in West Virginia for rebuilding efforts necessitated by flooding;

$700,000 for the McDowell County Commission to complete the repair and restoration of the Kimball War Memorial in Kimball, West Virginia;

$900,000 to Concord College in Athens, West Virginia for continued infrastructure development of an information technology training program;

$1,200,000 to the Mid-Atlantic Aerospace Complex, Inc. for operational needs and to support economic development projects, including facilities construction;

$2,000,000 for the Webster County Development Authority for construction of a high technology office building and small business incubator in Webster County, West Virginia;

$2,000,000 for the Wheeling Park Commission in West Virginia to aid in the construction of the National Training Center for Public Facility Managers;

$2,425,000 to the Institute for Software Research, Inc. for operational and programmatic support and facilities needs;

$3,000,000 for Shepherd College in Sheperdstown, West Virginia, to complete the renovation of the Scarborough Library;

$3,600,000 to the West Virginia High Technology Consortium Foundation, Inc. for operations, land acquisition, and development of a high technology business park;

$1,800,000 for the City of Hinton, West Virginia, for the construction of a high technology office building and small business incubator;

$1,500,000 for the Appalachian Bible College of Beckley, West Virginia, to complete its student center/library;

$540,000 to the Teton County Housing Authority of Wyoming for equity contributions in the production of affordable housing units in Teton County, Wyoming;

$2,000,000 for the Girl Scouts of the USA for youth development initiatives in public housing.

Includes language transferring no less than $13,800,000 to the Working Capital Fund for development and maintenance of information technology systems, instead of $15,000,000 as proposed by the House and the Senate.

Includes language proposed by the Senate making funds available for three years instead of two years as proposed by the House. The conferees remain concerned by the delay in the obligation and expenditure of funds provided for the CDBG formula program. HUD is directed to review the matter and to provide a report to the Committees on Appropriations no later than April 1, 2002 which identifies the average length of time used by HUD to obligate CDBG funds to entitlement communities and States; the rate at which entitlement communities and States expend these funds, including an identification of those entities not in compliance with statutory timeliness requirements; and recommendations to accelerate the obligation and expenditure of these funds.

The conferees reiterate the direction included in the House report requiring HUD to inform State and local jurisdictions that people with disabilities must participate in developing the Consolidated Plan and to evaluate plans for such inclusion.

The conferees reiterate the direction included in the House report requiring HUD to conduct a detailed evaluation of HUD's administrative oversight of CDBG targeting requirements and to report the evaluation's findings to the Committees on Appropriations no later than February 1, 2002.

COMMUNITY DEVELOPMENT LOAN GUARANTEES PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

Appropriates $15,000,000 for costs associated with section 108 loan guarantees as proposed by the House and the Senate. Includes language making funds available for obligation for two years as proposed by the House, instead of one year as proposed by the Senate.

BROWNFIELDS REDEVELOPMENT

Appropriates $25,000,000 for brownfields redevelopment as proposed by the House and the Senate.

HOME INVESTMENT PARTNERSHIPS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

Appropriates $1,846,040,000 for the HOME program instead of $1,996,040,000 as proposed by the House, and $1,796,040,000 as proposed by the Senate. Includes language making funds available for obligation for three years as proposed by the Senate, instead of two years as proposed by the House.

Includes language designating $50,000,000 for the Downpayment Assistance Initiative subject to the enactment of authorization legislation, instead of $200,000,000 as proposed by the House. Language is included allowing these funds to be used for any purpose authorized under the HOME program should such authorization legislation not be enacted by June 30, 2002. The Senate bill did not include funds for this initiative.

The conferees believe that housing counseling is a critical component of effective homeownership programs, including the HOME Downpayment Assistance Initiative. Not only is housing counseling important in assisting families and individuals to understand homeownership issues, it also helps ensure that first-time homebuyers are protected against predatory lending practices. The conferees expect HUD to ensure that housing counseling is available to all homebuyers participating in programs offered under the Downpayment Assistance Initiative.

HOMELESS ASSISTANCE GRANTS

(INCLUDING TRANSFER OF FUNDS)

Appropriates $1,122,525,000 for homeless assistance grants, instead of $1,027,745,000 as proposed by the House and $1,022,745,000 as proposed by the Senate.

The conferees have increased funding for this account above the amounts proposed by the House and the Senate to provide for full funding of Shelter Plus Care renewals within this account, instead of providing this funding in a separate account as proposed by the Senate. The House bill did not include funding for these costs. While funding for these renewals has been provided in this account consistent with the manner in which funding was provided prior to fiscal year 2001, new bill language is included requiring the annual renewal of all expiring Shelter Plus Care contracts if the program is determined to meet appropriate program requirements and is needed under the applicable continuum of care.

Includes modified language requiring not less than 30 percent of the funds provided under this account, exclusive of amounts for Shelter Plus Care renewals, be used for permanent housing as proposed by the Senate, instead of 35 percent as proposed by the House. Includes language requiring that all funds awarded for services shall be matched by 25 percent in funds from each grantee as proposed by the House and the Senate.

Includes language proposed by the Senate providing that funds under this account be made available for three years, instead of two years as proposed by the House. However, HUD is directed to review the obligation rates for funds provided under this account and provide a report to the Committees on steps being taken to accelerate the grant award and obligation process no later than April 1, 2002.

Includes language providing $2,000,000 for the national homeless data analysis project and $6,600,000 for technical assistance. Language is also included transferring $5,600,000 to the Working Capital Fund for the development and maintenance of information technology systems, instead of $14,200,000 as proposed by the House and the Senate.

The conferees agree that HUD should use the continuum of care process to give preference to communities that use funds for permanent housing to end homelessness for chronically homeless, disabled people and encourage communities to obtain funds for supportive services from non-HUD sources, such as the Department of Health and Human Services, the Department of Labor, and the Department of Veterans Affairs.

The conferees reiterate language included in the Senate report regarding the need for data and analysis on the extent of homelessness and the effectiveness of McKinney-Vento Act programs. Specifically, the conferees direct HUD to continue to work with local communities on a client reporting system, analyze the data within two years, and report to the Committees within 90 days of enactment of this Act on its progress.

In addition, the conferees are also providing $2,000,000 to continue the Department's national homeless data analysis project to document the demographics of homelessness, identify patterns in utilization of assistance, and document the effectiveness of the systems. The conferees believe that it is critical to develop an unduplicated count of the homeless population and direct HUD to contract with experienced academic institutions to analyze the data and provide annual reports to the Committees on Appropriations.

The conferees expect that HUD field staff will oversee the implementation of homeless programs funded under this title. This oversight should include annual site visits and desk and field audits of a representative sample of programs in each jurisdiction. Using this information, HUD should analyze Annual Performance Reports and forward an annual plan for addressing problem areas.

The conferees reiterate and endorse language in the House report regarding the Secretary's joint task force with the Secretary of Health and Human Services (HHS) to identify and target each agency's roles and responsibilities in addressing the needs of the homeless. Recognizing the fact that up to one-third of the homeless population are veterans, the conferees believe that increased coordination is necessary between the Department of Veterans Affairs (VA) and HUD to ensure each agency is fulfilling its appropriate mission. Therefore, the conferees urge the Secretary to include the Secretary of Veterans Affairs in its task force discussions. The conferees request that the Department keep the Committees apprised of these efforts and provide a report, no later than February 15, 2002, on its findings and recommendations for changes in HUD programs.

Further, the conferees reiterate the language in the Senate report concerning the Interagency Council on the Homeless (ICH), including placing the Council under the Domestic Policy Office; rotating the Chairmanship among the Secretaries of HUD, HHS, Labor, and VA; requiring the members to meet at least semi-annually; and instructing the Council to quantify the number of their mainstream program participants who become homeless, preventing homelessness, and describing how they assist the homeless.

The conferees continue to have questions about out-year cost data on contract renewals for the permanent housing programs for the homeless. Accordingly, the conferees direct the Department to include in its fiscal year 2003 budget justifications five-year projections, delineated on an annual basis, of the costs of renewing the permanent housing component of the Supportive Housing Program and separately, the Shelter Plus Care program.

The conferees reiterate language in the Senate report directing HUD to ensure that State and local jurisdictions that receive homeless assistance funding pass on at least 50 percent of all administrative funds to the nonprofits administering the homeless assistance programs.

SHELTER PLUS CARE RENEWALS

The conferees have included full funding for Shelter Plus Care renewals under the homeless assistance grants account instead of providing funds under this separate account as proposed by the Senate. The House did not include funding for this account.

HOUSING PROGRAMS

HOUSING FOR SPECIAL POPULATIONS

(INCLUDING TRANSFER OF FUNDS)

Appropriates $1,024,151,000 for housing for special populations as proposed by the House instead of $1,001,009,000 as proposed by the Senate.

Includes $783,286,000 for section 202 housing for the elderly as proposed by the House and the Senate. Of this amount, $50,000,000 is for service coordinators and congregate services as proposed by the Senate instead of $49,890,000 as proposed by the House; $50,000,000 is for conversion of eligible section 202 projects to assisted living as proposed by the Senate instead of $49,890,000 as proposed by the House; and up to $3,000,000 is for the renewal of expiring project rental assistance for up to a one-year term, the same amount proposed by the House and the Senate. The conferees direct HUD to issue a new NOFA to provide for up to three grants for the conversion of unused or underutilized commercial properties into assisted living facilities for the elderly from funds provided for section 202 conversions.

Includes $240,865,000 for section 811 housing for the disabled as proposed by the House instead of $217,723,000 as proposed by the Senate. Of this amount, $23,142,000 is for the renewal of section 811 tenant-based rental assistance as proposed by the House. Bill language is included clarifying the authorization of funds under this account for this purpose as proposed by the House. The Senate did not propose similar language and assumed funds for this purpose would be provided under the housing certificate fund account. In addition, up to $1,300,000 is provided for the renewal of project rental assistance for up to a one-year term as proposed by the House and the Senate.

The conferees reiterate direction included in the House report requiring HUD to review and modify procedures to simplify the section 811 application and review process.

Includes modified language transferring no less than $1,200,000 to the Working Capital Fund for development and maintenance of information technology systems, instead of $1,000,000 as proposed by the House and $3,000,000 as proposed by the Senate.

Does not include bill language specifying amounts for project rental assistance renewals as proposed by the Senate. The House did not designate specific amounts for renewals in bill language.

FLEXIBLE SUBSIDY FUND

(TRANSFER OF FUNDS)

Includes language regarding the transfer of excess rental charges to this fund as proposed by the House and the Senate.

MANUFACTURED HOUSING FEES TRUST FUND

Appropriates $13,566,000 for authorized activities from fees collected in the fund as proposed by the House instead of $17,254,000 as proposed by the Senate.

The conferees expect HUD to place a priority on monitoring safety inspections of homes and the issuance of inspection labels when determining the funding requirements for this program during fiscal year 2002. The conferees also reiterate the direction included in the Senate report requiring the use of all program fees to be fully identified in the fiscal year 2003 budget justifications.

Includes language proposed by the House clarifying that fee collections shall fully offset the expenditures from the fund. The Senate did not propose similar language.

FEDERAL HOUSING ADMINISTRATION

MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

Appropriates $336,700,000 for administrative expenses as proposed by the Senate instead of $330,888,000 as proposed by the House. Transfers $332,678,000 of this amount to the salaries and expenses account as proposed by the Senate, instead of $326,866,000 as proposed by the House.

Appropriates $160,000,000 for administrative contract expenses as proposed by the Senate instead of $145,000,000 as proposed by the House. Includes language allowing up to $16,000,000 in additional administrative contract expenses to be made available in certain circumstances as proposed by the Senate. The House did not propose similar language.

Transfers no less than $118,400,000 from administrative contract expenses under this account to the Working Capital Fund for the development and maintenance of information technology systems, instead of $96,500,000 as proposed by the House. The Senate proposed to transfer $160,000,000 from this account and the general and special risk program account but did not designate the amounts to be transferred from each account.

GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

Appropriates $15,000,000 for subsidy costs to support certain multifamily and special purpose loan guarantee programs. The conferees agree that funding for subsidy costs is to be allocated as follows:

—$6,919,000 for the section 221(d)(3) program;

—$5,250,000 for the section 241(a) supplemental loans for apartments program;

—$377,000 for the section 242 operating loss loans for apartments program;

—$377,000 for the section 232 operating loss loans program; and

—$2,077,000 for the section 2 property improvements program.

The conferees remind HUD that funds provided are to be used only for the programs specified above. The conferees direct HUD to improve management and oversight of all programs within the general and special risk insurance fund to ensure these programs operate in a financially sound manner. HUD is reminded that any deviations from the amounts specified above for each of these programs is subject to reprogramming requirements.

The conferees are aware that concerns have been raised about the calculation of credit subsidy for multifamily programs. The conferees understand that pursuant to the Federal Credit Reform Act, the Office of Management and Budget (OMB) is responsible for developing the risk model used to estimate the subsidy costs of all Federal credit programs, including FHA programs. Therefore, in lieu of the language included in the Senate report addressing this matter, the conferees expect HUD to work with the industry to review the technical assumptions provided by HUD to OMB for inclusion in the risk model.

The conferees also expect HUD to upgrade its information technology systems for the mutual mortgage insurance program account and the general and special risk program account. HUD needs to be able to mark each account to market at the end of each business day, including the volume of loan business and the extent of financial risk and exposure under each FHA mortgage insurance program, including the cost of all defaults and foreclosures. The conferees remain disappointed that HUD has not made the collection of this information a priority since, as of January 2001, HUD was responsible for over $500 billion in insured mortgages. As demand for FHA single-family and multifamily mortgage insurance grows, it is imperative that HUD understand the magnitude of its financial exposure and the extent of risk for loss.

Appropriates $216,100,000 for administrative expenses as proposed by the Senate instead of $211,455,000 as proposed by the House. Transfers $197,779,000 of this amount to the salaries and expenses account as proposed by the Senate, instead of $193,124,000 as proposed by the House.

Appropriates $144,000,000 for administrative contract expenses as proposed by the Senate instead of $139,000,000 as proposed by the House. Includes language allowing up to $14,400,000 in additional administrative contract expenses to be made available in certain circumstances as proposed by the Senate. The House did not propose similar language.

Transfers no less than $41,000,000 from administrative contract expenses under this account to the Working Capital Fund for the development and maintenance of information technology systems, instead of $33,500,000 as proposed by the House. The Senate proposed to transfer $160,000,000 from this account and the mutual mortgage insurance fund program account but did not designate the amounts to be transferred from each account.

The conferees reiterate the direction included in the Senate report requiring HUD to immediately amend its Asset Control Area discount and appraisal structure so that local governments and non-profit purchasers can rehabilitate and resell these properties at rates affordable to low-income residents. The conferees also reiterate the guidance in the Senate report regarding timely demolition of dilapidated homes and the payment of demolition costs.

The conferees reiterate the recommendation in the Senate report encouraging HUD to bundle and sell defaulted loans through auction in non-Asset Control Areas.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION (GNMA)

GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

Appropriates $9,383,000 for administrative expenses to be transferred to the salaries and expenses account as proposed by the House and the Senate.

POLICY DEVELOPMENT AND RESEARCH

RESEARCH AND TECHNOLOGY

Appropriates $50,250,000 for research and technology instead of $46,900,000 as proposed by the House and $53,404,000 as proposed by the Senate.

Includes $1,500,000 for the Millennial Housing Commission as proposed by the House. New language is included to extend the reporting and termination dates for this commission. The Senate proposed $1,500,000 and similar extension language under the salaries and expenses account.

Includes $1,000,000 for the Commission on Affordable Housing and Health Facility Needs for Seniors in the 21st Century, and includes new language to extend the reporting and termination dates for this commission. The House and the Senate did not address this matter.

Includes $8,750,000 for the Partnership for Advancing Technology in Housing Initiative, instead of $7,500,000 as proposed by the House and $10,000,000 as proposed by the Senate.

The conferees assume $23,000,000 will be allocated to the Housing Survey in fiscal year 2002, the same level proposed by the House and Senate.

The conferees reiterate the direction included in the Senate report denying demonstration authority without prior congressional approval.

Language proposed by the Senate designating $3,000,000 for program evaluation activities is not included.

FAIR HOUSING AND EQUAL OPPORTUNITY

FAIR HOUSING ACTIVITIES

Appropriates $45,899,000 for the Fair Housing Assistance Program (FHAP) and the Fair Housing Initiatives Program (FHIP) as proposed by the House and the Senate. Of this amount, $20,250,000 is for FHIP, instead of $19,449,000 as proposed by the House and $24,000,000 as proposed by the Senate.

While overall funding for this account is provided at the fiscal year 2001 level, funding is no longer required for the Housing Discrimination Survey which received $7,500,000 in fiscal year 2001. Rather than reduce the account to reflect this change, the conferees have instead agreed to allocate the $7,500,000 equally between FHAP and FHIP to augment their activities. The conferees expect the additional funds allocated to FHAP to be used to reduce the backlog in case processing.

In lieu of the direction included in the House report, the conferees direct HUD to expedite utilization of funds provided under this account and to report quarterly on the obligation and expenditure of funds provided, by program and activity, with the first report due no later than February 15, 2002.

OFFICE OF LEAD HAZARD CONTROL

LEAD HAZARD REDUCTION

Appropriates $109,758,000 for lead hazard reduction, as proposed by the House and the Senate.

Of the amount provided, $3,500,000 is for a one-time grant to the National Center for Lead-Safe Housing to develop a database coordination project to integrate Federal, State and local lead activities, instead of $1,000,000 as proposed by the Senate. The House did not propose a similar provision.

The conferees agree to allocate funds as follows:

—$6,500,000 for Operation LEAP, a new initiative to provide competitive awards to non-profit organizations and the private sector for activities which leverage private-sector resources for local lead hazard control programs. The conferees direct HUD to provide an implementation plan for this new initiative to the Committees on Appropriations prior to the expenditure of these funds;

—$80,000,000 for grants to State and local governments, and Native American tribes, for lead-based paint abatement in private low-income housing;

—$9,758,000 for technical assistance and support to State and local agencies and private property owners; and

—$10,000,000 for the Healthy Homes Initiative for competitive grants for research, standards development, and education and outreach activities to address lead-based paint poisoning and other housing-related diseases and hazards.

The conferees reiterate the House report language regarding consideration of a proposal by the Alliance to End Childhood Lead Poisoning to create a Community Environmental Health Resource Center (CEHRC) to provide technical support, training, and education and outreach to community-based organizations to evaluate and control housing-related and community-wide health hazards. While the conferees have not included an earmark for the new organization, the conferees encourage HUD to evaluate a proposal from the Alliance to create the CEHRC and provide a grant if warranted.

The conferees encourage HUD to work through the Healthy Homes Initiative with other appropriate Federal agencies to conduct research and public education on health hazards associated with mold, excess moisture, and dust.

The conferees also reiterate the direction included in the Senate report requiring HUD to develop a policy to link Federal education, outreach, and remediation efforts with State, local, non-profit, and private funding.

Language proposed by the Senate earmarking $750,000 for CLEARCorps is not included. The House did not propose a similar provision.

Does not include language proposed by the House making technical changes to the Healthy Homes Initiative. The Senate did not propose similar changes.

MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

Appropriates $1,097,292,000 for salaries and expenses instead of $1,076,800,000 as proposed by the House and $1,087,257,000 as proposed by the Senate.

Of the total amount provided, $530,457,000 is transferred from various FHA administrative funds as proposed by the Senate, instead of $520,000,000 as proposed by the House.

Includes language transferring $35,000 from the Native Hawaiian housing loan guarantee fund account as proposed by the Senate. The House did not include a similar provision.

Includes language providing not to exceed $25,000 for representation expenses, instead of $7,000 as proposed by the House and Senate.

The conferees agree that funds under this account are to be allocated among object classes at the levels specified in the budget justifications. HUD is reminded that any deviations are subject to reprogramming requirements.

The conferees reiterate the concerns expressed in the House report regarding HUD's approach to utilizing staff resources and the continued excessive cost per HUD employee as compared to other Federal agencies. Therefore, modified bill language is included, similar to language proposed by the House, requiring the Secretary to submit a staffing plan to the Committees on Appropriations no later than January 15, 2002. The conferees expect this staffing plan to be formulated based on the Resource Estimation and Allocation Process to match staffing requirements with programmatic responsibilities. The plan should identify staffing levels for each program delineated by headquarters and field offices. The conferees also expect this plan to include strategies to reduce the average salary cost per employee while reallocating staffing to address core mission requirements.

The conferees reiterate the direction included in the House report regarding the annual budget justifications submission.

The conferees reiterate the direction included in the Senate report prohibiting HUD from employing more than 77 schedule C and 20 non-career senior executive service employees.

The conferees note that the inability of HUD to provide useful data on program expenditures and performance has been a deficiency perennially cited by the Inspector General and General Accounting Office (GAO). The conferees remain committed to improving HUD's capacity to disseminate useful information about the performance of HUD programs to improve the ability of HUD and the Congress to assess the effectiveness of programs and more accurately determine resource requirements. Therefore, the conferees expect that HUD's information technology (IT) strategy will prioritize those investments needed to remedy the deficiencies identified by the Inspector General and GAO. Language has been included in various accounts in title II transferring no less than $351,150,000 to the Working Capital Fund (WCF) for the development and maintenance of information technology systems, an increase of $16,850,000 above the fiscal year 2001 level. HUD is directed to provide the Committees on Appropriations a fiscal year 2002 spending plan for the WCF no later than January 15, 2002, consistent with the format of the multi-year IT plan submitted to the Committees on August 22, 2001.

The conferees understand that most of the WCF increase requested for fiscal year 2002 is

for the planning and development activities related to the re-competition of the HUD Integrated Information Processing Service (HIIPS) contract. To this point little information has been provided to the Committees about HUD's plans for re-competition of HIIPS and the costs associated with implementation of the HIIPS re-competition. Therefore, HUD is directed to provide a comprehensive report on the strategy, status, and out-year funding requirements for HIIPS prior to the expenditure of any of the increase provided for fiscal year 2002.

The conferees also reiterate the direction included in the House report requiring HUD to submit a multi-year IT plan as part of its fiscal year 2003 budget submission. The conferees request that the Inspector General review this plan and provide its views to the Committees on the ability of this plan to improve oversight and management of HUD programs.

While the conferees do not adopt the language in the Senate report related to the Office of Multifamily Housing Assistance Restructuring (OMHAR), the conferees are seriously concerned with the manner in which OMHAR is currently being managed. The conferees are deeply disturbed to learn that OMHAR, an office which has enjoyed a unique amount of autonomy in the management of its staffing and the allocation of its funds, has violated the Anti-Deficiency Act in two out of the three years of its existence. As troubling to the conferees is the fact that the Committees on Appropriations were not notified of these violations sooner. The conferees fully intend to investigate the circumstances that led to these violations, and will take action at the appropriate time. In the interim, the Department is directed to revoke OMHAR's funds allotment privileges and provide vigorous financial and management oversight of OMHAR.

OFFICE OF INSPECTOR GENERAL

Appropriates $93,898,000 for the Office of Inspector General as proposed by the House instead of $88,898,000 as proposed by the Senate. Of this amount, $5,000,000 is provided by transfer from the public housing operating fund account, instead of $10,000,000 as proposed by the House.

Of the amount provided, $5,000,000 is exclusively for anti-predatory lending and anti-flipping activities. These funds are to augment, not supplant, funds already being devoted to such activities. The conferees expect that staff previously engaged in Operation Safe Home activities will be redirected to support these efforts. The OIG is directed to submit a staffing plan to the Committees on Appropriations no later than January 15, 2002.

CONSOLIDATED FEE FUND

(RESCISSION)

Includes a rescission of $6,700,000 from the Fund as proposed by the House and the Senate.

OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

Appropriates $27,000,000 for the Office of Federal Housing Enterprise Oversight (OFHEO) to be derived from collections available in the Federal Housing Enterprise Oversight Fund as proposed by the Senate instead of $23,000,000 as proposed by the House. Of the amount provided, $4,000,000 is for a one-time increase to address information technology requirements.

Includes language requiring OFHEO to submit a staffing plan to the Committees on Appropriations by January 30, 2002. The conferees expect this staffing plan to prioritize OFHEO's activities relative to implementation of the new risk-based capital regulation. The conferees are aware that a one-year transition period has been provided for implementation of this rule. Should additional resources be required to implement this rule, the conferees will evaluate such requirements when developing the fiscal year 2003 budget.

ADMINISTRATIVE PROVISIONS

Includes modified language related to the allocation of HOPWA funds for the Philadelphia, Pennsylvania and Raleigh-Durham, North Carolina metropolitan areas, similar to language proposed by the House and the Senate.

Does not include language proposed by the Senate extending section 236 excess income eligibility. The House did not include a similar provision.

Does not include language proposed by the Senate amending section 223(d) of the National Housing Act to authorize insurance for the purchase of existing hospital facilities. The House did not include a similar provision.

Includes language repealing the authorization sunset provisions for certain housing counseling assistance activities as proposed by the Senate. The House did not include a similar provision.

Includes language changing the premium structure for section 203(k) and section 234 single family loans as proposed by the House. The Senate proposed the same changes with minor technical language differences related to implementation.

Includes language authorizing the Secretary to waive the 40 percent rent ceiling under section 8 for an assisted living demonstration project in Michigan as proposed by the House. The Senate did not include a similar provision.

Does not include language proposed by the Senate expanding HUD's authority to establish and determine the appropriate use of certain mortgage insurance programs for hospital facilities. The House did not include a similar provision.

Does not include language proposed by the Senate expanding HUD's authority to establish and determine the appropriate use of certain mortgage insurance programs for nursing home facilities. The House did not include a similar provision.

Includes language authorizing HUD's Credit Watch program as proposed by the Senate. The House did not include a similar provision. This provision will clarify existing law to ensure that HUD has the authority to continue to implement the Credit Watch program. This program allows HUD to identify FHA lenders that originate a large number of loans that default quickly, which can be a key indicator of underwriting problems or fraud, and take corrective actions. By eliminating unqualified or unscrupulous lenders, the conferees hope HUD can reduce the number of foreclosed properties. The conferees also believe that further action may be necessary to protect homebuyers and communities, and expects HUD to consider additional steps that could be taken and report back to the appropriate committees with its recommendations.

Includes language requiring all title II programs to comply with the Department of Housing and Urban Development Reform Act of 1989 as proposed by the Senate. The House did not include a similar provision.

Includes modified language exempting Alaska, Mississippi, and Iowa from the statutory requirement of having a resident on the board of a PHA, similar to language proposed by the Senate. The House did not include a similar provision. The conferees are concerned that barriers continue to exist in some States which preclude full implementation of the statutory requirement that public housing residents be full participants on PHA boards. While language is again included providing exemptions to this requirement, the conferees believe that the States should take the appropriate actions necessary to remove barriers, rather than continuing to seek exemptions from the statute. The conferees direct HUD to review the status of implementation of this requirement, identify the factors precluding full implementation and actions being taken by the appropriate State or local entities to remove these barriers, and report its findings to the Committees on Appropriations no later than May 30, 2002.

Includes modified language requiring the Secretary to maintain section 8 rental assistance for any HUD-owned or HUD-held property occupied by an elderly or disabled resident, similar to language proposed by the Senate. The House did not include a similar provision.

Includes language proposed by the Senate amending the National Housing Act to increase the statutory loan limits on certain FHA multifamily and single-family programs. The House did not include a similar provision.

Does not include language proposed by the Senate related to the construction of a tribal student housing project. The House did not include a similar provision.

Includes language modifying the authorized purposes and availability of funds provided to the University of South Carolina in Public Law 106–554 as proposed by the Senate. The House did not include a similar provision.

Includes language amending section 247 of the National Housing Act to change the definitions and eligibility for single-family mortgage insurance on Hawaiian homelands as proposed by the Senate. The House did not include a similar provision.

Includes language waiving the environmental review procedures for certain HOME projects in Arkansas provided certain conditions are met as proposed by the Senate. The House did not include a similar provision.

Includes language proposed by the Senate providing flexible use of existing HOPE VI funds awarded for the Hollander Ridge project. The House did not include a similar provision.

Does not include language proposed by the Senate to change the Fair Housing Act's definition of discrimination based on sex from one based on gender to one based upon victimization from domestic violence. The House did not include a similar provision. The conferees direct HUD to work with PHAs to develop plans to protect victims of domestic violence from being discriminated against in receiving or maintaining public housing because of their victimization.

TITLE III—INDEPENDENT AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

Appropriates $35,466,000 for salaries and expenses as proposed by the House instead of $28,466,000 as proposed by the Senate. Within the appropriated level, $2,000,000 has been provided to complete the backlogged maintenance work identified prior to fiscal year 1998. The conferees commend ABMC for its diligence in identifying, prioritizing, and completing this necessary maintenance, and expect the Commission to report to the Committees on Appropriations, prior to May 1st of each fiscal year, on the current state of maintenance requirements throughout the cemetery system.

The conferees have also provided an additional $5,000,000 above the budget request for the study, planning, and initial construction

costs related to a new visitors center at the Normandy American Cemetery and Memorial near St. Laurent-sur-Mer, France. The conferees are cognizant of the unique circumstances at the Normandy Cemetery, which is both the solemn resting place for 9,387 servicemen and women and a tourist destination for in excess of 1,000,000 annual visitors. Current visitor facilities are entirely inadequate to properly serve those individuals in need of privacy and counseling, as well as those who wish to better understand the historical perspective of the battles that occurred nearby. The conferees intend that in the development of appropriate plans regarding the placement, scope, and character of such a new visitor center, the Commission consult with a variety of entities, including the National Park Service, which may have particular expertise with facilities of this nature.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

SALARIES AND EXPENSES

Appropriates $7,850,000 for salaries and expenses instead of $8,000,000 as proposed by the House and $7,621,000 as proposed by the Senate. Of the amount appropriated, $2,500,000 is available until September 30, 2003 and $5,350,000 is available until September 20, 2002. Bill language has been included again this fiscal year which limits the number of career Senior Executive Service positions to three.

DEPARTMENT OF THE TREASURY

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND PROGRAM ACCOUNT

Appropriates $80,000,000 for the Community Development Financial Institutions Fund as proposed by the House instead of $100,000,000 as proposed by the Senate.

Includes $5,000,000 for technical assistance designed to benefit Native American communities as proposed by the Senate instead of $500,000 as proposed by the House. The conferees agree that Native Hawaiian and Alaskan Native communities are eligible entities for this program.

Provides $9,500,000 for administrative expenses instead of $8,948,000 as proposed by the House and $9,850,000 as proposed by the Senate.

Provides for a limitation on the amount of direct loans of $51,800,000 as proposed by the Senate, instead of $15,000,000 as proposed by the House.

The conferees agree with the direction of the Senate calling for inclusion of a report on rural lending practices as part of the fiscal year 2003 budget submission.

CONSUMER PRODUCT SAFETY COMMISSION

SALARIES AND EXPENSES

Appropriates $55,200,000 for the Consumer Product Safety Commission, salaries and expenses, instead of $54,200,000 as proposed by the House and $56,200,000 as proposed by the Senate. The amount provided represents a $1,000,000 increase above the budget request to maintain the current level of staffing and operational expenses.

The conferees are aware of public concerns about the potential health and safety risks related to the use of chromated copper arsenate (CCA) to treat wood playground equipment. To this end, the conferees direct CPSC to report to the Committees on Appropriations by February 15, 2002, on the steps being taken to identify whether there are significant health and safety risks to children playing on and around CCA-treated wood playground equipment. Such report shall also include the actions CPSC is taking to keep state and local governments, as well as consumers, informed about their findings on the health effects associated with CCA-treated wood playground equipment.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

NATIONAL AND COMMUNITY SERVICE PROGRAMS OPERATING EXPENSES

Appropriates $401,980,000 for national and community service program operating expenses instead of $415,480,000 as proposed by the Senate. The House did not provide any new funds for fiscal year 2002 operations, but did not eliminate the agency.

Limits funds as proposed by the Senate to not more than: $31,000,000 for administrative expenses of which $2,000,000 is to be for a cost accounting system; $2,500 for official reception and representation expenses; $5,000,000 from the National Service Trust for national service scholarships for high school students performing community service; $240,492,000 for AmeriCorp grants, of which not to exceed $47,000,000 may be for national direct programs and $25,000,000 for E-Corps; $43,000,000 for school-based and community-based service learning programs; $28,488,000 for quality and innovation activities under subtitle H of title I; and $5,000,000 for audits and other evaluations.

The conferees have agreed to the Senate proposal of $25,000,000 for the National Civilian Community Corps, an increase of $4,000,000 over fiscal year 2001. Additional funds are provided to expand the number of AmeriCorps members serving at the five campuses currently in operation.

The conferees deleted without prejudice funding for the Veterans Mission for Youth Program as proposed by the Senate and agreed to not fund the Silver Scholarship program. The conferees believe the authorizing committees of jurisdiction should evaluate and legislate these programs in the overall consideration of the Corporation's reauthorization.

The conferees direct the Corporation to provide quarterly status reports to the Committees, beginning in January 2002, on the implementation of the new cost accounting system and on the expenditure of awards under the Trust Fund. The Corporation should also provide a copy of the Trust Fund award report to the IG. The conferees agree to the Senate proposal to provide not more than $10,000,000 for the Points of Light Foundation of which $2,500,000 may be used for establishment of an endowment; authorizes the Points of Light Foundation to use up to $2,500,000 of previously appropriated funds for this endowment; $7,500,000 for America's Promise; $5,000,000 for Communities In Schools; $2,500,000 for the YMCA; $1,000,000 for Teach For America; and $1,500,000 for Parents As Teachers. In addition, the conferees provide $1,500,000 for the Youth Life Foundation (YLF) for the same purposes contained in the fiscal year 2001 Statement of Managers (House Report 106–988). The conferees also expect YLF to continue its effort in coordinating and collaborating its activities with America's Promise.

OFFICE OF INSPECTOR GENERAL

Appropriates $5,000,000 for Office of Inspector General as proposed by both the House and the Senate.

U.S. COURT OF APPEALS FOR VETERANS CLAIMS

SALARIES AND EXPENSES

Appropriates $13,221,000 for salaries and expenses as proposed by both the House and the Senate.

DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

Appropriates $22,537,000 for salaries and expenses as proposed by the House instead of $18,437,000 as proposed by the Senate. The conferees agreed to include funds over the request to complete construction of the proposed columbarium.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

Appropriates $70,228,000 for the National Institute of Environmental Health Sciences as proposed by the House and the Senate. Of the appropriated amount, $45,824,000 is for research and $24,404,000 is for worker training activities.

AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY

TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC HEALTH

Appropriates $78,235,000 for toxic substances and environmental public health as proposed by the House and the Senate. Bill language has again this year been included which permits the Administrator of the Agency for Toxic Substances and Disease Registry (ATSDR) to conduct other appropriate health studies and evaluations or activities in lieu of health assessments pursuant to section 104(i)(6) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA). The language further stipulates that in the conduct of such other health assessments, evaluations or activities, the ATSDR shall not be bound by the deadlines imposed in section 104(i)(6)(A) of CERCLA. Funds provided for fiscal year 2002 cannot be used by the ATSDR to conduct in excess of 40 toxicological profiles.

The conferees once again encourage ATSDR to provide adequate funds for minority health professions and for the ongoing health effects study on the consumption of Great Lakes fish.

Finally, the conferees have again agreed to cap administrative costs charged by the CDC at 7.5 percent of the amount appropriated herein for the ATSDR.

ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

Appropriates $698,089,000 for science and technology instead of $680,410,000 as proposed by the House and $665,672,000 as proposed by the Senate.

The conferees have agreed to the following increases above the budget request:

1. $2,500,000 for EPSCoR;
2. $4,000,000 for the Water Environment Research Foundation;
3. $5,000,000 for the American Water Works Association Research Foundation;
4. $2,000,000 for the National Decentralized Water Resource Capacity Development Project, in coordination with EPA, for continued training and research and development program;
5. $750,000 for the Integrated Public/Private Energy and Environmental Consortium (IPEC) to develop cost-effective environmental technology, improved business practices, and technology transfer for the domestic petroleum industry;
6. $750,000 for the Geothermal Heat Pump Consortium (GHP);
7. $500,000 for the Consortium for Plant Biotechnology Research;
8. $1,000,000 for the Center for the Study of Metals in the Environment;
9. $750,000 for the University of South Alabama, Center for Estuarine Research;
10. $500,000 to the University of California, Riverside for continued research of advanced vehicle design, advanced transportation systems, vehicle emissions, and atmospheric pollution at the CE–CERT facility;

11. $750,000 for the San Bernardino Valley Municipal Water District for research and design (cost evaluation and environmental studies) of a mitigation project addressing the city's contaminated high groundwater table and dangers presented by liquefaction;

12. $750,000 to the City of San Bernardino Municipal Water Department's Enhanced Reliability System of Improvements for water distribution and storage in San Bernardino, California;

13. $1,000,000 to improve the transmission, distribution, and storage of potable water in the City of Needles, California;

14. $750,000 for planning, design, and development of a groundwater storage system in the City of San Bernardino, California;

15. $750,000 to the City of Glendale, California working in conjunction with the Utah State University in Logan, Utah, the University of Colorado in Boulder, and UCLA for a research study and pilot treatment plant focused on the removal of chromium 6 from water;

16. $750,000 to the Central California Air Quality Coalition for a California Regional Sacramento and San Francisco Bay Air Quality study for ozone;

17. $1,300,000 for the National Jewish Medical and Research Center for research on the relationship between indoor and outdoor pollution and the development of respiratory diseases;

18. $1,500,000 for the Connecticut River Airshed-Watershed Consortium;

19. $1,250,000 to the University of Miami in Florida for the Rosenstiel School of Marine and Atmospheric Science;

20. $500,000 for the creation of a Center for Environmental Science, a joint project of the University of Chicago and Argonne National Laboratory;

21. $1,000,000 for environmental education and research at the Turtle Cove Research Station, Louisiana;

22. $1,000,000 for the Center for Urban Environmental Research and Education at the University of Maryland Baltimore County;

23. $250,000 to the University of New England for the National Center for Marine Mammal Rehabilitation and Research in Biddeford, Maine;

24. $1,250,000 for the Great Lakes Hydrological Center of Excellence partnership by Western Michigan University and the Environmental Research Institute of Michigan;

25. $500,000 for the Missouri River Institute for research and outreach;

26. $3,900,000 for the Mine Waste Technology Program at the National Environmental Waste Technology, Testing, and Evaluation Center;

27. $500,000 to the University of North Carolina at Greensboro for the Bioterrorism Water Quality Protection Program with the aim of developing highly automated and inexpensive testing protocols;

28. $1,500,000 to the University of North Carolina at Chapel Hill for the Schools of Public Health and Medicine to advance the ''one atmosphere'' approach to determining the health effects of air pollution;

29. $1,200,000 for the Center for Air Toxic Metals at the Energy and Environmental Research Center;

30. $500,000 to the University of Nebraska-Lincoln's Water Sciences Laboratory at the Water Center for field and laboratory equipment;

31. $500,000 to the University of New Hampshire for groundwater contamination research conducted at the Bedrock Bioremediation Center;

32. $750,000 for the Cancer Institute of New Jersey for research of the influence of environmental factors in cancer causation;

33. $1,000,000 for the National Environmental Respiratory Center at the Lovelace Respiratory Research Institute;

34. $100,000 for a study of air quality and noise pollution of the neighborhoods surrounding LaGuardia Airport;

35. $500,000 to Rockland County, New York for an assessment of environmental hazards in Rockland county and the east side of Manhattan;

36. $1,000,000 for continuation of the South Bronx Air Pollution Study being conducted by New York University;

37. $1,500,000 to Syracuse University, New York to develop alternative approaches to assessing the impact of pollutants on environmental systems;

38. $500,000 to the Syracuse Research Corporation in Syracuse, New York for the development of a Probability Risk Assessment Center;

39. $500,000 to the Rivers and Estuaries Center on the Hudson in New York for research on river and estuarine environments;

40. $1,257,000 to the Environmental Technology Commercialization Center in Cleveland, Ohio for the National Environmental Technology Incubator and technology commercialization activities;

41. $1,000,000 to Saint Vincent College in Pennsylvania for an environmental education and teacher preparation initiative;

42. $750,000 for a collaborative effort between the University of Tennessee, Western Carolina University and Emory University for the Air Quality Improvements for the Great Smoky Mountains National Park Initiative;

43. $1,500,000 for the Mickey Leland National Urban Air Toxics Research Center;

44. $1,000,000 for the Gulf Coast Hazardous Substance Research Center;

45. $350,000 to the Texas Institute for Applied Environmental Research at Tarleton State University;

46. $3,500,000 to the University of Houston, Texas for the Texas Learning Computation Center's Environmental Initiative;

47. $1,500,000 to the National Environmental Policy Institute for implementation of a pilot program to address air quality and pollution in a region through the use of telework;

48. $100,000 for the University of Vermont's Proctor Maple Research Center to continue mercury deposition monitoring effects;

49. $250,000 for acid rain research at the University of Vermont;

50. $1,300,000 for the Canaan Valley Institute to continue to develop a regional sustainability support center and coordinated information system in the Mid-Atlantic Highlands;

51. $970,000 for the Canaan Valley Institute in close coordination with the Regional Vulnerability and Assessment (ReVA) initiative to develop research and educational tools using integrative technologies to predict future environmental risk and support informed, proactive decision-making to be undertaken in conjunction with the Highlands action program; and

52. $500,000 for the National Energy Technology Laboratory for continued activities of a comprehensive clean water initiative in cooperation with EPA Region III.

The conferees have provided an additional $68,200 for civil enforcement and capacity building activities, bringing the fiscal year 2002 funding level for those programs to no less than the fiscal year 2001 level.

The conferees have agreed to reduce funding for hazardous waste research $1,494,100 below the budget request level.

The conferees have agreed to provide $4,000,000 from within available funds throughout the Science and Technology account, for the research, development, and validation of non-animal, alternative chemical screening and prioritization methods, such as rapid, non-animal screens and Quantitative Structure Activity Relationships (QSAR), for potential inclusion in EPA's current and future relevant chemical evaluation programs. Activities funded in this regard should be designed in consultation with the Office of Pollution Prevention and Toxic Substances.

The conferees continue to support the partnership between the EPA and the National Technology Transfer Center and expect the Agency to continue the cooperative agreement at the fiscal year 2001 level.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

Appropriates $2,054,511,000 for environmental programs and management instead of $2,004,599,000 as proposed by the House and $2,061,996,200 as proposed by the Senate.

The conferees have agreed to the following increases to the budget request:

1. $16,000,000 for rural water technical assistance activities and ground water protection with distribution as follows: $9,000,000 for the NRWA; $3,500,000 for RCAP; $750,000 for GWPC; $1,750,000 for Small Flows Clearinghouse; and $1,000,000 for the NETC;

2. $1,000,000 for implementation of the National Biosolids Partnership Program;

3. $2,000,000 for the source water protection program;

4. $5,000,000 to accelerate the development of new and update current IRIS values;

5. $1,750,000 for Chesapeake Bay small watershed grants, to be expended as specified in Senate Report 107–43. This increase, along with EPA's redirection of $698,700 in fiscal year 2001 EPM funds to the Chesapeake Bay Program for fiscal year 2002 will result in a total of $21,267,400 available in fiscal year 2002 for the Chesapeake Bay Program. This amount is $539,300 above the fiscal year 2001 level;

6. $537,600 for the Great Lakes National Program Office for a total program level of $15,500,000;

7. $5,500,000 for the National Estuary Program for a total program level of $22,553,200. The conferees recommend that a minimum of 65 percent of the funds provided for the National Estuary Program be reserved for programs in the estuaries of national significance for which the Administrator has convened a management conference by the date of enactment of this appropriation Act pursuant to section 320 of the Federal Water Pollution Control Act, as amended, for the development and implementation of a comprehensive conservation and management plan;

8. $1,545,200 for the Lake Champlain Basin Program for a total program level of $2,500,000;

9. $2,022,600 for the Long Island Sound Program Office for a total program level of $2,500,000;

10. $2,500,000 for the National Alternative Fuels Training Consortium;

11. $200,000 for the Northeast Waste Management Officials Association to continue solid waste, hazardous waste, cleanup and pollution prevention programs;

12. $500,000 for the Kenai River Center for continued research on watershed issues;

13. $1,000,000 for the Columbia Basin Groundwater Management Area;

14. $1,000,000 for the Frank M. Tejeda Center for Excellence in Environmental Operations;

15. $4,700,000 for America's Clean Water Foundation for implementation of on-farm environmental assessments for livestock operations;

16. $850,000 for the Southcoast Harbor education and monitoring project;

17. $2,500,000 for the Southwest Center for Environmental Research and Policy;

18. $250,000 for the Northwest Straits Commission;

19. $4,000,000 for the Small Public Water System Technology Centers at Western Kentucky University, the University of New Hampshire, the University of Alaska-Sitka; Pennsylvania State University, the University of Missouri-Columbia, Montana State University, the University of Illinois, and Mississippi State University, with each Center to receive $500,000;

20. $1,000,000 to the Gas Technology Institute for the Agricultural Mixed Waste Thermo-Depolymerization BioRefinery Project;

21. $700,000 for the Alabama Department of Environmental Management for the water and wastewater training program;

22. $500,000 to the Pima County Wastewater Management Department for a regional water quality research project in Arizona;

23. $300,000 to Riverside County, California for continued work on the Special Area Management Plan portion of the Riverside County Integrated Plan;

24. $500,000 to the San Joaquin River Exchange Contractors Authority for the development, planning and design of watershed restoration projects;

25. $750,000 to Ventura County, California for the completion and implementation of the Calleguas Creek Watershed Management Plan;

26. $250,000 to establish a Santa Ana River Watershed Research and Training Program at the Water Resources Institute of California State University, San Bernardino;

27. $500,000 to the Sacramento County, California Regional Sanitation District to continue the Sacramento River Toxic Pollutant Control Program and the Sacramento River Watershed Program;

28. $500,000 to the National Park Service/Golden Gate National Parks Association for the Crissy Field tidal marsh wetlands monitoring and restoration project;

29. $500,000 for MTBE remedial activities in Santa Monica, California;

30. $500,000 for cross-media and water quality monitoring in the Sweetwater River watershed, California;

31. $500,000 for Gateway Cities, California, diesel emissions reduction program;

32. $250,000 for the Central California ozone study;

33. $250,000 to Miami-Dade County, Florida for lead screening, testing, outreach education and abatement in the Liberty City neighborhood;

34. $200,000 to Miami-Dade County, Florida to expand the existing environmental education program;

35. $500,000 to the Southwest Water Management for fishery and habitat restoration in Lake Panasoffkee, Florida;

36. $850,000 for the University of West Florida to determine if a connection exists between elevated levels of illness in Northwest Florida and the levels of toxic pollutants in the area;

37. $1,500,000 to Columbus Water Works in Georgia for an Advanced Biosolids Flow-Through Thermophilic Treatment Process demonstration project;

38. $100,000 for the American Farmland Trust to continue support for the design for the environment for farms program in Hawaii and the American Pacific;

39. $400,000 for the County of Hawaii and the Hawaii Island Economic Development Board to establish and implement a community development model for renewable resource management by upgrading solid waste transfer stations into community recycling centers;

40. $500,000 for the Economic Development Alliance of Hawaii to promote biotechnology to reduce pesticide use in tropical and subtropical agricultural production;

41. $250,000 for the County of Maui for the control of nuisance seaweed accumulations on the beaches of Kihei, Maui, Hawaii;

42. $1,000,000 to the Water Systems Council to assist in the effective delivery of water to rural citizens nationwide;

43. $750,000 for the painting and coating assistance initiative through the University of Northern Iowa;

44. $750,000 for the Center for Agricultural and Rural Development at Iowa State University for the Resource and Agricultural Policy Systems program;

45. $500,000 for the Small Business Pollution Prevention Center at the University of Northern Iowa;

46. $1,000,000 for Boise State University for developing multipurpose sensors to detect and analyze environmental contaminants;

47. $900,000 for the Environmental Biotechnology Institute at the University of Idaho to develop selenium control technologies;

48. $2,000,000 for the Coeur d'Alene Basin Commission, established by the State of Idaho to carry out pilot program for environmental response, natural resource restoration and related activities;

49. $500,000 to the Lake County, Illinois Stormwater Management Commission for an assessment of natural resources in the Upper Des Plaines River watershed;

50. $500,000 to Raccoon Lake, Centralia, Illinois for implementation of a water supply plan including engineering and design costs;

51. $500,000 to Purdue University in Indiana for the Contaminant Remediation Optimization Program (CROP);

52. $200,000 to the City of Shreveport, Louisiana to provide technical support for the Mayor's Clean Air Citizens Advisory Committee;

53. $100,000 for a regional water and sewer consolidation study in St. Bernard Parish, Louisiana;

54. $4,000,000 for the Lake Pontchartrain Basin Restoration Program;

55. $200,000 for a study of air quality in the Shreve-Bossier area of Louisiana;

56. $500,000 to the University of Maryland for the Regional Earth Sciences Center and mapping of wetlands in the Chesapeake Bay watershed;

57. $750,000 for the Maryland Bureau of Mines for an acid mine drainage remediation project;

58. $1,000,000 for projects demonstrating the benefits of Low Impact Development along the Anacostia Watershed in Montgomery and Prince Georges Counties, Maryland;

59. $500,000 for the Michigan Biotechnology Institute for development and demonstration of environmental cleanup technologies;

60. $500,000 to the Cranbrook Education Community to implement a storm water management plan within the Upper Rouge River watershed;

61. $1,000,000 for the Food and Agriculture Policy Research Institute's Missouri watershed initiative project;

62. $500,000 for the City of Lake St. Louis, Missouri for a Water Quality study of Peruque Creek Watershed;

63. $300,000 to Mecklenburg County, North Carolina for the continuation and expansion of the Charlotte Surface Water Improvement and Management program;

64. $850,000 for continued activities of the North Carolina Central University research initiative;

65. $400,000 to Wake County, North Carolina for planning, environmental analysis and design of a watershed management plan;

66. $250,000 to the Crop Life Foundation for a North Carolina Environmental Stewardship Project;

67. $750,000 to the Town of Rosman, North Carolina for the development of engineering plans for addressing the Town's wastewater infrastructure needs;

68. $250,000 to Rowan University in Glassboro, New Jersey for the Environmental Community Revitalization and Research Initiative as a demonstration program;

69. $200,000 to the Borough of Rutherford, New Jersey for an engineering study of the area's sanitary sewer collection system;

70. $13,600 for the water quality monitoring program along the New Jersey-New York shoreline for a total of $300,000;

71. $1,500,000 to continue the sediment decontamination technology demonstration in the New York-New Jersey Harbor;

72. $100,000 for Fallon, Nevada, for arsenic removal technologies;

73. $750,000 to Alfred University of Alfred, New York for the Center for Environmental and Energy Research (CEER);

74. $250,000 to the Town of Babylon, New York for a feasibility study on expanding the Southwest Sewer District;

75. $500,000 for the development of an Environmental Leadership Institute at Niagara University, New York;

76. $250,000 to the Rochester Institute of Technology (RIT) to create a National Materials Recovery and Recycling Center of Excellence;

77. $1,500,000 for continued work on the water quality management plans for the Central New York watersheds in Onondaga and Cayuga counties;

78. $500,000 to Cornell University in New York for a demonstration project in Skaneateles, Otisco and Oneida Lake Watersheds to study the effectiveness of biological controls in addressing the environmental and ecological problems caused by milfoil, waterchestnuts and other aquatic weeds;

79. $150,000 to the State University of New York's Environmental School of Forestry for the Otisco Lake Watershed Evaluation Project;

80. $1,400,000 for the Ohio River Watershed Pollutant Reduction Program;

81. $500,000 for the Integrated Petroleum Environmental Consortium;

82. $100,000 to the City of Altus, Oklahoma to conduct environmental engineering studies for the expansion of water treatment facilities;

83. $130,000 to the City of Lancaster, Pennsylvania for lead screening, testing, outreach, education and abatement;

84. $500,000 for the Brazos-Navasota watershed management project;

85. $250,000 for the Envision Utah Project;

86. $250,000 for the Vermont Department of Agriculture to work with conservation districts to reduce non-point source pollution run-off to the Poultney-Mettowee watershed;

87. $500,000 to King County, Washington for the Direct Carbonate Fuel Cell Demonstration Project;

88. $500,000 to Franklin, Grant, and Adams Counties to support the Groundwater Management Area in Washington State;

89. $50,000 to the Lake Washington Technical College—Redmond campus for the next phase of the environmental assessment of a DoD site;

90. $1,750,000 to the Green Bay Metropolitan Sewerage District in Wisconsin for a biosolids treatment demonstration project;

91. $600,000 for a two year study of sewer system improvements for Superior, Wisconsin;

92. $1,230,000 for on-going activities at the Canaan Valley Institute, including activities relating to community sustainability;

93. $300,000 for the continued implementation of the Potomac River Visions Initiative through the Friends of the Potomac;

94. $200,000 to the Polymer Alliance Zone's MARCEE Initiative with oversight being provided by the Office of Solid Waste.

The conferees have also included an increase of $8,664,000 for enforcement activities conducted by the EPA through the Environmental Programs and Management account.

Agency-wide, the conferees have restored $15,001,100 for enforcement programs and activities conducted through the Science and Technology, Hazardous Substance Superfund, and Environmental Programs and Management accounts, bringing the Agency funding total for enforcement to slightly more than the fiscal year 2001 level. The conferees expect the Agency to restore federal enforcement positions in accordance with the fiscal year 2001 Operating Plan. The conferees recognize that restoring these enforcement positions may result in the on-board personnel level at EPA to exceed 17,500 FTEs.

The conferees have agreed to the following reductions from the budget request:

1. $1,322,900 from Administrative Services;
2. $2,097,800 from Direct Public Information and Assistance;
3. $2,298,700 from Public Access programs;
4. $2,581,200 from Regional Management activities;
5. $2,896,400 from Reinvention programs;
6. $3,234,800 from Project XL; and
7. $11,260,200 as a general reduction.

The conferees direct the Agency to provide no less than the fiscal year 2001 funding level for continuing operation of the Environmental Education programs.

The conferees have, within available funds, provided $2,000,000 for the eight Environmental Finance Centers. This represents an increase of $751,000 over the budget request for this excellent program. Also within available funds, the Agency is directed to provide $3,000,000 above the budget request level for implementation of the High Production Volume Chemical Challenge Program; $200,000 for setting standards and to increase awareness of the benefits of ambient temperature glass technology; and $500,000 for the Association of Metropolitan Sewerage Agencies to provide information to the wastewater treatment industry regarding security measures, and to facilitate communication and coordination between the wastewater treatment industry and relevant governmental agencies in order to increase security at wastewater facilities throughout the nation.

Again this year, the Agency is directed to provide no less than the budget request levels for Pesticide Registration and Re-registration programs. Further, up to $9,000,000 requested to support 87 FTEs in the re-registration program may be used to support tolerance reassessment activities. Bill language has again been included in title IV, General Provisions, prohibiting funds for use to promulgate a final regulation to implement changes in the payment of pesticide tolerance processing fees as proposed at 64 Federal Register 31040, or any similar proposal. Finally, the conferees direct the Agency to use $1,500,000 from within available funds (other than those funds budgeted and provided specifically for registration, re-registration, and tolerance assessment activities) to further demonstrate the current, as well as the proposed expanded role of the Agency, regarding the expedited review and registration of reduced risk pesticides. The Agency is urged to provide for the Committees on Appropriations a detailed report on the results of this demonstration and any specific plans the Agency may have to expand the program.

The conferees have provided, also from within available funds, $2,000,000 for the Administrator to develop and carry out a lamp recycling outreach program. In order to increase awareness of proper disposal methods among commercial and industrial users of energy efficient mercury-containing lamps, including fluorescent and high discharge lamps, this program should be used to promote lamp recycling, in compliance with the provisions of Federal and State Universal Waste Rules. The program is to be developed jointly with State environmental agencies, and with lamp manufacturers and lamp recyclers, either as individual companies, or collectively through their trade associations.

The conferees have provided the full budget request for the Endocrine Disrupter Screening Program and direct that no reductions be proposed in the operating plan submission for this important program. In addition, the conferees are encouraged that the Agency is establishing the Endocrine Disruptor Methods Validation Subcommittee (EDMVS) of the National Advisory Council for Environmental Policy (NACEPT). The EDMVS will provide a means by which interested parties can participate to express their concerns and work to ensure a scientifically sound validation process for the animal and non-animal based screens and tests in the developing program. The conferees urge EPA to develop validation processes that incorporate the advice of the EDMVS, and the Agency is requested to provide a report to the Committees on Appropriations on the status of the EDMVS by March 15, 2002.

The conferees are aware of the extraordinary success the military services have achieved in recent years by utilizing pulse technology in vehicles and equipment. This technology has contributed to significant cost savings in battery management programs and has enhanced the ability of the military services to increase the effectiveness of their environmental responsibilities through the extension of the service life of its batteries. In light of this success of the military, the conferees expect EPA to actively investigate the environmental and monetary benefits that could be realized by encouraging government-wide use of pulse technology in the maintenance of the federal vehicle fleet and other applicable equipment.

In August 2000, EPA published an assessment of the state of the streams of the Mid-Atlantic Highlands area. Because of the importance of the Mid-Atlantic Highlands and the success of the aforementioned assessment, the conferees direct the Agency to prepare a follow-up report on the state of the Mid-Atlantic Highlands as a whole by April 15, 2002. Further, consistent with the House Report accompanying H.R. 2620, the Administrator is expected to enter into an interagency agreement with other federal agencies and cooperative agreements with states, local governments and non-governmental organizations to carry out the goals of the Mid-Atlantic Highlands program.

The conferees note that EPA's August 1, 2001, draft report on ''The National Costs of the Total Maximum Daily Load Program'' does not provide any information on the cost of regulatory changes to the TMDL program on small businesses, notwithstanding specific language in the statement of managers accompanying the fiscal year 2001 appropriations Act directing EPA to conduct that analysis. The conferees intend EPA to estimate the cost to small businesses from implementation of that rule, whether those costs are imposed directly by EPA or indirectly by State programs implementing EPA regulations.

The conferees continue to support efforts being undertaken by state energy, environmental, utility and transportation agencies to integrate their programs, policies, and regulations. The conferees encourage the relevant federal agencies to actively support and participate in this effort.

The conferees are aware that controversy has surrounded adoption of EPA's mixture and derived-from rules. In its adoption of a final rule in May 2001, EPA expressed its intent to continue to pursue actions to provide exemptions for certain low-risk wastes as identified through public comments and scientific documentation. The conferees expect the Agency to expedite the review of any requests for exemptions that may result in the management of certain residues and mixtures as non-hazardous waste, and to finalize those exemptions only where science supports such a determination.

The conferees agree that unspent funds made available in prior year appropriation Acts for certain activities or projects in Cortland County, New York may be used to fund additional projects specifically in that county.

The conferees are aware of public concerns about the potential health and safety risks related to the use of chromated copper arsenate (CCA) to treat wood playground equipment. To this end, the conferees direct EPA to report to the Committees on Appropriations by February 15, 2002, on the steps being taken to identify whether there are significant health and safety risks to children playing on and around CCA-treated wood playground equipment. Such report shall also include the actions EPA is taking to keep state and local governments, as well as the public, informed about their findings on the health effects associated with CCA-treated wood playground equipment.

The conferees are aware of significant and increasing water quality and water quantity problems along the Fox River watershed in Kane, McHenry, Lake, Kendall, DeKalb, and LaSalle Counties, Illinois. The conferees urge that available funds to EPA be used to initiate the development of aggregated watershed data, a watershed-wide Geographic Information System (GIS), overall watershed water quality assessment and modeling, and a framework for facilitating a comprehensive watershed management plan. Any grants made by EPA for this project should be provided to the Illinois EPA.

OFFICE OF INSPECTOR GENERAL

Appropriates $34,019,000 for the Office of Inspector General as proposed by the House and the Senate. In addition to amounts appropriated directly to the OIG, $11,867,000 is also available by transfer from funds appropriated for Hazardous Substance Superfund.

BUILDINGS AND FACILITIES

Appropriates $25,318,000 for buildings and facilities as proposed by the House.

HAZARDOUS SUBSTANCE SUPERFUND

(INCLUDING TRANSFERS OF FUNDS)

Appropriates $1,270,000,000 for hazardous substance superfund as proposed by the House instead of $1,274,645,560 as proposed by the Senate. Bill language provides that $635,000,000 of the appropriated amount is to be derived from the Superfund Trust Fund, while the remaining $635,000,000 is to be derived from General Revenues of the Treasury. Additional language provides for the transfer of $11,867,000 to the Office of Inspector General, and for the transfer of $36,891,000 to the Science and Technology account as proposed by the House instead of $36,890,500 as proposed by the Senate.

The conferees have agreed to the following fiscal year 2002 funding levels:

1. $910,070,000 for Superfund response and cleanup activities.
2. $139,346,000 for enforcement activities.
3. $133,000,000 for management and support.
4. $11,867,000 for transfer to the Office of Inspector General.
5. $36,891,000 for research and development activities, to be transferred to the Science and Technology account.
6. $38,826,000 for reimbursable interagency activities, including $28,150,000 for the Department of Justice and $10,676,000 for OSHA, FEMA, NOAA, the United States Coast Guard, and the Department of the Interior.

The conferees have agreed to provide the budget request level of $97,651,600 for the Brownfields program, which includes funding from various programs within the Hazardous Substance Superfund account (totaling $94,977,400) and the Environmental Programs and Management account. The conferees further agree that the fiscal year 2001 funding levels for the SITE program and for the hazardous substance research centers be maintained for fiscal year 2002.

Once again this year, the conferees support the national pilot worker training program which recruits and trains young persons who live near hazardous waste sites or in communities at risk of exposure to contaminated properties for work in the environmental field. The conferees direct EPA to continue funding this effort in cooperation and collaboration with the National Institute of Environmental Health Sciences.

The conferees agree that $100,000,000 of the appropriated amount shall not become available until September 1, 2002.

LEAKING UNDERGROUND STORAGE TANK PROGRAM

Appropriates $73,000,000 for the leaking underground storage tank program instead of $79,200,000 as proposed by the House and $71,947,400 as proposed by the Senate.

OIL SPILL RESPONSE

Appropriates $15,000,000 for oil spill response as proposed by the House instead of $14,986,000 as proposed by the Senate.

STATE AND TRIBAL ASSISTANCE GRANTS

Appropriates $3,733,276,000 for state and tribal assistance grants instead of $3,436,899,000 as proposed by the House and $3,603,015,900 as proposed by the Senate. Bill language specifically provides $1,350,000,000 for Clean Water State Revolving Fund (SRF) capitalization grants; $850,000,000 for Safe Drinking Water SRF capitalization grants; $75,000,000 for the United States-Mexico Border program; $40,000,000 for grants to address drinking water and wastewater infrastructure needs in rural and Alaska Native communities; $1,074,376,000 for categorical grants to the states and tribes; $343,900,000 for cost-shared grants for construction of water and wastewater treatment facilities and infrastructure and for groundwater protection infrastructure; and $25,000,000 for a new Environmental Information Exchange Network grant program.

The conferees have included bill language which, for fiscal year 2002, authorizes the Administrator of the EPA to use funds appropriated pursuant to the Federal Water Pollution Control Act (FWPCA) to make grants to Indian tribes pursuant to section 319(h) and 518(e) of FWPCA. In addition, bill language has been adopted which, (1) will permit the states to include as principal amounts considered to be the cost of administering SRF loans to eligible borrowers, with certain limitations; (2) permits the Administrator to reserve up to 1½ percent of the funds appropriated for the SRF under title VI of the FWPCA for grants under section 518(c) of that Act; (3) for fiscal year 2002, authorizes the states to transfer funds between the Clean Water and Safe Drinking Water SRF programs; and (4) stipulates that no funds provided in the Act to address water infrastructure needs of colonias within the United States along the United States-Mexico border shall be made available to a county or municipal government unless that governmental entity has established an enforceable ordinance or rule which prevents the development or construction of any additional colonia areas, or the development within an existing colonia of any new home, business, or other structure which lacks water, wastewater, or other necessary infrastructure.

As in previous years, the conferees have included bill language which stipulates that none of the funds provided in this or any previous years' Act for the Safe Drinking Water SRF may be reserved by the Administrator for health effects studies on drinking water contaminants. The conferees have instead provided significant resources for such studies within EPA's Science and Technology account.

The conferees have included bill language which will allow the Agency to use undesignated funds appropriated in prior years for specific water and wastewater grants approved for fiscal year 2002, but have not included a provision authorizing the expenditure of funds for a new State Enforcement Grant program. Although the conferees are generally supportive of state grant programs, it is believed that additional time is needed for the Agency to review and refine this proposal for inclusion in a future budget submission. The conferees note that this action to disapprove inclusion of this new program has been taken without prejudice.

Of the funds provided for the United States-Mexico Border program, $7,000,000 is for the El Paso desalination and water supply project, and $2,000,000 is for the Brownsville, Texas water supply project.

Of the amount provided through categorical grants for air resource assistance grants under sections 103 and 105 of the Clean Air Act, as amended, $10,000,000, an increase of $5,000,000 above the budget request, is for section 103 grants to the states to develop regional haze programs under title I, part C of the Clean Air Act. It is the intention of the conferees that these funds be used to aid states in the development of emissions inventories, quantification of natural visibility conditions, monitoring and other data necessary to define reasonable progress and develop control strategies, and to support the states' participation in regional efforts to coordinate their strategies, where necessary, and at the election of the individual states. The conferees direct the Agency to disburse the funds for the regional haze program to the States' regional planning organizations within 30 days of receipt of completed grant applications.

In addition, the conferees have provided $8,000,000 above the budget request for section 105 air resource assistance grants, $22,593,600 above the budget submission for section 106 water pollution grants and $8,000,000 above the budget submission for the new Beach Environmental Assessment and Coastal Health Act (BEACH) grant program. The conferees have agreed to provide the budget request level for section 319 nonpoint source pollution grants.

The conferees agree that the $343,900,000, together with unallocated funds made available in prior appropriations Acts for communities or other governmental entities for construction of water and wastewater treatment facilities and infrastructure and for groundwater protection infrastructure, shall be accompanied by a cost-share requirement whereby 45 percent of a project's cost is to be the responsibility of the community or entity consistent with long-standing guidelines of the Agency. These guidelines also offer flexibility in the application of the cost-share requirement for those few circumstances when meeting the 45 percent requirement is not financially possible. The Agency is commended for its past efforts in working with communities and other entities to resolve problems in this regard, and it is expected that this high level of effort and flexibility will continue throughout fiscal year 2002. In addition, the conferees agree that unspent water and wastewater infrastructure funds totaling approximately $164,000 provided in a prior appropriation Act for Franklin County, Pennsylvania may be spent for other such water and wastewater infrastructure projects in that county.

The distribution of funds under this program is as follows:

1. $1,800,000 of the Ketchikan Gateway Borough, Alaska for sewer and water improvements;
2. $1,000,000 for Pelican, Alaska water and sewer improvements;
3. $1,800,000 for Petersburg, Alaska for water and sewer upgrades;
4. $3,000,000 for the Girdwood, Alaska water extension;
5. $3,000,000 for addressing above ground leaking fuel tanks in Alaska;
6. $1,500,000 for Wasilla, Alaska water and sewer improvements;
7. $900,000 to the City of Sitka, Alaska for water and wastewater infrastructure improvements for the Sawmill Cove Industrial Park;
8. $500,000 to Tuscaloosa County, Alabama for countywide water and sewer facilities;
9. $1,000,000 for the Southeast Alabama Regional Water Authority for a water facility project;
10. $600,000 for Grant, Alabama for wastewater collection and treatment facilities;
11. $1,000,000 for the City of Jackson, Alabama for water system improvements;
12. $450,000 to Blount County, Alabama for a wastewater treatment and collection systems;
13. $1,900,000 to Rainsville, Alabama for a wastewater treatment facility upgrade and expansion;
14. $500,000 to Arab, Alabama for sewer infrastructure improvements;
15. $300,000 to Guin, Alabama for sewer infrastructure improvements;
16. $250,000 to Franklin County, Alabama for water infrastructure improvements;
17. $300,000 to Sumiton, Alabama for water system infrastructure improvements;
18. $350,000 to Sardis City, Alabama for sewer infrastructure improvements;
19. $900,000 to Shelby County, Alabama for wastewater infrastructure improvements;
20. $2,500,000 to the Alabama Regional Water Authority for the Southwest Alabama Rural/Municipal Water System;
21. $1,000,000 to the Town of Citronelle, Alabama South Alabama Utilities for water infrastructure improvements in Mobile County;
22. $500,000 to the City of Jackson, Alabama for construction of a water treatment facility;
23. $250,000 to the Town of Fulton, Alabama for wastewater infrastructure improvements;
24. $500,000 to the Mobile County Water, Sewer and Fire Protection Authority for construction of new facilities and upgrades to existing facilities;
25. $750,000 to the City of Brewton, Alabama for drainage infrastructure improvements;
26. $1,000,000 to the City of Huntsville, Alabama for water system improvements;
27. $1,000,000 to Hartselle Utilities for wastewater infrastructure in the City of Hartselle, Alabama;
28. $1,000,000 to the City of Tuscumbia, Alabama for drinking water infrastructure improvements;
29. $500,000 to the Limestone County Water and Sewer Authority for drinking water infrastructure improvements;
30. $500,000 to the West Morgan-East Lawrence Water Authority for drinking water infrastructure improvements;
31. $115,000 to the City of Luverne, Alabama for water and wastewater infrastructure improvements;
32. $485,000 to the Clay County, Alabama Water Authority for water and wastewater infrastructure improvements;

33. $2,000,000 for Union County, Arkansas for a community drinking water system;
34. $250,000 to the City of Menifee, Arkansas for wastewater infrastructure improvements;
35. $1,000,000 for the State of Arizona Water Infrastructure Finance Authority for making a loan to the City of Safford, Arizona to address the city's wastewater needs, which will be repaid by the city to the Arizona Clean Water Revolving Fund under title VI of the Federal Water Pollution Control Act, as amended;
36. $500,000 for the Santa Rosa, California, drinking water infrastructure needs;
37. $500,000 for the Los Banos, California, wastewater and drinking water infrastructure project;
38. $500,000 for Compton, California, sewer infrastructure needs;
39. $1,175,000 for Sacramento, California, combined sewer system improvements;
40. $850,000 for the Placer County, California, wastewater treatment project;
41. $500,000 for Lake County, California, for the Clear Lake Basin 2000 project;
42. $2,800,000 for the Olivenhain, California drinking water project;
43. $500,000 for Oxnard, California, area drinking water infrastructure needs;
44. $400,000 to the City of Colton, California for storm drain improvements;
45. $900,000 to the Mission Springs Water District in California to protect groundwater in the City of Desert Hot Springs;
46. $250,000 to the City of Modesto, California for replacement of the 9th Street storm drain;
47. $900,000 to the City of Laguna Beach, Orange County, California for water and wastewater infrastructure improvements;
48. $100,000 to the Calaveras County Water District, California for water infrastructure improvements at the West Point Water System;
49. $150,000 to the Tuolumne Utilities District of Tuolumne County, California for water supply infrastructure improvements and a canal optimization study;
50. $1,800,000 to the Cities of Arcadia and Sierra Madre, California for seismic infrastructure upgrades to the drinking-water delivery system;
51. $485,000 to the Metropolitan Water District of Southern California for the Desalination Research and Innovation Partnership project;
52. $485,000 to the City of Redding, California for water and wastewater infrastructure improvements for the Stillwater Industrial Park;
53. $900,000 to the City of Bellflower, California for a water infrastructure project;
54. $500,000 for the continuation of water infrastructure improvements in Twentynine Palms, California;
55. $250,000 for the Warren Valley Basin Recharge/Reuse project in Yucca Valley, California;
56. $500,000 for the Lower Owens River Project in Inyo County, California;
57. $500,000 for the completion of water infrastructure improvements in the Yucaipa Valley Water District in Yucaipa, California;
58. $250,000 for the development of a water master plan to serve the water infrastructure needs of the City of Hesperia, California;
59. $500,000 for planning and design of a sewage treatment and water reclamation facility in Apple Valley, California;
60. $500,000 for environmental engineering and preliminary design of a regional water recycling facility in Victorville, California;
61. $485,000 to the City of Compton, California for the Willowbrook Water Main Infrastructure project;
62. $675,000 to the City of Brea, California for wastewater infrastructure improvements;
63. $250,000 to the City of Pico Rivera, California for repairs and upgrades of the sewage system;
64. $540,000 to the City of Lathrop, California to address contamination of the Sharp Depot well;
65. $250,000 to Mariposa County, California for infrastructure improvements to the Yosemite West wastewater treatment and disposal facility;
66. $900,000 to the City of Huntington Beach, California for the Huntington Beach Environmental Infrastructure Project;
67. $675,000 to the City of South Gate, California for wastewater infrastructure improvements;
68. $350,000 to the City of Garden Grove, California for construction of the Yockey/Newland Storm Drain;
69. $485,000 to the City of Santa Rosa, California for the Santa Rosa Geysers Reclaimed Water project;
70. $250,000 to the County of Ventura, California for wastewater infrastructure needs in El Rio;
71. $1,485,000 for the Towns of Naturita and Nucia, Colorado for drinking water infrastructure improvements;
72. $1,000,000 for the City of Montrose, Colorado for the Montrose Wastewater Inflow and Infiltration project;
73. $2,400,000 to the City of New Britain, Connecticut for water and sewer infrastructure needs;
74. $485,000 to the Central Naugatuck Valley Council of Governments for water and wastewater infrastructure improvements in the towns of Waterbury, Wolcott, and Middlebury, Connecticut;
75. $1,800,000 to the District of Columbia Water and Sewer Authority to mitigate combined sewer overflows into the Anacostia and Potomac Rivers;
76. $2,000,000 for the Town of Millsboro, Delaware, for wastewater infrastructure needs;
77. $2,000,000 for Eastern Orange and Seminole Counties, Florida, for wastewater treatment upgrades;
78. $900,000 to the City of Clearwater, Florida for water and wastewater infrastructure improvements;
79. $485,000 to St Johns County, Florida for septic tank replacement in the West Augustine community;
80. $250,000 to the City of Jacksonville, Florida for extension of public water hookups;
81. $485,000 to Hillsborough County, Florida for water and wastewater infrastructure improvements;
82. $4,000,000 to Miami-Dade County, Florida for water and wastewater infrastructure improvements;
83. $675,000 to the City of West Palm Beach, Florida for completion of the IPR/Renaissance project, a wetlands-based indirect potable water and wastewater reuse program;
84. $250,000 for the Central Florida Artificial Enhancement Program/Lake Marden Recharge Project;
85. $800,000 to the City of Opa-locka, Florida for drinking water, wastewater and sewer infrastructure improvements;
86. $500,000 to the City of North Miami, Florida for drinking water, wastewater and sewer infrastructure improvements;
87. $500,000 to the City of North Miami Beach, Florida for drinking water, wastewater and sewer infrastructure improvements in the Highland Village neighborhood;
88. $500,000 to the City of South Miami, Florida for drinking water, wastewater and sewer infrastructure improvements;
89. $900,000 to Sarasota County, Florida for the Phillippi Creek Septic Tank replacement project;
90. $900,000 to the City of Boca Raton, Florida for upgrades to the water treatment plant;
91. $485,000 to fund the Central Florida Aquifer Recharge Enhancement Program—Surface Water Recharge Projects;
92. $9,650,000 to the Florida Department of Environmental Protection for the Tampa Bay, Florida regional reservoir infrastructure project;
93. $2,000,000 for the City of Roswell, Georgia, Big Creek Watershed drinking water and sewer infrastructure needs;
94. $900,000 to Paulding County, Georgia for the Richland Creek Reservoir Project;
95. $500,000 to the Guam Waterworks Authority for upgrades to the ground water chlorination system;
96. $1,000,000 for the County of Hawaii to upgrade its drinking water system;
97. $1,985,000 for the City of Des Moines, Iowa for wastewater and stormwater infrastructure improvements;
98. $2,400,000 to the City of Mason City, Iowa for upgrades to its water treatment facilities;
99. $750,000 for the City of Bancroft, Idaho, for water system upgrades;
100. $750,000 for the City of Burley, Idaho, to continue work on a wastewater treatment system project;
101. $250,000 to the Bayview Water and Sewer District in Idaho for the Cape Horn Area Clean Water Compliance Project;
102. $250,000 to the City of Filner, Idaho for construction of a municipal water system;
103. $500,000 for Rock Falls, Illinois, wastewater treatment improvements;
104. $500,000 for Illinois' Clark-Edgar Rural Water District drinking water project;
105. $500,000 for the Monmouth, Illinois, storm sewer project;
106. $985,000 for Galena, Illinois, wastewater treatment improvements;
107. $500,000 for the City of Paris, Illinois, for drinking water infrastructure needs;
108. $500,000 for the City of Macomb, Illinois, for drinking water infrastructure needs;
109. $1,000,000 for the City of Lawrenceville, Illinois for a wastewater treatment facility;
110. $485,000 to the Village of Orland Park, Illinois for wastewater infrastructure improvements;
111. $485,000 to the City of Moline, Illinois for the City's Water Improvement Project;
112. $1,800,000 to the City of Aurora, Illinois for a combined sewer overflow project;
113. $250,000 to the City of Sandwich, Illinois for wastewater and stormwater infrastructure improvements;
114. $900,000 to the Village of Carol Stream, Illinois for expansion of the Carol Stream Reclamation Center;
115. $485,000 to the City of Chrisman, Illinois for construction of a new sewage treatment plant;
116. $900,000 to the Village of Metamora, Illinois for water and wastewater infrastructure improvements;
117. $250,000 to the Village of Justice, Illinois for a water infrastructure improvement project at the Wesley Fields water system;
118. $485,000 to the Village of Johnsburg, Illinois for construction of a wastewater conveyance and treatment system;
119. $900,000 for the City of Fort Wayne, Indiana for a model sewer improvement and stormwater retention project;
120. $630,000 to the Town of Westfield, Indiana for a sewer system improvement project;
121. $300,000 to the City of Carmel, Indiana for infrastructure improvements and an ultraviolet disinfection system;
122. $485,000 to Merrillville Conservancy District in Merrillville, Indiana for wastewater infrastructure improvements;
123. $1,000,000 for the City of Hays, Kansas for the South Russell County Water Project;
124. $485,000 to the City of Ottawa, Kansas for the engineering and design of a new wastewater treatment facility;

125. $500,000 to the City of Wichita, Kansas for wastewater infrastructure rehabilitation;
126. $1,000,000 for Daviess County, Kentucky, for drainage improvements;
127. $485,000 to Bluegrass PRIDE of Kentucky for cleanup of Bluegrass Rivers and Streams;
128. $300,000 to the City of Lawrenceburg, Kentucky for water and wastewater infrastructure improvements;
129. $200,000 to the City of Irvine, Kentucky for the Irvine Sewer Rehabilitation in Estill County;
130. $600,000 to the City of Hodgenville, Kentucky for modernization of the sewer system;
131. $400,000 to the City of Mount Washington, Kentucky for extension of water and wastewater infrastructure for an industrial park;
132. $250,000 to the City of Owenton, Kentucky for extension of sanitary wastewater collection systems;
133. $3,600,000 to the City of Somerset, Kentucky for wastewater infrastructure improvements;
134. $1,400,000 to the City of London, Kentucky for wastewater infrastructure improvements;
135. $485,000 to Ohio County, Kentucky for the Regional Wastewater project;
136. $2,000,000 for the Orleans Parish, Louisiana, sanitary sewer inflow infiltration project;
137. $500,000 for East Baton Rouge Parish, Louisiana, water and sewer infrastructure needs;
138. $485,000 to the City of Denham Springs, Louisiana for wastewater infrastructure upgrades at the Livingston Parish sewer districts Nos. 1 and 2;
139. $900,000 to St. Charles Parish, Louisiana to address noncompliance issues regarding Luling Oxidation Pond;
140. $200,000 to St. John the Baptist Parish, Louisiana for water and wastewater infrastructure improvements;
141. $900,000 to St. Bernard Parish, Louisiana for water and wastewater infrastructure improvements;
142. $300,000 to the City of New Iberia, Louisiana for water and wastewater infrastructure improvements;
143 $100,000 to St. James Parish, Louisiana for water and wastewater infrastructure improvements;
144. $200,000 to the Bayou Lafourche Freshwater District for drinking water improvements and saltwater intrusion prevention;
145. $100,000 to the City of Thibodaux, Louisiana for water and wastewater infrastructure improvements;
146. $2,000,000 for the Bristol County, Massachusetts, combined sewer overflow projects;
147. $350,000 to the City of Lowell, Massachusetts for combined sewer overflow infrastructure support;
148. $485,000 to the Pioneer Valley Planning Commission for mitigation of combined sewer overflows along the Connecticut River;
149. $4,800,000 for biological nutrient removal upgrades at the City of Salisbury, Maryland, wastewater treatment plant;
150. $500,000 for biological nutrient removal upgrades at the Conococheague wastewater treatment plant, Washington County, Maryland;
151. $485,000 to the Hartford County, Maryland Division of Water and Sewer for a water and wastewater extension for the Oaklyn Manor and Manorville Road communities;
152. $900,000 to the City of Cambridge, Maryland for a Biological Nutrient Removal upgrade project and a combined sewer overflow project;
153. $2,000,000 for Vinalhaven, Maine for wastewater infrastructure improvements;
154. $500,000 for the City of Calais, Maine to develop a safe drinking water system;
155. $3,000,000 for the City of Negaunee, Michigan, for wastewater treatment upgrades;
156. $1,000,000 for the Genesee County, Michigan, wastewater treatment project;
157. $900,000 to the City of Bad Axe, Michigan for water and wastewater infrastructure improvements;
158. $1,800,000 for continuation of the Rouge River National Wet Weather Demonstration Project;
159. $900,000 to the City of Grand Rapids, Michigan for combined sewer overflow infrastructure improvements for the National Pollutant Discharge Elimination System;
160. $675,000 to the Village of Almont, Michigan for mitigation of combined sewer overflows and sanitary sewer overflows into the north branch of the Clinton River;
161. $485,000 to the Detroit, Michigan Water and Sewerage Department for water and wastewater infrastructure improvements;
162. $2,175,000 to Oakland County, Michigan for infrastructure improvements within the George W. Kuhn Drainage District;
163. $1,500,000 to the City of Farmington, Michigan to reline a wastewater pipeline;
164. $1,000,000 for wastewater infrastructure needs of Minnesota's Mille Lacs regional wastewater treatment plant;
165. $2,000,000 for West Bottoms, Missouri, stormwater improvements;
166. $250,000 for wastewater treatment planning for South Two-Mile Prairie, Missouri;
167. $1,500,000 for the City of Lebanon, Missouri, for wastewater infrastructure improvements;
168. $400,000 for Bates County Commission, Missouri, to coordinate and implement efforts to assist local municipalities address their drinking water needs;
169. $1,500,000 for Camden County Missouri Public Waste Water facility for sewer and water improvements;
170. $1,500,000 for the City of Cape Girardeau, Missouri for waste water and sewer improvements;
171. $2,000,000 for the City of St Louis, Missouri Metropolitan Sewer District for ongoing improvements;
172. $2,000,000 for the City of Kansas City, Missouri for Phase II stormwater sewer system in the Central Industrial District;
173. $2,000,000 for the Table Rock Lake Wastewater Initiative in Missouri as a National Community Decentralized Demonstration Project;
174. $585,000 to the Clarence Cannon Wholesale Water Commission of Northeast Missouri for water infrastructure improvements;
175. $4,000,000 for Jefferson County, Mississippi for a water and sewer improvements project;
176. $3,000,000 for the City of Ocean Springs, Mississippi for wastewater improvements;
177. $900,000 to the City of Columbus, Mississippi for wastewater treatment infrastructure improvements;
178. $485,000 to the City of Jackson, Mississippi for water and wastewater infrastructure improvements;
179. $585,000 to the City of Picayune, Mississippi for water and wastewater infrastructure improvements;
180. $900,000 to the City of Tupelo, Mississippi for wastewater improvements;
181. $1,500,000 for Lewis and Clark County, Montana for a wastewater development project;
182. $200,000 for Deer Lodge, Montana, sewer infrastructure needs;
183. $500,000 for the Galen Campus sewer upgrade project in Anaconda, Montana;
184. $2,000,000 for the City of Florence, Montana, for wastewater treatment improvements;
185. $1,485,000 for Henderson, North Carolina for the second phase rehabilitation and expansion of the water treatment facilities of the Kerr Lake Regional Water System;
186. $485,000 to the Town of Mooresville, North Carolina Water Treatment Plant for infrastructure improvements;
187. $675,000 to the County of Union, North Carolina for water infrastructure improvements;
188. $1,000,000 to the Town of Pittsboro in Chatham County, North Carolina for a water reuse pumping station;
189. $1,300,000 to Cherokee County, North Carolina for the interconnection of the water distribution systems of the Towns of Andrews and Murphy;
190. $500,000 to the Town of Burnsville, North Carolina for wastewater infrastructure improvements;
191. $1,000,000 for the Grand Forks, North Dakota, water treatment plant;
192. $2,000,000 for the Williston, North Dakota, drinking water infrastructure project;
193. $1,000,000 for Lincoln, Nebraska for wastewater management;
194. $1,250,000 to the City of Omaha, Nebraska to upgrade sewer and sanitary water infrastructure;
195. $1,500,000 for the City of Berlin, New Hampshire for water infrastructure improvements;
196. $500,000 for Salem, New Hampshire to remediate the contamination of private wells;
197. $1,000,000 for Jaffrey, New Hampshire, for a wastewater treatment facility;
198. $900,000 to the City of Nashua, New Hampshire for a combined sewer overflow program;
199. $3,500,000 to the City of Manchester, New Hampshire for a combined sewer overflow project;
200. $1,000,000 for Vernon Township, New Jersey, for wastewater infrastructure improvements;
201. $1,000,000 for Camden, New Jersey, sewer infrastructure needs;
202. $400,000 to Fanwood Township, New Jersey for sewage system sanitary improvements;
203. $2,500,000 to the Passaic Valley Sewerage Commission for continued work on wastewater treatment program;
204. $2,000,000 to the Musconetcong Sewerage Authority in New Jersey to assist the plant in accommodating sewage from Hopatcong and Jefferson Township;
205. $485,000 for wastewater infrastructure improvements for Strawbridge Lake in Moorestown, New Jersey;
206. $1,200,000 for the Dona Ana Mutual Domestic Water Consumers Association of New Mexico to upgrade water systems;
207. $750,000 for the City of Gallup, New Mexico, to upgrade its wastewater treatment plant;
208. $3,800,000 for the North and South Valley of the City of Albuquerque and the County of Bernalillo, New Mexico for a regional and wastewater project;
209. $1,350,000 to the City of Bayard, Village of Santa Clara & Ft. Bayard State Hospital in New Mexico for the regional effluent reuse plan;
210. $1,350,000 to the Village of Ruidoso, New Mexico for the water infrastructure expansion plan;
211. $900,000 to the City of Belen, New Mexico for the wastewater facilities improvements program;
212. $300,000 to Santa Fe County, New Mexico to assist in the development of their Small Community Water Systems;
213. $300,000 to the Town of Bernalillo, New Mexico for a wastewater system improvement project;
214. $200,000 to the City of Moriarity, New Mexico for water and wastewater infrastructure improvements;

215. $100,000 to the Acequia Madre De Carnuel of New Mexico for the creation of a community water system in the Community of Carnuel, Tijeras, New Mexico;

216. $4,500,000 for the City of Fallon, Nevada for drinking water facility construction;

217. $485,000 to the City of Fallon, Nevada for construction of an arsenic treatment facility;

218. $300,000 to the City of Henderson, Nevada for water and wastewater infrastructure improvements;

219. $1,000,000 for drinking water infrastructure needs in the New York City watershed;

220. $485,000 to the Village of Whitney Point, New York for the Whitney Point Wastewater Collection and Treatment System Project;

221. $900,000 to Rockland County, New York for extension of water and wastewater infrastructure of the Western Ramapo Sewer District;

222. $35,000 to the Narrowsburg Water and Sewer District to replace two sand filter beds servicing the Town of Tusten, Sullivan County, New York;

223. $675,000 to the Town of East Fishkill, New York for drinking water infrastructure improvements;

224. $675,000 to the Town of New Windsor, New York for upgrades to the existing sewage treatment plant;

225. $900,000 to the Town and Village of Harrison, New York for water and wastewater infrastructure improvements;

226. $300,000 to the Village of Larchmont, New York for storm water regulation compliance as a member of the Long Island Sound Watershed Intermunicipal Council;

227. $250,000 to the Village of Hewlett Harbor, New York for drainage improvements;

228. $100,000 to the Village of Antwerp, New York to develop a municipal water system;

229. $200,000 to the Village of Sloan, New York for water and wastewater infrastructure improvements;

230. $1,350,000 to the City of Buffalo, New York Department of Public Works for replacement of water lines;

231. $1,800,000 to the Town of Clarence, New York for wastewater treatment infrastructure improvements in the area of Clarence Hollow;

232. $485,000 to Saratoga County, New York for additional sewer lines for the Town of Halfmoon, New York;

233. $10,000,000 for continued clean water improvements for Onondaga Lake, New York;

234. $1,500,000 to the Town of Owasco, New York for sewer wastewater improvements;

235. $2,000,000 for drinking water infrastructure needs in the New York City watershed;

236. $4,000,000 for water quality infrastructure improvements for Long Island Sound, New York;

237. $1,500,000 to the Cayuga County, New York Water and Sewer Authority for sewage and wastewater treatment facility improvements;

238. $500,000 for the Village of Akron, New York for expansion of the wastewater treatment plant;

239. $500,000 for Byesville, Ohio for the Byesville Water Treatment Plan;

240. $1,000,000 for the City of Akron, Ohio for its combined sewer overflow long-term plan;

241. $485,000 to the City of Akron, Ohio for the mitigation of combined sewer overflows through Cuyahoga Valley National Park;

242. $500,000 for the City of Port Clinton, Ohio for its wastewater treatment plan;

243. $480,000 to the City of Delphos, Ohio for construction of a regional reservoir;

244. $743,000 to the City of Lancaster, Ohio for a sewer infrastructure extension project;

245. $1,800,000 to Clark County, Ohio for water infrastructure upgrades;

246. $200,000 to the City of Urbana, Ohio for water infrastructure upgrades;

247. $1,300,000 to the City of Toledo, Ohio for ongoing efforts to upgrade its wastewater treatment infrastructure;

248. $700,000 to Fulton County, Ohio for the extension of public water and sewer lines to the Village of Tedrow from Wauseon, Ohio;

249. $750,000 to the Village of Luckey, Ohio for wastewater and combined sewer overflow infrastructure improvements;

250. $750,000 to Ottawa County, Ohio for sanitary sewer infrastructure improvements for the Village of Clay Center;

251. $500,000 to the City of Bowling Green, Ohio for sewer treatment plant infrastructure improvements;

252. $900,000 to the Northeast Ohio Regional Sewer District for the Doan Brook Watershed Area in Ohio for continued development of a storm water abatement system in the Doan Brook Watershed Area of Ohio;

253. $720,000 to the City of Martins Ferry, Ohio to provide a water pump to extend the water system;

254. $765,000 to Harrison County, Ohio for a water tank and lines in the county industrial park;

255. $387,625 to the Village of Laurelville, Ohio for improvements at the wastewater treatment facility;

256. $485,000 to Trumbell County, Ohio for wastewater infrastructure improvements to the Belmont Avenue Sanitary Sewer System;

257. $2,000,000 for the City of Lawton, Oklahoma for the rehabilitation of its wastewater infrastructure;

258. $900,000 to the City of Normon, Oklahoma for expansion of wastewater treatment facilities;

259. $1,000,000 for the Lower John Day Region in Oregon for a water and wastewater treatment facilities;

260. $1,250,000 for the City of Portland, Oregon wet weather demonstration project;

261. $485,000 to Clackamas County, Oregon for surface water infrastructure improvements;

262. $385,000 to the City of Medford, Oregon for construction of water and wastewater treatment facilities and groundwater protection infrastructure project program;

263. $1,000,000 for the Coudersport Borough, Eulalia Township and Sweden Township in Potter County, Pennsylvania for water and wastewater infrastructure improvements;

264. $2,900,000 for the Three Rivers Wet Weather Demonstration program in the greater Pittsburgh, Pennsylvania area;

265. $1,000,000 for the Upper Milford Township Sewer Project in Lehigh County, Pennsylvania;

266. $485,000 to Robinson Township, Pennsylvania for water and wastewater infrastructure improvements;

267. $900,000 to the City of Corry, Pennsylvania for mitigation of combined sewer overflows;

268. $485,000 to the Borough of Big Beaver, Pennsylvania for construction of a pump station and sewer lines;

269. $900,000 to the Wyoming Valley Sanitary Authority to address combined sewer overflow problems along the Susquehanna River in Pennsylvania;

270. $250,000 to the Authority of the Borough of Charleroi, Pennsylvania for water infrastructure improvements;

271. $900,000 to the City of Titusville, Pennsylvania to mitigate combined sewer overflows;

272. $485,000 to the York City Sewer Authority of Pennsylvania for a wastewater construction project and demonstration;

273. $485,000 to Lackawanna County, Pennsylvania for construction and repair of a centralized sewer system serving Jefferson Township;

274. $150,000 to Pocono Jackson Point Water Authority for extension and upgrade of the authority's drinking water system serving Monroe County, Pennsylvania;

275. $100,000 to Pike County, Pennsylvania for the engineering and design of a centralized sewer system in the Borough of Matamoras;

276. $500,000 to the Municipality of Guanica, Puerto Rico for wastewater infrastructure improvements;

277. $3,250,000 for the Narragansett Bay Commission, Rhode Island, for the combined sewer overflow project;

278. $500,000 for the Town of Warren, Rhode Island, for sewer infrastructure needs;

279. $485,000 to the Town of Cumberland, Rhode Island for water and wastewater infrastructure improvements;

280. $2,000,000 for West Georgetown, South Carolina, regional wastewater treatment system;

281. $1,000,000 for the Laurens, South Carolina, water and sewer commission;

282. $900,000 to the Laurens County, South Carolina Water and Sewer Commission for relocation of water lines as part of the SC Route 72 corridor multilane widening project;

283. $1,000,000 for a Gravity Wastewater Collection System in the Snowden and 6–Mile Communities in Charleston County, South Carolina;

284. $485,000 to Berkeley County, South Carolina for a water extension project to Cross Community Schools;

285. $900,000 to the City of Florence, South Carolina for the Pee Dee River surface water facility;

286. $2,000,000 to the Greenville Water System of South Carolina for infrastructure needs related to high levels of uranium in the water supply;

287. $900,000 for North Sioux City, South Dakota, water and sewer infrastructure needs;

288. $2,000,000 for Aberdeen, South Dakota, drinking water facility improvements;

289. $1,200,000 for Hill City, South Dakota, water and sewer infrastructure needs;

290. $535,000 to North Valley and Summer City Utility Districts for to extend water service to Bledsoe County, Tennessee;

291. $200,000 to Sequachie County, Tennessee for the City of Dunlap's continuing rural waterline infrastructure development;

292. $900,000 to the Watauga River Authority in Carter County, Tennessee for a water infrastructure project;

293. $250,000 to the Tamina Water Supply and Sewer Service Corporation in Montgomery County, Texas for water and wastewater infrastructure improvements in the community of Tamina;

294. $675,000 to Bosque County, Texas for water and wastewater infrastructure improvements;

295. $485,000 to the City of Beaumont, Texas for water and wastewater infrastructure improvements;

296. $700,000 for the Jordan Valley Water Conservancy District, Utah for a groundwater extraction treatment remedial project;

297. $1,000,000 for Sandy, Utah for water and sewer infrastructure improvements;

298. $1,000,000 for the Ogden, Utah for final phase of sewer improvements at the former Defense Depot Ogden;

299. $200,000 to the City of Ogden, Utah for water and wastewater infrastructure improvements;

300. $400,000 for Tooele City, Utah for water and wastewater infrastructure improvements;

301. $720,000 to Logan City, Utah for the wetlands development project;

302. $250,000 to Sandy City, Utah for infrastructure needs related to usable water lines and storm drainage;

303. $500,000 for the City of Norfolk, Virginia, to update wastewater pumping stations;

304. $700,000 for the Caroline County Dawn Sewer project in Bowling Green, Virginia;

305. $675,000 to Smyth County, Virginia for wastewater infrastructure improvements in the Allison's Gap community;

306. $1,800,000 to Prince William County, Virginia for water and wastewater infrastructure improvements;

307. $1,840,000 to the Town of South Boston, Virginia for the Sanitary Sewer Overflow Abatement project;

308. $200,000 to Franklin County, Virginia for preliminary engineering for a water project;

309. $1,743,000 to Virginia's Heartland Partnership for expansion of the wastewater treatment plant to the Virginia's Heartland Regional Industrial Park located in Keysville, Virginia;

310. $200,000 to Fluvanna County, Virginia for wastewater, drinking water and water distribution system infrastructure improvements;

311. $1,350,000 to Richmond, Virginia for continued development of combined sewer overflow improvements;

312. $1,350,000 to Lynchburg, Virginia for continued development of combined sewer overflow improvements;

313. $900,000 to the City of Alexandria, Virginia for the sanitary and stormwater sewer reconstruction and extension project to mitigate overflows polluting Four Mile Run Creek;

314. $485,000 to the County of Northampton, Virginia for wastewater treatment systems improvement and development;

315. $485,000 to the City of Norfolk, Virginia Utility Department for upgrades to the water distribution system in the Haynes Tract area;

316. $500,000 to the Government of the Virgin Islands for water and wastewater infrastructure improvements;

317. $2,500,000 for the Pownal, Vermont, wastewater treatment project;

318. $1,000,000 for East St Johnsbury, Vermont, wastewater treatment project;

319. $2,000,000 for the City of Bremerton, Washington, combined sewer overflow project;

320. $1,500,000 for the Wahkiakum County Public Utility District, Washington, drinking water facility project;

321. $1,800,000 to the City of Bremerton, Washington for the combined sewer overflow treatment plant;

322. $485,000 to Dallesport Industrial Park in Klickitat County, Washington for construction of a wastewater treatment facility;

323. $250,000 to the City of Everett, Washington for pre-design and facilities planning of combined sewer overflow treatment sites;

324. $2,000,000 for the Milwaukee, Wisconsin Sewerage District for continued renovations and repairs to the sewer system;

325. $1,000,000 for the City of Racine, Wisconsin, drinking water treatment project;

326. $1,900,000 to the Village of Marathon City, Wisconsin for debt repayment on water and wastewater infrastructure;

327. $1,000,000 for the City of Brokaw, Wisconsin for the extension and expansion of the sewer and water system;

328. $675,000 to the Inwood Watershed Committee and the Eastern Panhandle Soil Conservation District of West Virginia for the Inwood Storm Water/Water Quality Management Project;

329. $1,000,000 to the Ohio County PSD, West Virginia for water and sewer infrastructure needs in the West Liberty, West Virginia area;

330. $2,500,000 to the City of Wheeling, West Virginia for water and sewer infrastructure needs;

331. $5,000,000 to the Hancock County Commission, West Virginia for water and sewer infrastructure needs;

332. $350,000 for the City of New Martinsville, West Virginia for water and sewer infrastructure needs;

333. $182,000 for the National Corrections and Law Enforcement Training and Technology Center, Inc. (NCLETTC) for water and sewer infrastructure needs;

334. $317,000 for the Barbour County Development Authority in West Virginia for water and sewer infrastructure needs;

335. $1,041,000 for the Mid-Atlantic Aerospace Complex (MAAC) for water and sewer infrastructure needs;

336. $250,000 for the Jefferson County Sewer Authority, Missouri for ongoing sewer infrastructure modernization;

337. $235,000 for Dekalb, Illinois for drinking water infrastructure improvements.

The conferees expect the Agency to develop a broad working group to review and address the spectrum of wastewater issues as outlined in the House Report accompanying H.R. 2620, request that the Committees on Appropriations be kept apprised of all activities of the working group, and further request that the working group, with the assistance of the Agency, prepare and submit to the Committees on Appropriations by July 15, 2002 a report addressing all matters as outlined in the House Report as well as those additional issues determined appropriate by the working group.

ADMINISTRATIVE PROVISIONS

The conferees have included an administrative provision proposed by the House and the Senate which permits the Administrator, in carrying out environmental programs required or authorized by law in the absence of an acceptable tribal program, to award cooperative agreements to federally authorized intertribal groups to assist the Administrator in implementing federal environmental programs for tribes. Funds designated for State financial assistance agreements may not be used for such cooperative agreements.

The conferees have also included an administrative provision proposed by the House and modified by the conferees which authorizes for fiscal year 2002 EPA's Pesticide Maintenance Program, including the collection of up to $17,000,000 for operation of the registration, re-registration, and tolerance assessment programs.

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

Appropriates $5,267,000 as proposed by both the House and Senate.

The conferees agree that the Office of Science and Technology Policy should make the clarification of the International Traffic in Arms Regulation a high priority for resolution. The conferees expect the President's Science Advisor to address and resolve the matter by February 1, 2002.

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

Appropriates $2,974,000 for the Council on Environmental Quality and Office of Environmental Quality as proposed by the House and the Senate. The conferees have again this year included language proposed by the House and the Senate which authorizes the Council to operate with one member, that member acting as chairman of the Council.

Language proposed by the Senate prohibiting CEQ and OEQ from using funds other than those appropriated under this heading has not been included. In lieu of this statutory prohibition, the conferees direct that the CEQ provide, on a quarterly basis beginning January 1, 2002, a brief report outlining the specific use of non-CEQ federal employees. Such report should include, at a minimum, the number of non-CEQ employees utilized for specific programs or projects by the CEQ, the home office of each such employee, the program or project for which the non-CEQ employee is being utilized by CEQ, and the duration each such employee is expected to be involved with such program or project.

Finally, language has been included which provides a representation allowance of up to $750 for the Chairman of the CEQ.

FEDERAL DEPOSIT INSURANCE CORPORATION

OFFICE OF INSPECTOR GENERAL

Appropriates $33,660,000 for the Office of Inspector General, the same amount as included in both the House and Senate bill. Funds for this account are derived from the Bank Insurance Fund, the Savings and Loan Insurance Fund, and the FSLIC Resolution Fund and are therefore not reflected in either the budget authority or budget outlay totals.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

(INCLUDING TRANSFERS OF FUNDS)

Appropriates $664,000,000 for disaster relief, instead of $1,369,399,000 as proposed by the House and $359,399,000 as proposed by the Senate. In addition, appropriates $1,500,000,000 in contingent emergency funding for disaster relief instead of $1,300,000,000 as proposed by the House and $2,000,000,000 as proposed by the Senate. Includes language proposed by both the House and Senate providing for the transfer of $2,900,000 to the emergency management planning and assistance account for the consolidated emergency management performance grants program. The conferees have included two new provisions, neither of which was included in either bill, to allow for the transfer of amounts from the disaster relief account to other program accounts. First, $25,000,000 is available for transfer to the emergency management planning and assistance account for pre-disaster mitigation activities. Second, $25,000,000 is available for transfer to the flood map modernization fund and available for expenditure in fiscal year 2002.

The conferees are aware that on March 1, 2001 FEMA issued its ''Clarification on SHMPH 'Immediate Occupancy' Requirement for using SHMPH Funding to Seismically Upgrade Existing Buildings.'' This Clarification defined parameters for the determination of when the ''immediate occupancy'' requirement in the Seismic Hazard Mitigation Program for Hospitals (the SHMPH Program) would be met by a subgrantee. The conferees urge FEMA to recognize that prior to the announcement of the clarification, many subgrantees in the SHMPH program worked diligently to move forward with their designs and construction in the belief that their plans met the undefined immediate occupancy requirement in the SHMPH program. The conferees urge FEMA to work closely with these subgrantees to ensure no disruption in their design or building schedule as a result of this program announcement.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

The conferees agree to provide a limitation of $25,000,000 on direct loans, a cost of $405,000 for direct loans, and a limitation on administrative expenses of $543,000 for the disaster assistance direct loan program account. The foregoing are the same as provided by both the House and the Senate.

SALARIES AND EXPENSES

Appropriates $233,801,000 for salaries and expenses as proposed by the Senate instead of $227,900,000 as proposed by the House. The

amount provided does not include the reduction to Preparedness, Training and Exercises as proposed by the House. The amount provided includes $11,000,000 for FEMA's role in consequence management associated with the 2002 Olympics and Paralympics as requested in the budget submission. The conferees have not included any funding for an Office of National Preparedness at FEMA. The conferees will entertain such funding in the future when it has had an opportunity to evaluate a comprehensive plan outlining FEMA's role in dealing with terrorism and its consequences.

OFFICE OF INSPECTOR GENERAL

Appropriates $10,303,000 for the Office of Inspector General, the same amount as included in both the House and the Senate bills.

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

Appropriates $404,623,000 for emergency management planning and assistance as proposed by the House instead of $429,623,000 as proposed by the Senate. The amount provided includes $150,000,000 to carry out the Federal Fire Prevention and Control Act of 1974, as amended by Public Law 106–398. The conferees have included bill language which provides that up to five percent of the funds may be transferred to Salaries and Expenses for administrative expenses associated with the program. The conferees are pleased that FEMA was able to implement expeditiously the provision of this program and meet the deadline of September 30, 2001 for completion of the first round of grants. The conferees believe that this success was due in no small part to the structure of the program and the decision to limit the program to only six categories of grants rather than the fourteen categories approved in the authorization legislation. The conferees believe that FEMA should consider making grants in the area of emergency medical services, but expansion into other categories should be considered only after substantial progress has been made in addressing the needs associated with fire prevention, firefighting equipment, personal protective equipment, training, vehicles, and wellness and fitness programs.

The conferees also expect states and localities to maintain their current level of funding support for local fire departments and companies and that any Federal grant funds are to be used solely to enhance local firefighting capacity, equipment needs, vehicles, and fire prevention programs as well as any other eligible uses.

FEMA is encouraged to undertake an ongoing evaluation of the application process for the fire grant program to ensure the widest participation in the program. The conferees are particularly concerned that smaller entities with limited resources may not be able to participate fully and FEMA should consider their circumstances as it evaluates the effectiveness of the program.

The conferees urge FEMA to continue efforts to simplify and streamline the fire grant application process and direct FEMA to establish an independent advisory committee comprised of professional and volunteer firefighters to provide policy and technical guidance on implementation and administration of the fire grant program.

In addition, the conferees have agreed to provide $25,000,000 by transfer from the disaster relief account for pre-disaster mitigation activities.

The conferees are aware of the heightened importance of bringing technology applications to the local, state, and Federal levels of the emergency management community for the purpose of reducing the impact of both natural disasters and terrorist attacks. Therefore, the conferees continue to support the partnership between the National Technology Transfer Center (NTTC) and FEMA and direct continuation of the cooperative agreement at the current level of effort. Additionally, NTTC shall submit a report no later than July 1, 2002 that outlines the progress made on the commercialization endeavors and the cooperation between NTTC and FEMA.

The conferees direct FEMA to maintain the current level of support for the Administrative and Resource Planning Directorate efforts to archive key agency documents by digitization to optical disks.

The conferees believe that many of the nation's universities are vulnerable to disaster and urges FEMA to continue its Disaster Resistant University program and expand the scope to include safeguarding university assets from acts of terrorism.

The conferees direct FEMA to ensure the full and complete integration of the American Red Cross into all emergency preparedness planning, training and response activities. Further, during times of disaster, FEMA and agencies signatory to the Federal Response Plan are to support fully the work of the American Red Cross. Support shall include, but not be limited to the following, means of transportation; appropriate security clearances; access to disaster sites and threat information briefings; and planning for continuity of operations of the American Red Cross National Headquarters.

The conferees are concerned that accurate and timely information is not available to the general public and all relevant government officials during and following an act of terrorism. In an effort to improve communication, the conferees urge the Director of FEMA to work with the Nation's governors and the Mayor of the District of Columbia (DC) to designate a lead intergovernmental and public affairs official in each state and DC to serve as the central coordinator for information coming from Federal and local governments and the central source of information for the public regarding terrorism-related incidents.

RADIOLOGICAL EMERGENCY PREPAREDNESS FUND

Provides for the receipt and expenditure of fees collected as authorized by Public Law 106–377. Both the House and the Senate included this provision in their respective bills.

EMERGENCY FOOD AND SHELTER PROGRAM

Appropriates $140,000,000 for the emergency food and shelter program as proposed by the House instead of $139,692,000 as proposed by the Senate.

FLOOD MAP MODERNIZATION FUND

Appropriates no new funding under this heading for flood map modernization. The conferees have included authority within the disaster relief account to transfer $25,000,000 to this account for flood map modernization activities.

NATIONAL FLOOD INSURANCE FUND

(INCLUDING TRANSFERS OF FUNDS)

The conferees agree to include bill language which authorizes the National Flood Insurance Program through December 31, 2002. Both the House and Senate had addressed this issue, but there were technical differences between the respective bills. In addition, the conferees agree to provide for salaries and expenses of up to $28,798,000, $76,381,000 for flood mitigation activities, a limitation of $55,000,000 for operating expenses, $536,750,000 for agents' commissions and taxes, and $30,000,000 for interest on Treasury borrowings. Finally, the conferees agree that up to $20,000,000 may be transferred for expenses under section 1366 of the National Flood Insurance Act.

NATIONAL FLOOD MITIGATION FUND

The conferees agree to provide for the transfer of up to $20,000,000 from the National Flood Insurance Fund to the National Flood Mitigation Fund as proposed by both the House and the Senate. The conferees further agree that $2,500,000 of the funds provided in this program shall be used to buy-out flood prone properties in Austin, Minnesota.

GENERAL SERVICES ADMINISTRATION

FEDERAL CONSUMER INFORMATION CENTER FUND

Appropriates $7,276,000 as proposed by both the House and Senate.

The conferees are very supportive of the Federal Consumer Information Center (FCIC) and their efforts to provide the public with important information on government services and publications. The conferees are concerned that a change to the organization, administrative location, or the current function or mission mandate of FCIC could potentially compromise the outstanding services that FCIC currently provides. Therefore, the conferees direct that any such change be clearly outlined in a proposal submitted to the Committees on Appropriations for 30 days of review. Such a proposal shall include the justification for such action, a description of all planned organizational realignments, the anticipated staffing or personnel changes, an assessment of the effect on the current operations of FCIC, and estimates of the proposed changes on future funding needs.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Of the amounts approved by the conferees in this agreement, NASA must limit reprogramming of funds between programs and activities to not more than $500,000 without prior notification to the Committees on Appropriations of the House and Senate. Any activity or program cited in this report shall be construed as the position of the conferees and should not be subject to reductions or reprogramming without prior approval. NASA shall provide outyear implications of all reprogrammings and operating plan changes should the Committees request the information.

HUMAN SPACE FLIGHT

(INCLUDING TRANSFERS OF FUNDS)

The conferees agree to provide $6,912,400,000 for human space flight instead of $6,868,000,000 as proposed by the Senate and $7,047,400,000 as proposed by the House. The House had also proposed an additional $275,000,000 for development of a crew return vehicle for the international space station ISS. The funding provided includes a reduction of $50,000,000 associated with the cancellation of the Electric Auxiliary Power Unit upgrade which has experienced technical difficulties, an increase of $20,000,000 for high priority safety upgrades for a total of $207,000,000, an increase of $25,000,000 for the repair/replacement of doors on the Vehicle Assembly Building at the Kennedy Space Center, a reduction of $20,000,000 from the Human Exploration and Development of Space program, and a general reduction of $75,000,000 from the ISS program. The conferees have not provided any additional funding for the Crew Return Vehicle, for which the House had proposed $275,000,000. The funding level also reflects the transfer of $283,600,000 for ISS research from the human space flight account to the science, aeronautics and technology account.

The conferees are in agreement with the ISS Management and Cost Evaluation report

that in order to establish a credible ISS program that achieves maximum research potential, it is necessary to keep enhancements viable. for this reason, the conferees direct that NASA should provide no less than $40,000,000 for the X–38 vehicle.

The conferees direct that not less than $207,000,000 be made available for Space Shuttle Safety Upgrades, unless NASA outlines in a fiscal year 2002 Operating Plan adjustment, agreed to by the House and Senate Committees on Appropriations, reallocations from this level necessary to preserve balance in NASA's stated priority goals for the Shuttle Program, as follows: (1) fly safely; (2) meet the flight manifest; (3) improve supportability; and (4) improve the system. The conferees agree that further clarification on NASA's shuttle upgrade program is required, including how the program relates to future shuttle alternatives and infrastructure needs. NASA is directed to submit a report addressing these issues by March 15, 2002.

The conferees are in agreement that the ISS shall be funded at no more than $1,963,600,000 in fiscal year 2002, including civil service compensation.

When the House and the Senate drafted their respective bills, the Administration had recently proposed dramatic changes to the ISS program in light of a purported shortfall of over $4,000,000,000. The redesigned station was dubbed ''U.S. Core Complete'' and included elimination of the Crew Return Vehicle, the Habitation Module, the Propulsion Module, a 37 percent reduction in ISS science, and undefined ''management efficiencies'' and better cost estimating. It was the position of the House at that time that such changes could not be endorsed given the limited amount of information available to the Congress. It was this lack of information which led the House to conclude that termination of the Crew Return Vehicle was premature, that NASA should be encouraged to pursue an international barter arrangement for development and construction of a habitation module, and that a significant add-back to the ISS science program was warranted. In the hope of getting more information, the House initiated an investigation into the ISS program with the goal of answering basic questions with regard to the real cost of the program, the underlying cause of cost increases, lapses in oversight and the causes thereof, and the extent to which previously identified problems or concerns were not addressed.

The initial stages of the House investigation have been completed with the conclusion being that the concept of ''U.S. Core Complete'' is ill-defined, that the science program needs to be more rigorously evaluated, that all options for enhancing crew time for research need to be fully explored, and that international agreements need to be evaluated and compliance with such agreements needs to be clarified. It is also the initial conclusion of the House investigation that NASA's lack of an integrated financial management system impedes its ability to determine the status of contract execution and provide program managers with necessary financial information.

The conferees are in agreement that first and foremost the Director of the Office of Management and Budget and the Administrator of NASA shall submit a report to the Committees on Appropriations of the House and the Senate which defines in specific detail the U.S. Core Complete configuration of the ISS and provides a ten-year total funding profile for that configuration; clearly defines the content and scope of the research science program; and provides costs and schedule to develop the Crew Return Vehicle. The conferees are aware of ongoing negotiations between NASA and the Italian Space Agency concerning a stretch version of the Multi-Purpose Logistics Module as a substitute for the habitation module. The conferees see the utility of using a proven platform and encourage NASA to move with all deliberate speed, subject to an appropriate and cost-effective barter arrangement.

The conferees are in agreement that the Director of OMB shall certify and report such certification to the Committees on Appropriations of the House and the Senate, that any proposal to enhance the ISS design above the content planned for U.S. Core Complete, is (1) necessary and of the highest priority to enhance the goal of world class research in space aboard the International Space Station; (2) within acceptable risk levels, having no major unresolved technical issues and a high confidence in independently validated cost and schedule estimates; and (3) affordable within the multi-year funding available to the ISS program as defined above or, if exceeds such amounts, the additional resources are not achieved through any funding reduction to programs contained in Space Science, Earth Science, and Aeronautics.

The conferees are aware of a study being conducted by the National Research Council per the direction of the House Committee on Science and the Senate Committee on Commerce, Science and Transportation to address the station research program. If possible, the conferees would like the National Research Council to expand that study to compare and evaluate the research programs of the ISS which can be accomplished with a crew of three and a crew of six; and, an assessment of the probable cost-benefit ratios of those programs, compared with earth-bound research which could be funded in lieu of research conducted on the ISS.

The conferees agree with the direction contained in the Senate report for NASA to empanel a task force to study all options, together with their costs, for enhancing crew research time on the U.S. Core Complete ISS.

The conferees are concerned that NASA lacks an integrated financial management system and therefore can not adequately manage its programs. NASA is directed to place the highest priority on correcting this fundamental management deficiency, a deficiency which should have been corrected many years ago.

Finally, the conferees direct the Secretary of State, the Director of the Office of Management and Budget, and the Administrator of NASA to submit a joint explanation of how the United States is fulfilling its written commitments to its ISS international partners. This report is due no later than July 15, 2002.

With regard to the decision by the conferees to reduce the ISS budget by $75,000,000 in fiscal year 2002, the conferees note that the Post-Assembly Operations Cost Estimates (November 1999) and a report on ISS Operations Architecture (August 2000) both called for significant reductions in personnel associated with the program. Yet NASA and the ISS program management refuse to implement the provisions of these two reports for no apparent reason other than the desire to maintain a standing army of personnel. The conferees have reached the conclusion that the only way management will actually manage the program, and thereby get its costs under control, is through being forced to live with less. The conferees are reluctant to take this approach, but find that the intransient management cannot be trusted to make the tough decisions on their own and must be forced to make decisions which are in the long-term interest of the program. NASA is directed to submit to the Committees on Appropriations of the House and the Senate a report, concurrent with submission of the fiscal year 2003 budget, which describes its plans for managing and operating the ISS over the life of the station, to include specific manpower and financial needs for operation and support.

SCIENCE, AERONAUTICS, AND TECHNOLOGY

(INCLUDING TRANSFER OF FUNDS)

Space Science

The conferees have agreed to provide $2,848,937,000 for space science programs, an increase of $62,575,000 to the budget request.

The conferees agree with the House that by merging the budgets for aeronautics and space into a single ''aerospace technology'' program element several years ago, NASA has made it virtually impossible to account for the current investment in aeronautics. For this reason, the conferees direct NASA to reestablish a consolidated aeronautics line in the fiscal year 2003 budget submission that comprehensively covers all research base, focused, and advanced technology programs, and related test facilities and civil service costs. NASA should also provide a clear budget crosscut identifying all aeronautics programmatic activities in the current budget structure in its initial fiscal year 2002 operating plan.

The conferees recognize the need for maintaining core capabilities at NASA centers with responsibility for space science missions and operations. As a result, the conferees will support permitting the Europa Orbiter (EO) mission to be sole sourced intramurally, provided that the NASA Administrator certifies to the Committees on Appropriations of the House and the Senate in the fiscal year 2002 operating plan that such action is essential to maintain said core capabilities. The conferees expect that in making any such determination, the Administrator will guarantee that there is a specific and demonstrable plan to ensure that sufficient core and focused program outer planetary Advanced Technology Development (ATD) funds will be available to extramural entities in industry and academia through full and open competition, with the five-year profile for this competition specified in the fiscal year 2003 budget submission. NASA should proceed with the selection of Europa science instruments as planned and shall cap the total EO program costs (ATD and execution of all phases A/E) at $1,000,000,000. No reduction for EO instrument support to the selected science teams should be made in fiscal year 2002.

The conferees have not accepted the Senate proposal to reduce NASA's space operations budget by $25,000,000 by transferring Telecommunication and Mission Operations Directorate (TMOD) functions at the Jet Propulsion Laboratory to the Consolidated Space Operations Contract (CSOC). The conferees note that NASA has transferred some non-critical positions to the CSOC contract and direct NASA to continue this effort by transferring no less than five percent of the non-critical positions to CSOC and work toward increasing this percentage in future years if warranted. In addition, the conferees transfer TMOD to the Office of Space Science and direct that any savings resulting from the transfer of TMOD positions be reinvested in science missions.

The conferees agree to the following changes to the budget request:

1. An increase of $1,675,000 for the Center for Space Sciences at Texas Tech University, Lubbock, Texas.

2. An increase of $3,000,000 for space solar power.

3. An increase of $1,900,000 for the Mid-American Geospatial Information Center based at the University of Texas at Austin, Center for Space Research.

4. The conferees direct $22,000,000 be used to continue the construction of the Propulsion Research Laboratory at the Marshall Space Flight Center, of which $13,000,000 is derived from the Office of Space Science in-space propulsion augmentation and $9,000,000 is derived from the Office of Aerospace Technology in-space propulsion program. The funds remaining in the Office of Space Science in-space propulsion program are to be used for advanced technology development for planetary exploration and shall be competed on the same basis as other advanced technology development programs.

5. An increase of $3,000,000 for the Sun-Earth Connections program for Solar Probe. NASA should consolidate management for this mission with its existing SEC/Living With a Star program in lieu of the proposed termination.

6. An increase of $10,000,000 for the Sun-Earth Connections program for Living With a Star (LWS) program for a total of $50,200,000 in fiscal year 2002. The conferees believe that understanding solar variability and its effect on earth and mankind is of paramount importance as we strive to understand our galaxy. Increasing our knowledge of the effects of solar variability and disturbances on terrestrial climate change and being able to provide advanced warning of energetic particle events that affect the safety of humans and space flight are also of particular importance. The proposed funding restoration will allow LWS to proceed on the original NASA plan of Sun-Earth connected System Science whereby both the Solar Dynamics Observatory and the Geospace Missions Network will proceed in a coordinated manner to attain the program objectives. All LWS and SEC program funds in 2002 should be used exclusively for relevant ATD, science support and spacecraft development activities. Any capital projects to support the program, apart from the standard de minimis facility renovations under $500,000 should be requested in subsequent years through the standard construction of facilities program element. This LWS funding augmentation is in addition to the $8,900,000 provided for future solar terrestrial probes as requested in the budget.

7. An increase of $3,000,000 for the Center on Life in Extreme Environments at Montana State University.

8. An increase of $1,000,000 for the development of advanced materials for batteries and fuel cells, to be conducted by Virginia Commonwealth University.

9. An increase of $30,000,000 for the Pluto Kuiper Belt (PKB) mission. The conferees direct NASA to proceed with its plan for source selection, but recognize the launch dates may be altered due to delays in the source selection process. Funds provided should be used to initiate appropriate spacecraft and science instrument development as well as launch vehicle procurement. The conferees direct NASA to consolidate PKB development funds within the Outer Planets line beginning in fiscal year 2003.

The conferees have provided the budget request of $92,100,000 for advanced technology development related to the Next Generation Space Telescope (NGST) and expect NASA to vigorously pursue the development of the NGST and submit an out-year budget plan, concurrent with the submission of the fiscal year 2003 budget, for soliciting development and management proposals with the goal of a launch in 2007. If technical and budgetary constraints preclude the launch of NGST by 2007, the conferees wish to underscore their strong desire that there should be no gap between the end of the operations for the Hubble Space Telescope (HST) and the onset of operations for NGST. As part of the out-year budget plan, NASA should outline its transition plan to guarantee uninterrupted continuity between HST and NGST.

The conferees agree to provide the full budget request for the Mars program. NASA is directed to prepare a detailed plan, to be submitted to the Committees on Appropriations of the House and Senate concurrently with the submission of the President's fiscal year 2003 budget request, on future Mars missions beyond the proposed 2007 mission. The plan should have a detailed definition on the program's content, five-year budget forecast, and schedule, and shall include a five-year profile to make significant advanced technology funding available to extramural partners.

Biological and Physical Research

The conferees have agreed to provide $714,370,000 for biological and physical research programs, an increase of $353,450,000 to the budget request.

The conferees have agreed to transfer a total of $283,600,000 from the Human Space Flight account into this program for research activities associated with the International Space Station. The conferees have not included a transfer from Human Space Flight of civil service and other costs associated with these activities and directs NASA to make such a transfer as part of the operating plan to the extent such a transfer is needed.

The conferees agree to the following changes to the budget request:

1. An increase of $338,600,000 for space station research consisting of a transfer of $283,600,000 from Human Space Flight, and an increase of $55,000,000 for the Fluids and Combustion Facility and other priority space station research and equipment.

2. An increase of $2,750,000 for the Space Radiation program at Loma Linda University Hospital.

3. An increase of $1,750,000 for Earth University to research Chagas disease.

4. An increase of $1,450,000 for the development of machine/bio-interface devices to provide advanced diagnosis and countermeasures at the University of Louisville.

5. An increase of $400,000 for the Center for Research and Training in gravitational biology at North Carolina State University.

6. An increase of $1,000,000 for the New Jersey NASA Specialized Center of Research and Training. The conferees commend the work of this organization and its application not only to long-duration space missions but its impact on the agricultural and environmental business sectors. The conferees encourage NASA to continue funding these vital efforts and recommends the agency create a technology development and demonstration center in New Jersey focusing on life support issues in closed environments.

7. An increase of $1,000,000 for high definition telemedicine technology development at Florida Atlantic University.

8. An increase of $1,000,000 for Southern Methodist University's life sciences program.

9. An increase of $2,000,000 for multi-user scientific equipment for the Life Sciences Center at the University of Missouri-Columbia.

10. An increase of $1,500,000 to fund research at the University of Missouri's Center for Gender Physiology in the area of gender-related issues in space flight crews.

11. An increase of $2,000,000 to fund research at the University of Missouri-Columbia in physical, biological, and biomedical areas which address NASA strategic objectives.

Earth Science

The conferees have agreed to provide $1,573,413,000 for earth science programs, an increase of $58,435,000 to the budget request.

The conferees agree to the following changes to the budget request:

1. An increase of $1,200,000 for the Advanced Tropical Remote Sensing Center of the National Center for Tropical Remote Sensing Applications and resources at the Rosenstiel School of Marine and Atmospheric Science.

2. An increase of $428,000 for continuation of emerging research that applies remote sensing technologies to forest management practices at the State University of New York, College of Environmental Sciences and Forestry.

3. An increase of $1,425,000 for NASA's Regional Application Center for the Northeast.

4. An increase of $812,000 for operations of the applications center for remote sensing at Fulton-Montgomery Community College, Johnston, New York.

5. An increase of $14,350,000 for the Institute of Software Research for development and construction of research facilities.

6. An increase of $750,000 for on-going activities at the Goddard Institute for Systems, Software, and Technology Research, including UAV and remote sensing technology research.

7. An increase of $750,000 for the Clustering and Advanced Visual Environments initiative.

8. An increase of $4,750,000 for data storage back-up and recovery services at the Goddard Space Flight Center.

9. An increase of $1,000,000 for the Triana Science Team to continue its work in preparation for future launch. The conferees recognize that the Triana mission, as reviewed and endorsed by the National Academy of Sciences, is complete and ready for launch. However, due to Shuttle manifest conflicts, Triana has been placed in storage until launch accommodations can be established. The conferees understand that NASA is exploring all launch possibilities for the Triana spacecraft, including potential options involving foreign launch vehicles. The conferees recognize the important scientific contributions to be made by Triana and, if NASA were to identify a suitable launch opportunity for Triana, the conferees would be receptive to NASA's reprogramming resources within available fiscal year 2002 Earth Science funding toward the costs of necessary spacecraft modification and launch integration efforts to accomplish such a launch.

10. An increase of $750,000 for next generation sensing equipment, to be operated by Ben Gurion University for use in correlating measurements taken by aircraft and satellites in support of programs under the auspices of the Goddard Space Flight Center.

11. An increase of $3,000,000 from the NASA Earth Science Enterprise to be transferred to the Air Force Research Laboratory (PE 602204F Aerospace Sensors) to develop dual-use lightweight space radar technology. The conferees expect the Air Force to work closely with NASA to identify mutually beneficial technologies.

12. An increase of $1,425,000 for the United States portion of a joint U.S./Italian satellite development program to remotely observe forest fires.

13. An increase of $23,500,000 for the Synergy program to develop additional end uses for EOS data.

14. An increase of $6,000,000 for the EOSDIS Core System to expand its data processing and distribution capacity.

15. An increase of $2,000,000 for weather and ocean research at the University of Alaska and the University of Massachusetts.

16. An increase of $3,500,000 for the University of Montana for an International Earth Observing System Natural Resource Training and Data Center.

17. An increase of $500,000 for the Morehead State University Space Science Center for

the reconstruction of the ADAS satellite tracking system.

18. An increase of $2,000,000 for the University of Mississippi Geoinformatics Center.

19. An increase of $1,500,000 for George Mason University Center for Earth Observing and Space Research.

20. An increase of $3,000,000 for the University of South Mississippi for research into remotely sensed data for coastal management.

21. An increase of $1,000,000 for the Mid-America Geospatial Information Center at the University of Texas.

22. An increase of $1,500,000 for Idaho State University for the Temporal Landscape Change Research program.

23. An increase of $500,000 for Utah State University to develop an Inter-mountain Region Digital Image Archive and Processing Center for Landscape Analysis, Planning and Monitoring.

24. A general reduction of $17,205,000.

The conferees expect NASA to continue to pursue options for commercial data purchase approaches on all Earth Science Enterprise program Announcements of Opportunity.

Aero-Space Technology

The conferees have agreed to provide $2,489,570,000 for aerospace programs, an increase of $113,830,000 to the budget request.

The conferees agree to the following changes to the budget request:

1. An increase of $10,000,000 for the Ultra Efficient Engine Technology for a total budget of $50,000,000 in fiscal year 2002.

2. An increase of $2,850,000 for the Earth Alert project at the Goddard Space Flight Center.

3. An increase of $2,375,000 for the NASA-Illinois Technology Commercialization Center at DuPage County Research Park.

4. An increase of $190,000 for the Rural Technology Transfer and Commercialization Center of Durant, Oklahoma.

5. An increase of $1,900,000 for the University of New Orleans Composites Research Center for Excellence at Michoud, Louisiana.

6. An increase of $522,000 for the fractional ownership test program.

7. An increase of $1,425,000 for the Glennan Microsystem Initiative.

8. An increase of $2,850,000 for the Polymer Energy Rechargeable System.

9. An increase of $475,000 for continued development of nickel metal hydride battery technology.

10. An increase of $1,900,000 for Wayne State University for its emerging technology and aerospace programs.

11. An increase of $950,000 for the University of Alabama, Huntsville, Aviation Safety Laboratory.

12. An increase of $950,000 to be used for continued development of an electric/diesel hybrid engine at Bowling Green University.

13. The following programs are to be funded within the Aviation System Capacity program: $4,200,000 for the HITS multilateration sensor and surveillance server for Airport Surface Detection and Management System, $1,200,000 for the development of the Dynamic Runway Occupancy Measurement System, $1,400,000 for development of a Runway Taxi Route Detection and Conformance Monitoring System, and $5,000,000 for Project SOCRATES.

14. An increase of $2,850,000 to expand the Space Alliance Technology Outreach Program, including NASA business incubators, in Florida and New York.

15. An increase of $950,000 for the Advanced Interactive Discovery Environment engineering research program at Syracuse University.

16. An increase of $7,600,000 for the National Center of Excellence in Photonics and Microsystems in New York.

17. An increase of $2,375,000 for the Virtual Collaboration Center at the North Carolina GigaPop.

18. An increase of $1,900,000 for the Garrett Morgan Commercialization Initiative in Ohio.

19. An increase of $750,000 for research at Marshall Space Flight Center in the area of interstellar propulsion.

20. An increase of $1,693,000 for the Dryden Flight Research Center Intelligent Flight Control System research project.

21. An increase of $950,000 for development of advanced composite materials for a super lightweight prototype structure and a generic carrier for the space shuttle orbiter.

22. An increase of $8,125,000 for hydrogen research being conducted by the Florida State University System.

23. An increase of $4,750,000 for space biotechnology research and commercial applications to be conducted at the University of Florida.

24. An increase of $2,000,000 from the NASA Space Launch Initiative be transferred to the Air Force Research Laboratory (PE 602204F Aerospace Sensors) to install a baseline Silent Sentry System at Kennedy Space Center and for AFRL to conduct an evaluation of the ability for Silent Sentry to replace current range safety infrastructure.

25. An increase of $2,000,000 for the National Technology Transfer Center.

26. An increase of $500,000 for aerospace projects being accomplished by the Montana Aerospace Development Corporation.

27. An increase of $7,500,000 for subsonic transport technology research.

28. An increase of $7,500,000 for the advanced aircraft program, equally divided between flight research and propulsion and power research.

29. An increase of $12,500,000 for NASA's rotocraft program, including funding for the NASA-Army university centers component.

30. An increase of $2,500,000 for the Hubble Telescope Project, Composite Technology Institute at Bridgeport, West Virginia.

31. An increase of $15,000,000 for aviation safety. The conferees agree that NASA should evaluate the use of retinal scanning displays in the Synthetic Visual Project, which seeks to improve general aviation safety through incorporation of new technologies.

32. An increase of $2,000,000 for a study of NASA's aeronautical test and evaluation facilities.

33. An increase of $2,000,000 for advanced research in opto-electronics at Montana State University.

34. An increase of $2,500,000 for the Delaware Aerospace Education Foundation in Kent County, Delaware.

35. An increase of $1,500,000 for Tulane University Institute for Macromolecular Engineering and Sciences, New Orleans, Louisiana.

36. An increase of $6,500,000 for the Stennis Space Center E-complex propulsion test facilities, of which $1,500,000 is for completion of the Test Operations Building.

37. An increase of $3,500,000 for an addition to the main administration building at the Stennis Space Center. NASA is directed to work with the Department of Defense to ensure that the Department contributes to the construction of facilities unique to its requirements.

38. An increase of $1,700,000 for the Independent Verification and Validation Facility in Fairmont, West Virginia.

39. An increase of $2,000,000 for non-destructive evaluation research at Iowa State University.

40. An increase of $1,000,000 for polymer research at Tulane University in New Orleans, Louisiana.

41. An increase of $2,000,000 for photonics research at the University of Maryland, Baltimore County.

42. An increase of $3,000,000 for nanotechnology programs at Purdue University.

43. An increase of $3,000,000 for the purchase of two upgraded jet engines which require limited configuration changes to the DP–2 vectored thrust testbed aircraft. The remaining funds shall be expended as appropriate for airflow analysis research, flight control research, and flight testing. NASA is directed to provide a long-range research and development plan for the DP–2 vectored thrust program to the Congress by April 15, 2002.

44. An increase of $1,500,000 for a visitor's center at Langley Flight Research Center.

45. The conferees agree that NASA needs to increase its investment in facilities at the Wallops Island Flight facility and therefore direct NASA to spend an additional $10,000,000 from within existing funds for infrastructure improvement and technology upgrades to ensure the Wallops facility remains a viable asset for NASA's use and report to the Committees on Appropriations of the House and Senate no later than March 1, 2002 on a strategic plan for Wallops future including NASA missions and other business opportunities.

46. A decrease of $6,200,000 from the Aviation System Capacity program. The goal of the Aviation System Capacity (ASC) program is to enable safe increases in the capacity of US and international airspace and airports. The conferees believe that Aviation System Technology Advanced Research (AvSTAR) will help develop new operational concepts and better understand the benefits of new technologies for reducing aviation system congestion and delays while improving safety. The conferees support the request for Virtual Airspace Modeling as a precursor to AvSTAR.

47. A decrease of $10,000,000 from the Space Launch Initiative.

48. A decrease of $10,000,000 from the in-space propulsion program.

Academic Programs

Within the Academic programs portion of this account, the conferees recommend a total funding level of $230,810,000, a net increase of $77,110,000 to the budget request. The conferees agree that Lincoln and Cheney Universities in Pennsylvania should be full participants in NASA's Minority University Research and Education Program. The Conferees recommend the following adjustments to the budget request:

1. An increase of $475,000 for the Richland School District One Aeronautics Education Laboratory, located in Columbia, South Carolina.

2. An increase of $475,000 for the NASA Educator Resource Center at South East Missouri State University.

3. An increase of $950,000 for the Carl Sagan Discovery Science Center at the Children's Hospital at Montefiore Medical Center to implement the educational programming for this science learning project.

4. An increase of $2,375,000 for the JASON Foundation.

5. An increase of $3,500,000 for continuation of programs at the American Museum of Natural History.

6. An increase of $950,000 for the Sci-Port Discovery Center at Shreveport, Louisiana.

7. An increase of $1,900,000 for the NASA Glenn ''Gateway to the Future: Ohio Pilot'' project.

8. An increase of $475,000 for the Challenger Learning Center of Kansas.

9. An increase of $475,000 for Challenger Learning Centers in Illinois.

10. An increase of $475,000 for the Challenger Learning Center at Wheeling Jesuit University.

11. An increase of $1,900,000 for the Alan B. Shepard Discovery Center in New Hampshire.

12. An increase of $3,000,000 to the U.S. Space and Rocket Center for an Educational Training Center.

13. An increase of $570,000 for academic and infrastructure needs at St. Thomas University in Miami, Florida.

14. An increase of $950,000 for the Ohio View Consortium.

15. An increase of $1,900,000 for the Von Braun Scholarship program.

16. An increase of $3,000,000 for the Alabama Math, Science, and Technology initiative.

17. An increase of $2,925,000 for the SciQuest Hands-on Science Center.

18. An increase of $1,650,000 for the Alabama Supercomputer Educational Outreach program.

19. An increase of $1,900,000 to the Educational Advancement Alliance to support the Alliance's math, science, and technology enrichment program.

20. An increase of $5,000,000 for the National Space Grant College and Fellowship program.

21. An increase of $475,000 for the Science, Engineering, Math and Aerospace Academy programs at Central Arizona College.

22. An increase of $340,000 to enhance K–12 science education through a program of the Middle Tennessee State University.

23. An increase of $5,400,000 for the EPSCoR program.

24. An increase of $5,000,000 for a planetarium at the Clay Center of Arts and Sciences in Charleston, West Virginia.

25. An increase of $2,000,000 for the Northern Great Plains Space Science and Technology Center at the University of North Dakota.

26. An increase of $1,500,000 for flight communications technology at the University of Connecticut.

27. An increase $1,500,000 for the Science Discovery Outreach Center at the University of North Carolina in Chapel Hill, North Carolina.

28. An increase of $1,000,000 for the Chabot Observatory and Science Center in Oakland, California.

29. An increase of $750,000 for the Des Moines Science Center in Des Moines, Iowa.

30. An increase of $4,000,000 for infrastructure needs at Mauna Kea Astronomy Education Center at the University of Hawaii, Hilo.

31. An increase of $1,000,000 for the NASA/Bishop Museum partnership in Honolulu, Hawaii.

32. An increase of $1,500,000 for the Wisconsin Initiative for Math, Science, and Technology education at the University of Wisconsin, Green Bay.

33. An increase of $250,000 for St. Mary's County Public School Technology Center, St. Mary's County, Maryland.

34. An increase of $3,000,000 for construction of a life sciences facility at Brown University.

35. An increase of $2,000,000 for instrumentation and laboratory development at Rowan University in New Jersey.

36. An increase of $5,000,000 for infrastructure improvements at the School of Science and Mathematics at the College of Charleston in South Carolina.

37. An increase of $1,500,000 for Muhlenberg College in Lehigh County, Pennsylvania to develop a national model for using NASA data and technologies in the k–12 and higher education classroom.

38. An increase of $750,000 for the Texas Engineering Experiment Center at Texas A&M University to support the Space Engineering Institute.

39. An increase of $3,000,000 for the Challenger Learning Center in Kenai, Alaska for the final phase of dormitory construction.

40. An increase of $500,000 for the Southeast Missouri State University NASA Educator Resource Center.

41. An increase of $1,000,000 for a Challenger Learning Center in Ferguson/Florissant, Missouri.

42. An increase of $800,000 for the Science, Engineering, Math and Aerospace Academy programs in Dade County, Florida.

OFFICE OF INSPECTOR GENERAL

The conferees agree to appropriate $23,700,000 for the Office of Inspector General as proposed by both the House and the Senate.

ADMINISTRATIVE PROVISIONS

The conferees have included three administrative provisions which have been carried in prior-year appropriations acts and were included by both the House and the Senate. A fourth provision, prohibiting establishment of a non-governmental organization for the International Space Station as proposed by the House, has been included in the conference agreement. The conferees look forward to receiving a comprehensive proposal for managing the ISS science program at which time it will re-evaluate the foregoing prohibition.

NATIONAL CREDIT UNION ADMINISTRATION

CENTRAL LIQUIDITY FACILITY

(INCLUDING TRANSFER OF FUNDS)

The conferees have allowed the cap on the Central Liquidity Facility (CLF) lending activities from borrowed funds to remain at the fiscal year 2001 level of $1,500,000,000. As part of the Committees' oversight function, the conferees direct that NCUA provide quarterly reports for fiscal year 2002 to the Committees on Appropriations detailing CLF lending activities.

The conferees have provided $1,000,000 to the Community Development Revolving Loan Fund (CDRLF) as proposed by both the House and Senate. The conferees have agreed to set aside $300,000 specifically for technical assistance grants for fiscal year 2002 as proposed by the Senate.

For the first time, $350,000 was provided in fiscal year 2001 specifically for technical assistance grants. Prior to fiscal year 2001, technical assistance grants were funded solely from interest collected from the revolving loan program. The conferees recognize that the technical assistance grant program is oversubscribed and have agreed to augment the available funds with appropriations again in fiscal year 2002. Additionally, the conferees support the revolving loan program and recognize that demand for loans to assist low-income credit unions remains strong. In order to provide the maximum benefit to both programs from available funds, the conferees have supported both programs by making available the majority of funds for the revolving loan program recognizing that interest accrued on these loans will increase the funds available for technical assistance for low-income credit unions in the future.

While the conferees are supportive of the CDRLF, the conferees find that the budget submission for the CDRLF lacks the appropriate information for the Committees to base future funding decisions. For fiscal year 2003, and thereafter, the conferees direct that the National Credit Union Administration (NCUA) provide detailed budget justifications for the loan program and technical assistance grant program. The budget justification should include a description of the program including the allowable purposes of loans and grants, the expected number and average amount of loans and grants to be awarded during the fiscal year, an estimate for the balance of the CDRLF, and estimates of future funding needs.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

Appropriates $3,598,340,000 for research and related activities instead of $3,642,340,000 as proposed by the House and $3,514,481,000 as proposed by the Senate. The conferees have included bill language which provides up to $300,000,000 for polar research and operations support and $75,000,000 for a comprehensive research initiative on plant genomes for economically significant crops.

The conference agreement provides specific funding levels for each of NSF's research activities as follows:

1. $508,980,000 for Biological Sciences. Of this amount, $75,000,000 has been provided for plant genome research on economically significant crops, including an initiative which invests in high-throughput sequencing (such as full-length cDNA sequencing) of economically important crops.

2. $515,800,000 for Computer and Information Science and Engineering. Up to $10,000,000 of the appropriated level may be used for operational support of the two terascale facilities.

3. $467,510,000 for Engineering.

4. $610,650,000 for Geosciences.

5. $922,190,000 for Mathematical and Physical Sciences. Of the appropriated amount, $4,000,000 is provided for the Telescope Systems Instrumentation Program (TSIP) and $5,000,000 has been provided for astronomical sciences to augment individual investigator support. The conferees expect NSF to continue its program of upgrading, on a priority basis, its astronomical facilities and equipment, including the Greenbank Observatory and Robert C. Byrd Telescope in West Virginia, and the Very Large Array radio telescope in New Mexico. The conferees have also placed a high priority on mathematics research within the amounts provided for this activity.

6. $168,900,000 for Social, Behavioral and Economic Sciences.

7. $229,730,000 for U.S. Polar Research Programs.

8. $68,070,000 for U.S. Antarctic Logistical Support Activities.

9. $106,510,000 for Integrative Activities, including $4,000,000 for the Science and Technology Policy Institute, $26,610,000 for the Science and Technology Centers, and $75,900,000 for Major Research Instrumentation (MRI). NSF is expected to continue its ongoing MRI program with developing institutions.

The conference agreement increases the budget request level for all directorates, and provides specific increases of $25,000,000 for information technology research, $25,000,000 for nanotechnology, and $12,500,000 for increased energy and fuel costs in the polar and ocean sciences as well as national facilities in physics and materials. The conference agreement also directs NSF to undertake a study to determine its appropriate role in support of regional innovation activities.

The conferees have not included funds from within the NSF appropriation for maintaining the integrity of the Homestake Mine site in Lead, South Dakota and instead have provided funding from within the Community Development Fund under title II of this Act. While the conferees acknowledge the role NSF and the National Science Board will play in determining whether the mine is a suitable facility for proposed research, as well as whether such proposed research should be a priority for the NSF, it is not appropriate for NSF to maintain the mine until such determinations are made.

In presenting the Budget Estimates and Justification Materials for fiscal year 2003 and beyond, the conferees direct the Foundation to provide five-year plans for all multidisciplinary programs which specify, among other details, the funding level and justification for each program or project.

MAJOR RESEARCH EQUIPMENT AND FACILITIES CONSTRUCTION

Appropriates $138,800,000 for major research equipment and facilities construction instead of $135,300,000 as proposed by the House and $108,832,000 as proposed by the Senate. Included within the appropriated amount is $16,900,000 for the Large Hadron Collider; $24,400,000 for the Network for Earthquake Engineering Simulation; $35,000,000 for continued development, production, and instrumentation of the High-Performance Instrumented Airborne Platform for Environmental Research (HIAPER); $35,000,000 for Terascale Computing Systems; $15,000,000 for start-up costs of the IceCube Neutrino Detection project; and $12,500,000 for initial construction of the Atacama Large Millimeter Array (ALMA) radio telescope.

The conferees note that the amount provided for Terascale Computing Systems represents the initial segment of a three-year program expected to cost no less than the budget request of $55,000,000. While the conferees remain committed to this program as outlined by the Foundation, it was determined that funding the program on an annual basis made it possible to provide adequate resources to other priority projects.

The conferees are aware that the NSF Inspector General has found that funds associated with the construction of large scale research facilities have also come from other NSF appropriation accounts. This obscures the full cost of these projects. The conferees agree that the renamed major research equipment and facilities construction (MREFC) account is to provide resources for the acquisition, construction and commissioning of large scale research facilities. Planning, design, operations, and maintenance costs are contained within the research and related activities account. The conferees also remain concerned about the implementation of NSF's Large Facility Projects Management & Oversight Plan, dated September 2001.

The conferees have directed NSF to provide a report regarding the full life-cycle cost of each of the projects or facilities funded through this account since its inception. The conferees have taken the unusual step of including this statutory requirement due to its continuing concerns for the expenditure of resources for major research equipment projects and current senior management's ability to adequately address this issue.

The report should identify, for each project and by fiscal year appropriation account used, the costs of planning, design, and development; acquisition, construction, and commissioning; and operations, management, and maintenance. This report, which should also demonstrate significant implementation of the large facility management and oversight plan, is to be provided to the Committees on Appropriations no later than February 28, 2002.

The conferees further direct the Foundation to provide, in its annual budget submission to the Congress, a detailed priority-based description, multi-year budget, and milestone plan for all projects funded or proposed to be funded through the MREFC account, including those projects currently in the formal planning and development phase prior to National Science Board approval.

The conferees have changed the name of the account to Major Research Equipment and Facilities Construction to better reflect the mission to be accomplished with appropriations made available through this account.

EDUCATION AND HUMAN RESOURCES

Appropriates $875,000,000 for education and human resources instead of $885,720,000 as proposed by the House and $872,407,000 as proposed by the Senate. The conferees agree to the following funding levels within this account:

1. $80,000,000 for EPSCoR. In addition to funds provided through the EHR account for EPSCoR, the conferees expect the NSF to provide an additional $30,000,000 from within the Research and Related Activities account for research to be conducted at EPSCoR institutions, bringing the total NSF EPSCoR effort to $110,000,000.

2. $28,000,000 for the Louis Stokes Alliances for Minority Participation program.

3. $17,000,000 for the HBCU Undergraduate Program.

4. $160,000,000 for the Math and Science Partnership program. The conferees have agreed to provide significant funding for this new program despite limited details provided through the budget submission. The Foundation is strongly urged to provide regular, detailed information to the Committees on Appropriations regarding the planning and execution of this new initiative.

5. $5,000,000 for Noyce Scholarships consistent with the provisions of H.R. 1858 as reported to the House of Representatives.

6. $11,000,000 for the Office of Innovation Partnerships.

7. $5,000,000 for a new undergraduate workforce initiative, which is to include a new, merit-based, competitive grants program for colleges and universities for increasing the number of undergraduate degree recipients in science and engineering, consistent with the provisions of S. 1549.

8. $105,500,000, an increase of $10,000,000 above the budget request, has been provided to increase graduate level stipends for the research and teaching fellowship programs and the trainee program administered by the Foundation through its Graduate Education subactivity. The conferees support increasing the graduate stipend level to $21,500 during fiscal year 2002 if funding permits.

9. $2,600,000 above the budget request for the Human Resource Development subactivity has been provided to establish an initiative that will stimulate the competitive research capacity of Historically Black Colleges and Universities which offer doctoral degrees in science and engineering.

SALARIES AND EXPENSES

Appropriates $170,040,000 for salaries and expenses as proposed by the House and the Senate.

OFFICE OF INSPECTOR GENERAL

Appropriates $6,760,000 for the Office of Inspector General as proposed by the House and the Senate.

NEIGHBORHOOD REINVESTMENT CORPORATION

PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

The conferees agree to provide $105,000,000 for the Neighborhood Reinvestment Corporation as proposed by the House instead of $100,000,000 as proposed by the Senate.

Language is included in the bill which designates $10,000,000 to support the Corporation's section 8 homeownership program, as proposed by both the House and the Senate.

The conferees remain concerned about the shortage of available, affordable rental housing across the Nation. The Corporation has been successfully producing mixed-income affordable rental housing through the use of ''mutual housing'', acquisition and preservation of existing units, and a focus on asset management. Accordingly, the conferees agree to provide $5,000,000 above the budget request to the Corporation to support additional mixed-income affordable rental developments. The conferees direct the Corporation to include details on how many additional affordable, rental housing units have been created through this set-aside in its fiscal year 2003 budget justifications. The Corporation should also include information on the number of families served that have incomes below 30 percent of the area median income. There is a substantial shortage of available, affordable housing for these extremely low-income families throughout the Nation, and the conferees urge the Corporation to continue its efforts to meet the housing needs of these families. The conferees also direct the Corporation to increase its efforts in smaller metropolitan areas and rural areas where very serious housing problems exist.

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

Appropriates $25,003,000 for salaries and expenses as proposed by both the House and the Senate. The conferees agree to limit reception and representation expenses to $750 instead of $500 as proposed by the House and $1,000 as proposed by the Senate.

TITLE IV—GENERAL PROVISIONS

Retains twenty general provisions proposed by both the House and the Senate and which were included in the fiscal year 2001 Act.

Modifies language proposed by the Senate prohibiting HUD from spending funds for any activity in excess of amounts described in the budget justification unless otherwise provided for in this Act or through a reprogramming of funds.

Retains language proposed by the House prohibiting EPA from using funds to implement the Registration Fee system codified in 40 CFR subpart U if the authority to collect fees authorized in FIFRA is extended for one year beyond September 30, 2001.

Retains language proposed by the House amending the Cerro Grande Fire Assistance Act to read ''within 120 days after the Director issues the report required by subsection (n) in 2002 and 2003.''

Retains language proposed by the House prohibiting VA from using funds to implement the proposed requirement that military retirees must choose either VA's or TRICARE's health care system.

The conferees have included modified language related to a national primary drinking water standard for arsenic as published in the Federal Register on January 22, 2001, instead of language proposed by the House and the Senate. The language adopted by the conferees prohibits a delay in setting a new regulation other than that prescribed in the final rule of January 22, 2001, which includes an arsenic standard of 10 parts per billion (ppb).

In adopting this legislative provision, the conferees acknowledge that an arsenic standard of 10 ppb will likely pose significant financial costs on many small communities, and many of these communities may find it impossible, because of the financial burden, to be in compliance by 2006 as the rule requires. The conferees are concerned that, because of their complexity, the current waiver and exemption provisions found in sections 1415 and 1416 of the Safe Drinking Water Act, as amended, may not provide sufficient flexibility for the small communities to receive additional time to reach compliance. As a result, the conferees are very concerned that numerous small community water systems may not be in compliance by 2006, and that some very small communities may abandon

their municipal systems in favor of untreated and unregulated private wells which could create significant other health risks for these communities. The conferees agree that the Congress and the Administration must act swiftly to provide both the time and the means for many small communities to meet the new 10 ppb standard.

To this end, the conferees direct the Administrator of EPA to begin immediately to review the Agency's affordability criteria and how small system variance and exemption programs should be implemented for arsenic. In addition, the Administrator should recommend procedures to grant an extension of time in meeting the compliance requirement for small communities when a community can show to the satisfaction of the Administrator that being in compliance by 2006 poses an undue economic hardship on that community. In developing these procedures, the Administrator should consider those actions which can be taken administratively by the Agency and those which will require the enactment of legislation. The conferees do not intend to create loopholes in the Safe Drinking Water Act for compliance to a national arsenic standard. Rather, the conferees wish to emphasize that they expect the Agency to adopt without delay all appropriate available administrative actions permitted under existing law to facilitate reasonable extensions of time for compliance of these communities.

The Agency is directed to report to the Congress by March 1, 2002 on its review of the affordability criteria and the administrative actions undertaken or planned to be undertaken by the Agency, as well as potential funding mechanisms for small community compliance and other legislative actions, which, if taken by the Congress, would best achieve appropriate extensions of time for small communities while also guaranteeing maximum compliance.

Retains language proposed by the House establishing the Minority Emergency Preparedness Demonstration Program at FEMA.

Deletes language proposed by the House prohibiting the VA from implementing the ''Plan for the Development of a 25-Year General Use Plan for Department of Veterans Affairs West Los Angeles Health Care Center.'' The conferees have instead included report language in medical care urging the development of a reasonable development plan which is suitable for the community and improves access to VA services.

Modifies language proposed by the House prohibiting funds to be used to implement or enforce the community service requirement of the United States Housing Act of 1937 except for residents of projects funded under HOPE VI.

Deletes language proposed by the House prohibiting funding of any person or entity convicted of the Buy American Act.

Retains language proposed by the Senate requiring HUD to submit a report by January 8, 2002, detailing obligations and expenditures of title II funds for technical assistance, training or management improvement activities.

Deletes language proposed by the Senate amending section 70113(f) of title 49.

Deletes language proposed by the Senate regarding playground equipment. The conferees have instead included report language under EPA and CPSC directing those agencies to submit reports regarding chromated copper arsenate-treated wood playground equipment.

Deletes language proposed by the Senate providing $115,000,000 from NSF funds for EPSCoR, which includes $25,000,000 in cofunding.

Deletes language proposed by the Senate expressing the Sense of the Senate that the Committee on Environment and Public Works needs to address the State Water Pollution Control Revolving Fund.

Inserts language clarifying the use of funds available to NASA from timber sales.

New language is included to facilitate the use of funds provided through HUD's Community Development Block Grant (CDBG) program to aid in the recovery of New York City from the September 11, 2001 terrorist attacks. The conferees are aware funds appropriated to the President in Public Law 107–38 have been set aside to be provided to the State of New York for assistance to New York City for properties and businesses affected by the terrorist attacks of September 11, 2001 and to assist in the City's overall economic recovery. Given the extraordinary level of damage to New York City caused by the terrorist attacks and the unique circumstances affecting the economic recovery of the area, the conferees have included language authorizing the one-time waiver of requirements as the Secretary deems appropriate to facilitate this recovery.

Prior to the release of funds, the conferees expect the State of New York to submit and to secure approval from the Secretary of a plan that would allocate these funds to the highest priority economic development needs to address the emergency situation pursuant to the terrorist attacks of September 11, 2001. Language is also included requiring certain notification requirements on the use of these funds and relevant waivers being granted. The conferees request that HUD provide quarterly reports to the Committees on Appropriations on the obligation and expenditure of these funds.

The conferees do not expect these funds to be used to compensate or otherwise reimburse insurance companies for losses related to the terrorist attacks. The conferees understand that issues related to insurance costs and the terrorist attacks are currently under review by the relevant House and Senate authorization committees.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2002 recommended by the Committee of Conference, with comparisons to the fiscal year 2001 amount, the 2002 budget estimates, and the House and Senate bills for 2002 follow:

[In thousands of dollars]

New budget (obligational) authority, fiscal year 2001	$108,346,441
Budget estimates of new (obligational) authority, fiscal year 2002	110,671,650
House bill, fiscal year 2002	112,742,553
Senate bill, fiscal year 2002	113,351,308
Conference agreement, fiscal year 2002	112,742,537
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 2001	+4,396,096
Budget estimates of new (obligational) authority, fiscal year 2002	+2,070,887
House bill, fiscal year 2002	−16
Senate bill, fiscal year 2002	−608,771

JAMES T. WALSH,
TOM DELAY,
DAVID L. HOBSON,
JOE KNOLLENBERG,
RODNEY P. FRELINGHUYSEN,
ANNE M. NORTHUP,
JOHN E. SUNUNU,
VIRGIL GOODE, Jr.,
ROBERT B. ADERHOLT,
BILL YOUNG,
ALAN B. MOLLOHAN,
MARCY KAPTUR,
CARRIE P. MEEK,
DAVID PRICE,
ROBERT E. CRAMER, Jr.,
CHAKA FATTAH,
DAVID OBEY,
Managers on the Part of the House.

BARBARA A. MIKULSKI,
PATRICK J. LEAHY,
TOM HARKIN,
ROBERT C. BYRD,
HERB KOHL,
TIM JOHNSON,
ERNEST F. HOLLINGS,
DANIEL K. INOUYE,
CHRISTOPHER S. BOND,
CONRAD BURNS,
RICHARD C. SHELBY,
LARRY CRAIG,
(except for general provision on arsenic),
PETE V. DOMENICI,
(except for general provision on arsenic),
MIKE DEWINE,
TED STEVENS,
Managers on the Part of the Senate.

THE GREATEST GENERATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. LARSON) is recognized for 5 minutes.

Mr. LARSON of Connecticut. Madam Speaker, we are a nation at war, a war the President has said may take years. He has asked for the Nation's patience and perseverance to deal with the perpetrators of terror and bring them to justice. A united nation stands prepared to make the necessary sacrifice and put up with the heightened security that disrupts our daily lives. It is an inconvenience that pales in comparison to the sacrifice of those brave Americans at the World Trade Center, the Pentagon, and the fields of Pennsylvania on September 11.

For elder Americans, this is a second day of infamy that they have persevered through, the first being December 7, 1941. These Americans, that Tom Brokaw aptly describes as ''the greatest generation'' know all too well the meaning of sacrifice and resolve. No generation has shouldered more proudly this Nation's rise to world power. No generation has borne such a heavy burden. None stands more committed than they to stand with the Commander in Chief during this struggle. They know intuitively, as did the first President of their generation born in this century, that we must put Nation above self.

With all the patriotic fervor and resolve, they stand committed today to face any challenge, conquer any foe and sustain a nation free of terror for their children. Proud veterans know that this is a match that cannot be postponed and comfort the young, in return, with the words of Roosevelt that ''We have nothing to fear but fear itself.'' They are in every sense of the

word magnificent citizens and role models. They have given much and asked little in return.

They hear all the platitudes and promises. They are celebrated in speech and in books and in the movies. But it is hard, hard to go home and look them in the eye and say there is no prescription drug relief, to say we are exhausting the Social Security surplus not only to fight Osama bin Laden but to provide corporate tax cuts. It is hard to look them in the eye as they travel to Canada for prescription drugs while Congress rolls back the alternative minimum tax.

Even amidst what must be hurtful to them, they never waiver. They stand by their Nation, their flag, their beliefs, prepared to sacrifice yet again for the Nation they love. Living out their lives in dignity is all they ask. Platitudes and promises do not heat their homes, put food on their table, or pay for the prescriptions needed to sustain their lives. Their generation believes you should be known by your deeds, not by the words that translate into empty promises.

There will be numerous speeches given on Veterans Day exalting the brave men and women of our Nation. Wreaths will be placed at memorials and people will gather in solemn remembrance and in firm resolve. When Members are back in their districts for parades and speeches and memorials, they should take a long look in the eyes of those veterans. We stand on their shoulders, the benefactors of their sacrifice and accomplishments.

They are prepared to see this second day of infamy through until justice is served. If only Congress would respond with the same resolve for them, the resolve to see their twilight years lived out in dignity, the resolve to provide them with affordable prescriptions here at home. If only Congress would show the willingness to sacrifice a corporate tax cut to preserve a life, to heat a home, to have a nutritious meal. If only Congress had the resolve to preserve Social Security and Medicare, the programs that have kept our elderly barely above the poverty line.

This is an unprecedented opportunity. The Nation stands united behind the President and Congress to root out terrorism.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SCHIFF) is recognized for 5 minutes.

(Mr. SCHIFF addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

AIRLINE SECURITY BILL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Ohio (Mr. STRICKLAND) is recognized for 60 minutes as the designee of the minority leader.

Mr. STRICKLAND. Madam Speaker, tonight we are gathered to discuss a serious issue, and that is the issue of airline security. One of my colleagues from the great State of Texas is here and is on a limited time schedule, so I will begin this hour together by turning the time over at this point to the gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. First of all, let me congratulate the gentleman on taking this opportunity for us to come and say a few words on this very important issue. It is an issue that we recognize that we have not come to grips with since September 11, and I just wanted to share with my colleagues a couple of statistics.

Prior to September 11, we had over 9 million passengers. After that date, we have had only 5 million. So we have had a drastic decrease.

There is no doubt that people have some serious concerns about flying. A lot of people that are flying now are those that have business and those that have to, but a lot of people are choosing not to fly. And for good reasons they feel insecure in terms of the situation that they find themselves in.

The actions of the House leadership have delayed the passage of strong airline security legislation. Politics must give way to action. This is not the time to be partisan. This is not the time to be playing games at the expense of our national security. It is a time to deal with it. It has been 7 weeks. So we have to come to grips with it.

We must provide the best security we can at our airports. Not just adequate security, not just sufficient security; no, we need to provide the best security, and we will not get the best security if we continue to auction it off to the lowest bidder. We have to come to learn the hard way that airline security is a national security. So we need to recognize that national security should be in the hands of highly trained, highly motivated Federal law enforcement personnel.

The current work force, brought to us by private contractors, are underpaid and undertrained, and we recognize that. We all understand that, and we all realize that we have a serious problem. This weekend someone managed to slip through at the O'Hare Airport at Chicago. He did not just have one knife but seven folding knives with blades up to 4 inches. He also had a stun gun and a small container labeled teargas pepper spray.

This is unacceptable. The American people expect our airport security personnel to be able to handle the job and be able to do the right thing. We cannot take chances. We cannot accept what we have before us, and we have to make sure that when it comes to tourism, when it comes to trade, when it comes to security in the air that we make it as secure as possible.

What disturbs me is that the company at O'Hare is the same company that has already been cited by the FAA and has been placed on probation. Here we have a company that we continue to allow to be there, continue to allow them to do the things they have been doing.

□ 2030

It is obvious that the private companies do not provide the type of security that we need. The private companies, no matter what, are going to cut corners. When it comes to our national security, we should not live with those types of situations where they are going to cut corners.

Mr. STRICKLAND. Madam Speaker, the gentleman talks about the private security company that is responsible for the situation in Chicago. That same company is responsible for the security at the Columbus, Ohio, airport which I flew out of this morning. While I was standing in line waiting to get on the airplane, there was a lady who started talking about her frustration. She knew I was a Member of Congress, and she said we need to federalize these workers. Who can I write to and express my opinion. I shared with her some names that she could contact.

Then she told me this story. She said when I came to the Columbus, Ohio, airport, and I am a quilter, I went through security and after I went through security, I realized I had a large pair of scissors and what she described as a rotary blade cutter. She got through security and realized she had these scissors and blade. She said they were valuable to me, and I knew if I was caught with them, they probably would take them away, so she went back through security and took them to her car and left them in her car and then came back to the airport. She said I am furious I was able to get through security this morning with those scissors on me.

Madam Speaker, it is happening over and over and over. This one particular company, the Argenbright company, seems to be very, very lax in the expectations they have for their employees, apparently for the training they provide; and certainly they are very lax with the supervision. Otherwise, these multiple incidents would not happen.

It is a dangerous situation. Some of my colleagues have expressed that they think I ought not to say that flying is not safe. So I will say it this way: flying still has a risk attached to it. Is that risk less than it was before September 11? Perhaps. In some cases it may be much, much less. But the fact is that people have a right to accurate information. The American traveling public has a right to know what kind of security exists before they choose to get on an airplane and fly, especially if they are going to put their family members at risk. We are trying to inform the public, and the public is the one that will ultimately force this Congress to do the right thing and force the airlines to do the right thing. Until they feel safe, they will not return to the airlines as they have in the past.

Mr. RODRIGUEZ. Madam Speaker, I agree with the gentleman completely. A survey showed that 85 percent of Americans support the importance of federalizing our airline screeners. There is no doubt even after we have Federal workers we are still going to have some breaches. But I feel confident that those people can do a better job in making sure. I have had some experience with Customs workers. Those Customs workers have the experience and are able to tell and question people. For example, on the Mexican border, they were able to catch some people by asking where are you headed and why are you going there. They sensed some problems, and they were able to catch them. They have worked there and they understand.

The type of workers employed as airline screeners, we have all seen the turnover rates. Up to 400 percent. Not to mention that same company has hired people with criminal records. Here we have some criminals who have been in jail, they are providing our security. We have a real problem in this country. I hope that we come to grips with these issues.

Whether my colleague is a Republican or a Democrat, we need to do the right thing; and the right thing is to get good law enforcement people. National security is nothing less.

I heard today on the House floor the discussions about the fact that a Member was angry on the Republican leadership that we made an indication that our security here in the Capitol is federalized. They are Federal workers. He was embarrassed that we compared them with the workers in airline security. They should not be any less. They should be trained. Just because they look at luggage and people coming through, they need to be trained. They also need to be on the lookout for the types of people that are coming through. It becomes important that we do the right thing.

Madam Speaker, I thank the gentleman for allowing me to go a little ahead of everyone else. I thank the gentleman for what he is doing. It has been 7 weeks since September 11. Hopefully, we can get some Federal law enforcement workers that know what they are doing.

Mr. STRICKLAND. Madam Speaker, I thank the gentleman from Texas for joining us tonight. I have some other colleagues here, including the gentlewoman from California (Ms. WOOLSEY), and I yield to the gentlewoman.

Ms. WOOLSEY. Madam Speaker, I thank the gentleman for yielding me this time and putting together this Special Order tonight.

I believe we have been forced to view aviation security in a brand new way. These past events emphasize that aviation security is vital to our national security, but also to our national economy. We have to get people back on airplanes. We cannot run the business of this Nation if people will not fly from one place to another. We are in very unfamiliar territory now, and we have to carefully assess what constitutes appropriate responses in this very new world that we are living in because whatever our response, we will leave a permanent mark on the lives of the American people.

If Congress passes the aviation security measure that the House passed last week, I believe that the American people will know, they will not be surprised, and we cannot fool them that we have passed a status quo proposal. We will not have passed the best proposal. The public will know that we passed a measure to keep those same private companies in charge that the gentleman from Texas and the gentleman from Ohio just referred to. Those are the same companies in charge on September 11, and they are still in charge of security.

The public will know that as Members of Congress we did not rise to the occasion and we will not pass the remedies that were desperately needed.

Mr. STRICKLAND. Madam Speaker, we had quite a heated debate last week about two competing approaches. One would federalize our airline security workforce so the traveling public would know they were being protected by those who were answerable to Uncle Sam, who were law enforcement personnel, who were properly trained, who were adequately paid, and who were supervised.

I would like to just share with the gentlewoman some thoughts that I saw in an editorial in USA Today on November 6. ''House Barters Away Strong Protections for Flyers.'' Want to know why at a time when tight airline security is needed, the House rejected a tough bipartisan bill and passed a weak version favored by the Republican leaders? First, stop looking at the House as a law-making body; think instead of a flea market.

''Last Thursday, the day of the vote, the House was one big bazaar. Lawmakers with swing votes were doing the selling. Their price: Last minute special interest amendments and political pay offs.'' That is the opinion of USA Today.

After the Senate passed a bipartisan bill 100 to nothing, and as the gentlewoman from California (Ms. WOOLSEY) stated, we cannot get more bipartisan than 100 to nothing; yet there were Members on the other side of the aisle that accused many of us in engaging in bipartisanship. All we wanted was an opportunity to pass the bill that the Senate passed so it could have gone directly to the President, he could have signed it into law the next day, and today we could have a strong airline bill in effect. We were not able to do that; but I believe when the American people come to realize what is at stake here, they will force this Chamber and this Congress to do the right thing.

I have another editorial from my hometown paper, The Portsmouth Daily Times: ''Federalize Airport Workers.'' The Columbus Dispatch over the weekend had a long, thoughtful editorial opinion chiding this House for not doing the right thing and saying we need to federalize this responsibility. We still have that opportunity because the House and the Senate will take their competing bills to conference, and we still have an opportunity to have a bill that federalizes these workers and makes the situation not perfectly safe because it will never be perfectly safe to fly, but as safe as we can make it. Thus far we have not passed a bill that makes the traveling public as safe as they can be or as safe as they should be.

Ms. WOOLSEY. Madam Speaker, first of all I read that same USA Today article on the airplane flying here from California this morning. I was hoping that everybody else on the airline was missing it because it was kind of frightening.

I do not know if the gentleman heard the pilot that spoke at our press conference last week before we voted on the aviation security bill. He said one of the reasons the opposition to federalization is speaking so loudly is that they fear that federalization will equal labor unions. He said, I want to remind the public, I want to remind everybody here today and the press, that all of the heroes in this country since September 11, the pilots, the airline attendants, the firefighters and the police officers, every single one of them belong to a labor union. So what is the fear?

The gentleman is right, we do have another chance. Our chance this week would be to agree to the other body's language to federalization, follow their lead and agree to some really meaningful provisions that will put our citizens first, not the airlines, not the private companies that contribute great amounts of money to these individuals that are insisting that we stay private.

Since the other body did vote 100 to nothing, we know that is a bipartisan idea. We also know that the public is going to watch what we are doing, and they want us to take care of them.

Mr. STRICKLAND. Madam Speaker, the gentleman from Washington (Mr. INSLEE), who is an attorney, has joined us; and I would like to inquire regarding a legal matter.

Another Member of this body suggested to me because these private companies, at least two of the largest private companies that are responsible for airline security at many of our major airports are foreign-owned companies, as a result, their CEOs would be unable to get security clearance so that they would be able to get classified information.

□ 2045

The question has been raised with these private security companies responsible for airline security, what would happen, for example, if the CIA or the FBI came across information that was classified in nature but was relevant to airline security or some incident that may happen. Would it be

possible for these private companies to have access to that information so that they could work collaboratively or would that be possible? Would you have a legal opinion about that?

Mr. INSLEE. Let me express an American opinion, that is just not a legal opinion, which is whether you are a lawyer or not a lawyer, you want law enforcement information to be used by law enforcement personnel.

The nature of your question points out the exact flaw of continuing this failed experiment of having private contractors provide this service. They are not in a law enforcement context and this is a law enforcement responsibility. We do not share law enforcement information with people that you might not be able to have total confidence in. Unfortunately, these contractors have shown nothing but something akin to a Keystone Kops approach to this law enforcement situation. That is why this bill, the Republican bill that passed out of this House last week, is generating nothing but disdain as far as I can tell all across the country.

Mr. STRICKLAND. I think I hear you saying that the private companies, the private security companies, have the primary motive of making a profit, and a government law enforcement system would have the primary motive of protecting the public. Is that a fair way of phrasing that comment that you just made?

Mr. INSLEE. As always, the gentleman has done it with much more eloquence than I have been able to muster, but that is exactly right.

When we have the Border Patrol, we do not contract out the Border Patrol because we do not want to see the contractor's motivations to have low cost, low bid, cutting corners affect the law enforcement security issues that we have. It is the same with firefighters and police.

The reason we feel that way in this country is that these jobs are life-and-death jobs. If the job is done well, people live. If the job is not done well, people die. This is why we believe so strongly and Americans believe so strongly all across the country, I am hearing on Main Street, I am reading USA Today, I am reading the Seattle Post Intelligencer, I am reading the New York Times, this bill is a clinker because it does not match Americans' expectations that we have a law enforcement type system.

Let us just talk for a moment about this Keystone Kops idea. Since September 11, look at what has happened. Since September 11, when you would think these companies would be telling their employees to be on their best behavior, they would have their best front line people, their most trained people, they would be on their toes and they would have bells and whistles on, since September 11, we have had a test by the FAA at Dulles Airport that serves the Nation's Capital, you think would be the acme of achievement for these private contractors.

They went out to Dulles Airport a couple of weeks ago and they tried to run the gate 20 times with weapons that would show up on the magnetometer; guns, knives, I do not know what they used. Out of that 20 times, seven times people went through without being challenged by the security personnel. Almost half the times they failed at the Nation's principal airport. The company that was already fined $1 million for hiring felons we found is hiring felons again.

Now just the other day we have heard about this story where the guy ran through the system with multiple knives, stun guns, Mace, the only thing they kept him from taking on the plane was a Stinger missile. That was the only success they had. Yet the Republicans want to continue that status quo arrangement.

The status quo has failed. We hope this conference committee sticks by the Senate version which has a Federal responsibility.

Mr. STRICKLAND. I would like to ask my friend a question. Perhaps you cannot give me a definitive answer, but I am puzzled. Why is it that when the American people overwhelmingly want to federalize this function, when newspapers like the Columbus Dispatch in Ohio and the New York Times, the Portsmouth Daily Times, newspapers all across this country are editorializing in favor of federalizing this security function, and the Senate passed a bill that would do that 100 to nothing, is it puzzling to you that this House just would not get on board, do the right thing, pass the Senate version which could go directly to the President for his signature? And although the President has indicated he is not crazy about the bill, his spokespersons have said that he would be willing to sign it. We could have such a law in effect now, today.

Do you have any theory as to why this House would be so intractable in its approach to this issue?

Ms. WOOLSEY. If the gentleman will yield, I would like to suggest that if the GOP version does not sway towards the other body's, the Senate's version, it will be because they really do not want this to pass at all, because it is not going to pass. We will not get out of conference with the House version of that bill. So nothing will go to the President and we will not have an aviation security bill.

Mr. STRICKLAND. So we could enter the Thanksgiving holiday season without a security bill? And people who go to the airports to get on airliners would do so knowing that this House, this Congress, had failed to take action to protect them. That would be truly a sad set of circumstances.

Mr. INSLEE. To answer the gentleman's question, I am not so much puzzled as I am extremely disappointed because it is pretty obvious to anyone who has followed this with any but the scantiest degree of attention what is happening here. The companies that have failed the American people over and over again, the companies that have allowed sticks, guns, bottles, knives, everything short of a Stinger missile on these airplanes, have run up to their friends in Congress and have tried to save their bacon and their contracts and tried to put a kibosh on this bill that passed the Senate 100 to nothing, totally bipartisan, because they are trying to save their contracts and their potential profits.

There is nothing wrong with profit, but the problem is, these companies should lose their contracts. These companies should not be providing this service.

We have not seen anything in the Republican bill that will keep these same companies from not winning these same contracts. This same company that had seven knives get through security the other day and seven out of twenty through Dulles who are hiring ex-felons after they have already been fined $1 million, under the Republican bill could come up and they could get the same contract again. That is a pathetic failure of congressional responsibility.

Mr. STRICKLAND. Is it not true that this same company has already been fined over $1 million?

Mr. INSLEE. Already been fined $1 million. They got caught again with their hand in the cookie jar, hiring ex-felons. You have to ask yourself another question, how can this system of private contractors under Federal supervision be such a failure? Would one think that if we had a Federal agency supposedly riding herd on these contractors we could accomplish a fair degree of training and certification? One would think.

But the problem is this dirty little secret. We knew in 1995 that these companies were giving us a lousy job, they were not providing adequate security; and this Congress passed measures to require the FAA to adopt additional rules. But it never happened in 6 years. The reason is that every time the FAA tried to pass a meaningful safety regulation, those companies and airlines, too, to some degree, sent lobbyists up to Congress and blocked those safety regulations.

That is why this experiment is a failure, because our agencies have been under the control of the ones they are supposed to be regulating. And you cannot break that iron cycle unless we get campaign finance reform which we have also not had a vote on. The American people need to know that the reason this has not passed is, we have a sick campaign financing system that needs to be reformed. But until we get that, we need a new system of airline safety.

Mr. STRICKLAND. I do not want to put words in the gentleman's mouth, but as I listened to you, I am starting to feel some anger. I said earlier I felt frustration and puzzlement, but what you are saying, it seems to me, is that you believe that there is a system in

place here that would allow special interest money, special interest contributions, to be so influential over the actions of this House that we could take action or fail to take action which would literally put the lives of Americans at risk. Is that an overstatement in your judgment or do you think it is a fair statement?

Mr. INSLEE. That is a fair statement, that this Chamber put the financial security of special interests above and beyond the personal security of Americans who are in airplanes. It was a very sad day. That is why I hope the conferees will change the result that came out of this House.

Ms. WOOLSEY. If the gentleman will yield, I think it would be good if we laid out right here in our conversation how we think it would be different if it was federalized, how the standards would be set, and they would be national standards, and there would be a Federal corps of workers that would be hired, trained, monitored and supervised and actually earn a livable wage; and we would have a work force not too dissimilar from the work force we have here protecting us at the Capitol. We have the Capitol Police. They are Federal workers. They are not contracted. We do not contract the Marines.

Mr. STRICKLAND. It has been brought up in this Chamber on multiple occasions that we are protected here at the Capitol of the United States by police officers. They work for Uncle Sam. Some have taken offense when we have suggested that it is not fair for those of us who live and work in this Capitol to be protected by these well-trained professional individuals, who are adequately paid, adequately trained, adequately supervised, while we would be willing to let the American traveling public expose themselves to unnecessary danger. And when we pointed out the unfairness of that, some have taken offense.

But I think it is absolutely fair. Why should you as a Congresswoman or why should I as a Congressman have a different level of protection than other Americans who may be in vulnerable positions and threatened by terrorists? I think we should not. We should not have any less or any more protection.

I think what we have now is a system that leaves the traveling public, when they go to our airports, vulnerable. I know there are those who do not want us to say that, because they want the American people to go back and live a normal life. They know our economy needs our airlines to be successful and the public to feel like they can travel safely.

The public can travel safely if we do the right thing in this Chamber. It is in our hands.

I see that our friend from the great State of Colorado (Mr. UDALL) has joined us. Welcome.

Mr. UDALL of Colorado. I thank the gentleman for yielding. I want to thank my good friend the gentleman from Ohio (Mr. STRICKLAND) for calling this important special order tonight.

I want to change the thrust of our discussion, if I could, somewhat and talk about the economic consequences of not having an airline security bill in place. In my home State, we have a beautiful airport, Denver International Airport, known as DIA locally. It is a driver in our economy and a driver in the entire Rocky Mountain West of all of the States' economies that make up the Rocky Mountain West. We have seen a falloff of about 30 percent in flights, in concessionaire revenue and in subsequent falloff to the local tax collection moneys that accrue to the city of Denver, which incidentally has a responsibility to pay the bonds that covered the cost of the airport.

I have talked with a lot of people in the business community across the various sectors in our State, high tech, telecommunications, manufacturing, agriculture, you name it, we have it. I say, what can we do to bring our economy back to where it was? They say the number one thing we can do is get people back on airplanes again.

The ripple effect in our economy of people using our air transportation system, which is still second to none, is phenomenal. That is why passing this legislation is so, so important. That is why it was so disappointing to all of us here last week when we did not take the opportunity to pass the legislation. It was bipartisan in nature, as we all remember. It would have been on President Bush's desk on Friday. We would now today on Tuesday be in the process of implementing this legislation.

I also wanted to just underline what I have heard here too about the law enforcement function that we are trying to put in place. The people who are now doing the security work at our airports are well-intentioned. Many of them are hardworking. They want to do a good job. But they are not law enforcement professionals.

That is what we want to do by federalizing this work force. We would be able to provide them with the training, with the uniformity of approach, with a relationship with the intelligence community so that we can do a better job of catching people who should not be on our airplanes. We would provide these people with a career track.

There are some very thoughtful proposals that would link our airport security system, were it to be federalized, to Customs and to the Immigration and Naturalization Service.

□ 2100

People could work across those various agencies. I think that is a powerful concept and one that would be very, very useful to us.

Mr. STRICKLAND. I do not think the gentleman was here a few moments ago when I pointed out an issue that had been brought to me regarding the fact that some of the larger private firms that provide security at our airports are foreign-owned firms, and, consequently, the CEOs of those companies would be literally unable to achieve a high level of security clearance that would enable them to have access to classified information which may be essential as the FBI and CIA and other law enforcement agencies gain access to information, for example, about a terrorist threat.

On the other hand, if this was a Federal function, it would be quite easy for these Federal law enforcement agencies to work collaboratively, to share information, to make plans, to develop strategies together. It seems to me that is a glaring problem that I have not heard addressed as we have discussed this bill.

Mr. UDALL of Colorado. If the gentleman will yield further, I want to affirm what the gentleman has just pointed out, that we have the opportunity here as we move to provide for the homeland defense, two months ago, few of us had heard that term, ''homeland defense,'' but we now have that responsibility, not only to ourselves and our constituents, but to our children and their children. If we were to continue the work of the Homeland Security Commission headed by Senator Rudman, a Republican from New England, and Senator Gary Hart from Colorado, who suggested that we combine about 40 Federal agencies into a Homeland Defense Agency, part of that would be airline security. It is so, so crucial. It is at the core of our economic activity and our economic strength.

So I think the gentleman makes a very good point as to why it is important now, as soon as possible, to get about the job of federalizing our airport security and airline security system.

Mr. STRICKLAND. I would share a thought with my friend from Colorado, that I think it may not happen, what we are talking about here, it really may not happen until the American people become so determined that it has to happen. By that I mean only perhaps after the American people start calling and writing and making demands upon their elected Representatives and upon their Senators.

I would just share one additional thought from the USA Today editorial. It says: ''This week a House-Senate conference is charged with reconciling the competing bills, giving Congress one more shot at putting security wholly in the hands of the Federal Government, where it belongs.''

So we can still do this, as the House and Senate meets. We just passed a resolution here, or a motion to instruct, asking that this be accomplished by this Friday, so there is still time this week for the American people to let their will be known, to make phone calls or to write letters or to send e-messages or to visit their Representatives and express their opinions.

Mr. UDALL of Colorado. If the gentleman will yield further, he makes a very, very important point; and I want to once again remind the viewers that the bill had bipartisan support. This is

not about Republicans or Democrats. This is not about partisan advantage or disadvantage. This is about creating a new system of airline security that will ensure that every person who gets on our world-class airline system will know that they are going to arrive safely at their destination. They will know that when they go to the airport that they are going to proceed through a security system that is going to treat them respectfully, treat them as if their time is important, but also make sure that the bottom line is emphasized, which is to ensure that our airline system is safe and secure.

Mr. STRICKLAND. My friend understands that last week we spent a good deal of time talking about the fact that much of the baggage that is placed in an airliner is not screened for explosive devices. It is estimated that perhaps 5 percent is. But even the 5 percent that is being screened at Dulles International Airport, if I could just share a personal incident, this happened to me three times. I have flown out of Dulles now five times in the last few weeks, and three times I have been selected to have my luggage screened for explosive devices. Now, I am not sure what kind of profile I fit. Sometimes I think that maybe I am being screened because I am a Member of Congress and they want to convince me that the system is working. But here is how they have asked me to have my bags screened.

I have gone up to the ticket counter, I have given them my ticket, I have received my seat assignment. Then the person behind the ticket counter says to me, sir, we would like for you to take your bag and walk down this corridor until you come to the first crossover, turn to your left, go to the next main corridor, turn to your left, and you will see the machine, one of these CTX machines, $1 million machines, you will see one of those machines over on your right, and they will screen your bag for you.

Now, that is absolutely absurd. Any person who was devious enough to have an explosive in a bag would not voluntarily, without being observed or without being escorted, carry that bag around and ask someone standing on the other side of the wall to screen that bag for an explosive device. It is just simply absurd.

This Argenbright Company, I assume, is involved in that kind of process. It is so ridiculous, it is almost unbelievable. I am almost embarrassed to share that, because I know it is hard for people to believe that we would have a $1 million machine, we would have a process in place that would be so absurd and call it security.

I see my friend from California has stood.

Ms. WOOLSEY. Well, this is not about being inconvenienced; it is about being inefficient and senseless. We were talking about should we be protected here at the Capitol in a different fashion than our constituent in the traveling public is protected, and the answer, of course, is no.

We have to remember that it is the pilots that fly those planes and the flight attendants that work so hard to make us comfortable that are telling us and told us last week, federalize the system. That is what we would feel safe with.

They will; the public will. We know it is better. So we have one more chance this week in the conference discussion, the public does not care what a conference is or is not, but it is one more chance that we can get together and do the right thing.

I agree with the gentleman from Ohio (Mr. STRICKLAND) that it is time for the different Members of Congress here to hear from their constituency about this. But we have to remind them, they cannot send letters, because we do not get any mail. Phone calls, e-mail, call the district offices, but be heard.

Mr. UDALL of Colorado. If the gentleman would yield for another minute, I want to thank my colleague from California (Ms. WOOLSEY) for joining us as well. I wanted to make one final point.

Frederico Pena, the Mayor of Denver, well respected for his accomplishments, helped to see that our new international airport was first approved and then built; and it has now become a world class facility. He then served as the Secretary of Energy and then Secretary of Transportation. He wrote an editorial last weekend entitled ''Federalize Airport Screeners.'' If I could, I would like to enter this in the RECORD. He makes a compelling set of arguments for why we need to move to federalize our workers. He rebuts all of the arguments that have been made by people who do not want to take this step.

I know my colleague, the gentlewoman from California (Ms. WOOLSEY), talked about this argument that somehow unionizing these workers would result in them being less productive; and we would not have an opportunity to dismiss those who were not effective. That is inaccurate at best, and just not right, when you get under the surface and understand what we were proposing in our legislation last week.

He says, just one example, that some people say the one-size-fits-all solution would not work. That was one of the arguments against our legislation. But it is uniform, consistent high security at all airports, which is exactly what is necessary, because terrorists can find the weakest link, as they did when they went to Boston and drove to Portland, Maine, flew back to Boston and then boarded those airlines that hit the World Trade Center.

If I could, I want to thank my colleague for hosting this very important Special Order, and I hope a week from now we can all celebrate because this legislation will be on the President's desk, he will sign it, and before the holiday season begins, we can know that the American people will not only be secure physically, but secure psychologically. That is as important in this process as providing for the physical safety of all Americans who use our world-class aviation system.

Mr. STRICKLAND. I would like to share an anecdote regarding the wonderful Denver Airport. I know my friend is rightly proud of that great airport; but there is a problem there, and I would share this true story with the gentleman.

About a month ago some friends of mine in Denver, a young man with his wife and very young child, were going to fly to Columbus, Ohio, to visit this young man's mother. So they went to the Denver Airport, they had their tickets, they checked their luggage.

As they sat there waiting to get on the plane, they noticed someone who appeared to be nervous to them, and maybe they were allowing their imaginations to run wild, I do not know if they had a right to be concerned or not. But as they observed individuals boarding the plane that they were to fly, they saw this individual get on their plane, and so they were frightened so they chose to not fly on that airplane, but to drive from Denver to Columbus, which is a long distance.

But, guess what? Their luggage stayed on that plane. In the past we have thought, well, if a person checked luggage and flew on the plane, they would be unlikely to try to explode that plane because they would lose their own lives. But in this incident the traveling persons did not even bother to take the flight, and yet their luggage remained on that airplane.

That is another problem. We do not match passengers with luggage.

Mr. UDALL of Colorado. If the gentleman will yield, it strikes me that given the advances in telecommunications and computing and data processing, that all we need is the will and the resources to provide the system that would make that bag and passenger match, something that could be done.

Mr. STRICKLAND. It absolutely could be done. But once again, there is a story in the newspaper today saying the airlines are opposed to this, because they say it would cost too much and it would slow down the process.

We cannot put a price tag on public safety. There are reasonable things we can do. It may add somewhat to our inconvenience. But as that woman in Columbus, Ohio, said to me, this woman who had gotten through security with a pair of large scissors, she said, I would not mind the inconvenience if it kept me safe. But people do not feel like what is currently happening is going to keep them safe. Quite frankly, I do not think that will be the case until we federalize this effort.

Mr. UDALL of Colorado. People of all backgrounds and professions and experiences in my district have said to me, I will gladly pay the extra $2 or $3 on each ticket to insure that the security system is one that provides me a safe experience, provides my family and my friends a safe experience, and provides

all Americans who want to use our air system with the understanding and the security of knowing that they are not going to be threatened by another set of terrible acts such as we saw on September 11.

I want to thank my colleague for hosting this Special Order tonight.

Mr. STRICKLAND. I thank the gentleman for joining us. I yield to the gentleman from Washington.

Mr. INSLEE. I just want to answer a couple of the questions people have asked about our plan of federalizing these security forces.

One of the arguments against this essentially has been you will not be able to layoff incompetent people once they are Federal employees. People should realize that in the Senate bill we have made provisions to give additional flexibility to management to lay people off, to take disciplinary action, consistent with their law enforcement function.

We need to treat these people like FBI agents, Border Patrol and Federal Marshals. They should have a similar disciplinary system, that perhaps does have more flexibility for management than a different Federal job. That is a really a red herring, because we have taken care of that, to make sure that if there is incompetence in that workforce, we can take care of it, just like we need to with Federal Marshals and the like. That is taken care of.

The second argument people have played is there are some other countries that have different systems. There are some other countries that do have some private contractors under government supervision, which is fine. Other countries have managed in some circumstances to make that work.

But those countries are not America. We are 20 times bigger than some of those countries, number one. Number two, those countries have not had a 10-year continued pattern of failure like we have had with this system; and, number three, and most importantly, those countries do not have a sick campaign system that allows these people with tons of money to come into the FAA and Congress and spread influence around and stop safety from being implemented.

□ 2115

Mr. Speaker, that is the difference that we have to pay attention to.

Mr. STRICKLAND. Mr. Speaker, that is a very good point. It is amazing to me that a company responsible for the security of the traveling public could violate procedures, hire felons, give false statements, be fined $1 million and continue to be allowed to provide, quote, ''security to our traveling public.''

Mr. INSLEE. Mr. Speaker, it is a symptom of the illness that affects our system, of why we have not had sufficient regulation.

But I do not know what the campaign system is in some of these countries, the Netherlands and other places, but I know that they do not have a system like we do; otherwise they would have lousy security. They would have lousy security because the security companies would come in, spread influence around and block any safety or yank in their contracts when they do not do a good job.

Mr. STRICKLAND. Mr. Speaker, reclaiming my time, the gentleman has just reminded me of the fact that the gentleman and I sent a letter to the Speaker and to the majority leader asking that this House of Representatives not adjourn, that we stay in session throughout this year and attend to the important business of the American people.

One of the items we need to be attending to is the campaign finance issue. The campaign finance bill passed the Senate. All we need to do is pass it here in the House. The President has indicated, I believe, that he would sign the bill if the House were to pass it. If we did that, it would be a wonderful holiday gift to the American people, because the American people could then have confidence that regardless of what decision we made in this Chamber regarding airline security and a whole host of other things, that we were doing it out of the right motive, and that we were not doing it because we were trying to please some large contributor. That would be an amazing, wonderful gift for the American people.

That is why I do not think we should adjourn this House. We should not adjourn this House in time of war, we should not adjourn this House until the people's business has been attended to. That is one of the critical items that we need to address.

Mr. Speaker, I yield to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, every time the gentleman brings up campaign finance reform, I see the shelf, and if the leaders of this House will not move towards the other body's federalizing of aviation security, we are going to take aviation security and shelve it. So there will be campaign finance reform on the shelf, there will be aviation security on the shelf, there will be HMO reform on the shelf. It is all because of campaign finance reform. The gentleman is so absolutely right.

We have to remind everybody that last week the aviation security bill only passed out of the House with four additional votes on the passing side. That is not a mandate from anybody. So it needs to go back to ground zero and be rethought.

Mr. STRICKLAND. Mr. Speaker, it is of interest that the gentlewoman mentioned three critical issues: campaign finance reform, a Patient's Bill of Rights, which has passed the Senate, and now airline security. These three huge issues that are of such great importance to the American people could become law if we could just get the leadership in this Chamber to take the stranglehold off this Chamber and let it work its will.

We are near the end of our time together. I am wondering if the gentleman from Washington (Mr. INSLEE) would just take a moment and reiterate the process that we are facing here. We have had the House and Senate bill. What is likely to happen? How can this bill become law by the end of this week? What needs to happen?

Mr. INSLEE. Mr. Speaker, if the gentleman will yield, as the gentleman knows, the Senate passed a strong version requiring the Federal Government to assume responsibility for security of Americans in the air. It was 100 to zero. The bill came over to the House. It languished here for weeks and weeks and weeks after September 11. The Republican leadership refused to bring it up, essentially because they could not pass it. They finally brought it up last week and a very, very narrow margin passed a different version that had this giant hole in it, more Swiss cheese than anything; and now it goes to a conference committee where members of the House and Senate will meet to try to reconcile this to come up with a bill.

We are just very hopeful that now that America has found out about this bill and people have found out, as Siskel & Ebert would say, it is two thumbs down for America on its failure to federalize this responsibility, that the conferees will, in fact, adopt the Senate version and have the Federal Government have Uncle Sam take over this system like they should have done 10 years ago to prevent guns, knives, sticks, bottles and everything else getting through this poor system.

That can happen in conference committee. It can be signed into law by Monday by the President. We are hoping that Americans let their Members of Congress know what they think about it so that that is exactly what will happen.

Mr. STRICKLAND. Mr. Speaker, reclaiming my time, this is the situation: A relatively small number of Members of the House of Representatives and a relatively small number of Senators will make up this conference committee, and they will get together and try to resolve the differences, and then they will bring back a final version to this House to be voted upon and to the Senate to be voted upon. So it is still possible, is it not, that that conference committee could decide to federalize this security apparatus?

Mr. INSLEE. Mr. Speaker, if the gentleman will yield, it is very possible, and it is more likely if Americans will let their elected officials know that that is what they want to see happen, that they want certified Federal marshals, Federal officials at these gates to make sure people are not taking bombs and are not hijacking airplanes. And if we do that, we think this conference committee can, should and will adopt a federalized work force.

I want to thank the gentleman for helping to get that message out.

Mr. STRICKLAND. Mr. Speaker, I want to thank the gentlewoman from

California and the gentleman from Washington State and the gentleman from Texas and the gentleman from Colorado for joining us this evening.

NATIONAL SECURITY

The SPEAKER pro tempore (Mr. KENNEDY of Minnesota). Under the Speaker's announced policy of January 3, 2001, the gentleman from Colorado (Mr. TANCREDO) is recognized for 60 minutes as the designee of the majority leader.

Mr. TANCREDO. Mr. Speaker, I rise tonight on an issue that is similar to that which has been discussed on this floor for the last hour or so, and that is national security. It was focused almost entirely, the last hour, that is, on airline or airport security.

It is an incredibly important issue. No one denies the fact that what is happening around the country in our airports in terms of security has got to be improved, and that there is a great deal of concern about how that should be accomplished, whether it is the federalization of screeners at airports or not.

That seems to be the major sticking point, and it is an interesting one, certainly. It is not a very relevant point, however. I am afraid it is only a rhetorical point. It provides the minority party the opportunity to come to the floor of the House and suggest that the majority party is responsible for a lack of action that would lead to airline and airport security because we have not passed their brand of airport security.

Now, that is predictable; it is understandable. That is the way this House operates.

It is interesting to note that little, if anything, can be accomplished in terms of true overall airport security and certainly, very little can be accomplished in terms of national security by simply doing what is suggested needs to be done over the objections of the majority party; and that is to federalize the screeners that look through that little box as stuff passes through the x-ray machine as one tries to reach one's flight.

That is really what this is all about. Should those people, the screeners, be Federal employees? Somehow, we are led to believe that in doing that one thing, just by making that one person, because remember, Mr. Speaker, regardless of the fact that those folks who were up here for the last hour kept talking about federalizing the system, we are not talking about federalizing the system.

The system includes airplane pilots and airplane attendants and baggage handlers and food handlers and mechanics and people who sell the tickets at the airport and people who pick up bags when people come to the baggage check-in area. That is the system. That is the airport system. No one, absolutely no one that I know of up to this point in time, has suggested federalizing that whole process, eliminating the private entrepreneurial activity that goes on in airports all over this country, eliminating airlines taking over instead of the variety of airlines that we have.

Federalizing the system would mean one airline run by the Federal Government. It would mean all pilots, all airline attendants, everybody I mentioned earlier would be part of this, quote, ''Federal system.'' That is what federalizing the system means.

Now, they use that phrase, ''federalizing the system,'' but they are not really talking about that. They are talking about federalizing one tiny little part, making Federal employees of the people who look through that screen to determine what is going past the x-ray machine. And they are suggesting that somehow, somehow by magic, as if by magic, doing that, making those people who peer through that screen Federal employees, we will all be safer.

Now, there is a cachet to the whole concept of federalization. I understand it. It is a knee-jerk reaction. The other body had that reaction when they passed the original bill. It was a knee-jerk reaction. Some of those Members of the other body closer to the second half of knee-jerk were on television explaining why that needed to be done and suggesting that there is some enormous advantage to be gained as a result of making all of the folks who screen your baggage and look through that little machine Federal employees. But no one has ever said why.

Not once, not even in the 1 hour previous to this debate that I am having tonight, this discussion, did I hear anybody say that if we federalize these screeners, we will all be safer because. Because why? They will be what? Better trained? Well, fine. Does that mean that only a Federal employee can be trained?

Well, I do not think so. I do not think anybody believes that that is the case. Then why would it be better just to make them Federal employees?

Mr. Speaker, I do not know how many times my colleagues take advantage of that particular mode of transportation, airplanes.

□ 2130

I do it twice a week. My family periodically joins me out here. My sons, my daughters-in-law, my grandchildren all fly on airplanes quite often.

They are the dearest things in my life, and to suggest, as our Members did in the previous hour, that if we vote against the federalization of airport security workers, of these baggage screeners, we are really surrendering to these money interests who evidently have put a lot of money into all these campaigns, and that is what has corrupted the system, they have suggested that the gentleman or I would in fact vote for a piece of legislation because somebody put money into my campaign, even though I thought that we would be less secure as a result of it.

First of all, Mr. Speaker, I put every single person who donates 5 cents to my campaign on our Web site. Anybody can go to it any time they want. That is more than the FCC requires. They require that we disclose periodically anybody that has given us over $200. We put everybody there. Everybody who gives us any money, we list them. We disclose them.

I challenge anyone to go to our Web site, my Web site, and find any contribution from Argenbright or any of these other organizations that we are talking about, security organizations.

I will tell the Members something else: if I were in charge right now of airline security, airport security at DIA, I would think very, very strongly of firing Argenbright. From everything I have heard, they are not doing a very good job. That may be the case. But I suggest, Mr. Speaker, it is easier to fire Argenbright security than it is to fire even one Federal employee.

I suggest something else: if the same circumstance would happen in the future as happened yesterday or the day before in Chicago when someone went through the security process; now as I understand it, here is what happened: somebody came through the security process, and they were detected as carrying something that needed to be identified; and those screeners found this gentleman carrying two knives, and they took them away from him.

What they did not do at that point in time was search his baggage. That happened some point later in the process when he was trying to board the plane and they found these other knives.

Okay. Now let us assume something was wrong in this whole thing, that they should have searched his bags earlier; undeniably true. But remember, they found, these incompetent private employees found the two knives initially and took them away. That is what they were supposed to do at that point.

Maybe there was some problem with what should have happened next, and as a result of that, some people may very well be fired as a result of not doing what was right and following procedure. I do not know exactly what the procedure was; but if there was something wrong, they could be fired, and I would suggest that they should be fired. We are not talking about an unimportant activity here; we are talking about the safety of the flying public. So I think the standards should be very high. If somebody did not meet that standard, they should be dismissed.

Think for a moment, Mr. Speaker, what would have happened if the exact same scenario that I just laid out had occurred, but the employees there had been Federal employees.

Does anybody think for a moment, by the way, that if we federalize the screeners, that this similar type of situation would not happen? Is that what I am being told by the other body, by the other body and including the other

Members who spoke earlier, that if we federalize the screeners by making them Federal employees, somehow what I have just described, this process that happened in Chicago, would not happen?

Of course, why? Just making them Federal employees would make them, what, more astute, more intent on making sure that the procedures were followed? No. It is a problem, of course, of training and of standards. We know that. And it is silly to assume that just simply having Federal employees there would have changed the outcome.

But what would have changed, Mr. Speaker, is the possibility of the kind of action taken against the employees, because if they were Federal employees, regardless of what we try to write into a law about our ability to fire a Federal employee, about our ability to transfer a Federal employee, about our ability to stop a strike or a work slowdown of a Federal employee, all those things have been challenged in court; and time and time again they have been thrown out.

So it is just enough to put that into a piece of legislation, and to suggest that that is the way in which we would build a firewall between irresponsible action on the part of the union and the safety of the flying public is a ruse. It cannot happen. We cannot write laws to force people or to make it illegal for people to go on work slowdowns and strikes and to actually be fired if they are Federal employees if they do something wrong.

Mr. Speaker, I spent 12 years as the regional director of the U.S. Department of Education. I assure the Members that the ability to actually dismiss someone for incompetence as a Federal employee is darned near impossible. It would take, sincerely, it would take years; and it would take hundreds of thousands of dollars to get rid of just one, let alone several people who we found to be incompetent.

So I wonder, with that being laid out there, I just wonder, Mr. Speaker, what would be the outcome if these were Federal employees who had not followed the regulations correctly, as perhaps this happened in Chicago? We can at least fire the ones in Chicago. We will never be able to fire the Federal employees who would go through that same process and unfortunately make the same mistakes.

Now, somehow people, again, as I say, would feel better. They would go, oh, gee, that is all right. I feel better. I am more secure if these guys are Federal employees that are looking through that screen.

That is not it. If Argenbright, which has been referred to oftentimes in the last hour as the major contractor for security, if they are not doing it right, fire Argenbright. Fire Argenbright tomorrow. Bring someone else on who can do a better job. If whoever is responsible for hiring and firing Argenbright does not do their job, then hold them accountable politically. That is the process that I believe would make us more secure.

I fly, as I say, every week, Mr. Speaker, twice a week to my family. I would never do anything, I would never cast a vote for anything that I did not believe would improve the security for my own family, and certainly myself.

So to suggest that our opposition to this particular proposal is based on, on what, payments I had gotten, or other Members have gotten, for voting the way we vote? As I say, go look. We were moving close there to taking down the gentleman's words when he suggested such a thing.

The other countries, we can look around the world and think about the other countries that have tried this. Yes, I know that they brought this up saying, well, the other countries have done this, but they are not like America. They do not have a political system that allows us or allows their politicians to be bought off. That is what they were saying.

I do not know about the Speaker, but I think that kind of statement is irresponsible. I think the suggestion of the Members on the other side that it is only our system of government that prevents us from federalizing airport security, and that is essentially what they said. Go back and read their words. They said that other countries do not have a system that allows the corruption of politics to occur as a result of the money that private companies put into this.

As I say, I had never heard of Argenbright Security in my life until this discussion over airport security began some month or two ago. They have certainly never contributed to my campaign; and I will tell the Members what, if they had given me 5 cents or $5,000, which I suppose is the most they could give; no, they are a corporation, perhaps they cannot give a dime.

I do not know what the actual legal status of their arrangement is, but the reality is they have never given us any money. If they are a corporation, of course they never have been able to give any Member of this body any money.

So to suggest that our support for a private company being held to high standards, federally established standards, is somehow injudicious or an aspect of corruption, then I suggest that we take a very close look at those people who are making these charges and ask ourselves, for what purpose would they be coming to this floor with those kinds of spurious allegations?

There are many countries, many countries, such as the Netherlands, Japan, Belgium, France, Great Britain. These are excerpts from articles from the Washington Post with regard to countries who have at one point in time either employed or used federalization as a way to handle the airline security and moved away from it, or never started it to begin with.

The Netherlands: ''As an armed member of the Dutch Royal Police looked on, the guard, an employee of a private contractor who had undergone a year of training through the Royal Police Academy, began questioning the couple.''

These are examples of what we can have, where we can have Federal oversight and private actual implementation of the process.

Japan. At Japan's Narita International Airport, the airlines hire separate companies to screen checked baggage, but combine to hire one contractor, one contractor to X-ray carry-on bags.

Belgium. Sixty government inspectors work at the Brussels airport to oversee about 400 employees of private companies; 60 inspectors oversee 400 employees of private companies.

Securitas, an arm of the Swedish Securis group, AB.

So there are alternatives to this Argenbright outfit, evidently.

France. In France, airports do the hiring of security contractors and must draw from a list of companies approved by the Interior Ministry. Fine. No problem.

Great Britain. Britain allows its airport to either hire a contractor or to perform the work themselves. Fine. Our bill, the bill that they so readily castigated over here, does exactly that. It allows the President to make whatever choice he wants in terms of how we will handle this issue, federalization or private or some combination thereof.

But it is the height of hypocrisy to come to this floor and suggest that the only way this can be done, because, of course, we are the only Nation that would be in this position of having private security firms overseen by the Federal Government, actually be responsible for the security of our airport; to castigate us for that and not share with the American public the truth of the matter, that there are many governments that do. And this is not a definitive list of those countries that have tried federalization of airport security and moved away from it; there are many others.

I suggest that we all should look carefully at this issue, and we should refrain from suggesting on the floor of this House or in any other medium that if a person votes for or against the bills that were on this floor not too long ago with regard to airline security, that we are doing so for any reason other than what we believe in our hearts to be the best thing for this Nation, and certainly for our own personal security, if nothing else, and for the security of our families who fly all of the time.

Now, Mr. Speaker, let me get to the second point of my discussion this evening. It will probably not be a surprise that that point is going to revolve around the issue of immigration and immigration reform.

I find it fascinating that we spend many hours on debate, in debate on this floor on the issue of, in this case,

airline security, and whether or not to actually make that individual who looks through that little box a Federal employee.

This has just been so, so difficult for us to handle, such a major issue, such an incredibly important change in the procedure in America, that it deserves the hours that have been spent here in debate.

I find it amazing that we have chosen to spend that much time in the debate over whether or not one tiny part of the entire airline system, just the lady or man who looks through that little screen, should be a Federal employee, that we find that to be the most important thing to talk about when it comes to our Nation's security; and we spend little if any time dealing with what I consider to be a far, far more important issue, and that is this: Would it not be better, would it not be better to spend at least as much time in the determination of who gets into this country in the first place, keeping track of them once they get here; trying to keep people who want to do us ill, want to do us ill, is it not better to do that than to even worry about what happens to them as they go through airport security, once they are here, once they are in the Nation?

How is it that we can ignore the fact that there are millions of people in this country illegally, that there are millions of people who have overstayed their visas, millions of people who violate our laws all the time, and we are so worried here?

I heard reference after reference to the fact that some of these private companies hire ''noncitizens'' to do the security at the airport, to look through that screen.

□ 2145

This has been said with aghast, taken aback, to use the Casa Blanca line. They are shocked, shocked to find that noncitizens are being employed at the airports. Hello, noncitizens, and not just noncitizens but illegal aliens in the United States are being employed in every aspect of American life; and no one seems to care about that, and no one seems to care about the fact that hundreds of thousands, in fact, millions of people cross our borders every single year, without going through the system, without going to apply for a visa, without coming through a border checkpoint so that someone could determine who they are and where they are going and why. Millions of people come across our borders where there is no checkpoint and where no visa is required. They sneak into the country.

It is true that certainly a huge, vast percentage of the people who do that are not coming here to do harm to the United States. They are coming here for their own personal benefit, and it is understandable. It is also true that some of them may not have the best interests of the United States at heart. It is true that some of them who come across illegally may, in fact, be coming here to do us harm.

Mr. Speaker, 19 people, all of them noncitizens of this country, on September 11, 19 people, as we all know too well, hijacked airplanes, crashed them into buildings or were prevented from doing so by the heroic efforts of certain efforts of the crew and/or passengers, I should say, on one of those flights.

Who were they? Who are these people? Who were these people? All, of course, unable to tell their own story because they are dead. But who were they and how did they get here?

My staff asked the INS shortly after September 11 for a list of those people and for their immigration status. We got nothing back; and finally, the only thing that they told us to look at was a press release from the FBI that listed all 19 people and had three of them identified with a particular status, and all of them were visa holders.

One of those they had identified had overstayed their visa. It turns out that 13 were here on visa status of one form or another, one category or another, some of those here illegally because they had overstayed their visas or were not doing what the visa had said they were supposed to be doing here.

Six of them, Mr. Speaker, up to this point in time, as to this time right now, November 6, we have not the slightest idea how they got here or who they are. We may know their names, but we do not know what their status was. We do not know how they entered the United States of America, six of them. The INS finally had to admit it. It is one of those shrug-your-shoulders, I-do-not-know, I-am-not-sure, I-do-not-know-how-they-got-here.

Let me suggest that they did not come through the regular process. Let me suggest that they did not apply for a visa in Saudi Arabia. We would know that. Let me suggest they did not come through one of the border checkpoints and use their name. We know that. We would know that.

Let me suggest they got here some other way. How could that be? How could it be that somebody could come into the United States and we would not know it? Of course, that is how millions of people come into this country. They swim across rivers. They take canoes across rivers in the north. It is a little colder. They walk across into the deserts of the South or into the mountains in the north, but they come by the millions.

We have absolutely no plans today to defend against that. Nothing will change. Nothing has changed. We are approaching the 2-month mark since the tragedy in New York and Pennsylvania; and yet I have seen not one significant piece of legislation on this floor or even in the developmental stages that would reform the process, reform the immigration system so that we could begin to think that our borders are being secured. Nothing.

We are certainly concerned about whether or not the person that looks through that little device at the airport is a Federal employee. Give me a break, Mr. Speaker. Where in the world are our priorities here? Do we honest to God think that if we only federalize the screeners that we will be safe in America? That something as horrendous, if not even more so than the September 11 event, would not occur? Do we really believe that? Of course not. Of course not.

It is political rhetoric, my friends. It is partisanship rearing its ugly head on this floor. Incredible as that may sound, that appears to me to be what is happening here; and it is a reluctance on the part of this body, certain Members of this body certainly, to advance the concept of immigration reform because of the fear of two things: one, the political backlash that will occur among certain ethnic groups.

There is a fear that if we were to try and clamp down on our borders, especially Mexican nationals who come to the United States, stay here for a long enough period of time, either vote illegally themselves or through gaining legal status or their children who are born here as American citizens and who then vote, would somehow make one of our parties pay the price for being hard on immigration.

There is that fear. There is a recognition of the fact that most of the people, massive numbers of immigrants coming across the border eventually grow into, as they become eligible to vote and some of them, of course, unfortunately, voting even if they are not eligible to do so, but will vote primarily for one party, in this case the Democratic Party.

So the Democratic Party is reluctant to talk about this issue, although they are very happy to talk about whether or not screeners should be Federal employees, spend hours on it. But they will not talk about illegal immigrants coming across the border and the threat that porous borders poses to this Nation. Again, I say it is not the vast majority of people coming across those borders illegally that pose a threat to the health of the Nation or the stability of the Nation in a very immediate sense, although they may pose that in the long run. But the fact is that unless we secure our borders against all of those people who are trying to come here illegally, we cannot hope to prevent another incident.

Even if we did, I understand fully well, Mr. Speaker, that even if we did do everything I am suggesting, put troops on the border, if not active military put on National Guard troops to secure our borders, use technology to monitor the borders, use every aspect of military and police work available to us to make sure our borders are secure, overnights and patrols and electronic monitoring, if we did all of that, we cannot be absolutely positive that nothing else would ever happen as a result of somebody sneaking into the country.

But let me ask, Mr. Speaker, let me ask the American public, should we do

any less? Should we not do everything we can to make sure that those borders are secure simply because we cannot make sure they are absolutely impervious?

Mr. Speaker, I have said on more than one occasion that, God forbid, if something else happens similar to the occurrence of September 11, and we find that they are perpetrated by people who came into the United States illegally, or even came here legally with a visa status that we gave them but did not monitor, and they perpetrate another event of a similar nature, I suggest, Mr. Speaker, that we are not just going to be held to be irresponsible as a Congress, but we are going to be held to be culpable. And I recognize that this is a very strong statement, but I cannot for the life of me figure out why it is not true.

We sit here, Mr. Speaker, with the ability to put in place a system that would be far more efficient than presently exists. We are the only people, this Congress is the only thing that can act. We cannot expect States to actually do the work of immigration reform for us. We have to do it. We are the only ones with that authority and with that responsibility.

But why is it that we have refused to do so? As I said, there is a political price to pay, that is for sure. And we understand that there is a political benefit to pandering to illegal aliens. There is also on our side of the aisle a reluctance to deal with this issue because of economic implications. The fact is that many, many of our jobs are being taken, many jobs in this country are being taken by illegal immigrants or by people who are here legally but are willing to work for less than an American citizen would work for. That is true. And, therefore, we have pressure on our side, on the Republican side, the people who have business interests, to avoid doing anything that might impede the flow of low-cost employees, low-wage, low-skilled people; or in some cases like H1B, which I will talk about in a minute, high-skilled people but still lower paid.

Let me go into that for a moment, Mr. Speaker. H1B is a visa category that allows people to come into the United States, about 160,000 a year, by the way. And they can stay here for up to 6 years to work in jobs that, quote, ''no one else will take.'' Jobs like computer programmer at some of the most prestigious companies in America in terms of technology. These really rotten jobs that no one else will take, computer programmer, analyst.

We were told by the mavens of industry that in this particular arena, technology, that we could not hire enough people. They could not hire enough people, qualified people, here in the United States. So we had to grant H1B visa status to 165,000, at least, every single year. Let them stay for 6 years. So we now accumulated several million, 4 or 5 million people here in the United States on that status, H1B visa status.

Now, unless it has escaped us, Mr. Speaker, and I do not believe it has, there has been a change in the economy over the last year. Starting with the last quarter of the Clinton administration, the economy has begun a slow but steady decent into what is now undeniably a recession. Yesterday, I believe it was, unemployment figures came out; and the figures were frighteningly high, higher than they have been in well over a decade. Especially frightening in the area of high-tech jobs where hundreds of thousands of people have been laid off.

Mr. Speaker, in America today there are factually millions of people looking for work, people who can operate in this capacity as a computer programmer or whatever and people with various other skills who are looking for work.

□ 2200

I suggest, Mr. Speaker, that it is time for us in this body to revisit the whole idea, the whole issue of H–1B, and I have, in fact, introduced a bill to abolish H–1B visas. I think, Mr. Speaker, we do not need them anymore. I do not think we needed them when we passed them. I think we did it as a favor to some large corporations in the United States because they could get people to come to the United States and work for less than they could hire an American worker to do the same job.

And I say that with the recognition that there are people in the United States who I know today are unemployed and unemployed because an H–1B visa holder took his or her job, took a job that those people would be qualified for and would be doing except, of course, they asked for more money.

Now, this kind of thing, to my friends on our side who are Libertarians and who feel as though we should not really care about the issue of high wages for American employees, that it is all a function of markets and we should just simply erase the borders, let people come and go freely, that is all fine. It is an idealistic concept. But the idea of open borders, I think by now has been totally and completely discredited, for obvious reasons. Look where we are. Look what has happened to us. Look what happened on September 11.

The idea that American citizens who need and want jobs should be kept from those jobs because there are H–1B visa holders here is, I think, unconscionable. But it is where we are.

And let me tell my colleagues what has happened, Mr. Speaker. It is true because there have been many layoffs in industry, the high-tech industry especially, that some of these H–1B holders are out of work or were out of work. Now, the law says, by the way, that if they are no longer employed by the company that hired them to bring them over here as an H–1B visa holder, they must go home. That is the law.

The INS has said essentially that we are going to look the other way. They say, do not worry about it. When H–1B holders call them and say, what am I going to do, I am out of work, am I going to have to go home? They say, well, we are in the process of writing regulations, so we will let you know. Other people have been told they have a couple of months to look for another job; take another job away from an American citizen because, after all, you are here. We would not want you to be disadvantaged. We would not want you to have to leave the country.

The INS is no longer an organization that looks out for the best interests of the United States. The INS is an organization that has turned into a bunch of social workers. Immigration social workers. That is how they think of themselves, Mr. Speaker. They are not concerned about the health of this Nation, about the impact of massive immigration on the overall course of the Nation, and certainly not concerned about the fact that American workers are being displaced by H–1B visa holders.

Why do we still have H–1B visa holders in light of the fact that there has been a significant turndown in the economy? For one reason, Mr. Speaker, because this body is afraid to take that up. There are powerful interests who want the H–1B visa status to be expanded, certainly maintained, because they get many workers here at a lower price than they can hire American workers for. That is the story. I wish it were not true, but it is true.

And it is actually totally understandable, I suppose, if you are an employer whose eye is only on the bottom line and could not care less about the United States of America. And, believe me, what we now call multinational corporations, that is a good, good descriptor. They are multinational. They could not care less about America. Their interests are bottom line, and so should they be.

Maybe we can argue their interests should be just that, bottom line. But I argue that our interests in this body should be for the people in the United States who are citizens of this country, who are looking for jobs and are competing with people who have been brought into the country, albeit good people.

I do not suggest for a moment because someone is here as an H–1B visa holder that they are a bad individual. That is absolutely not true and irrelevant. They are fine people looking to better their own lives. I understand it. I empathize with them. But my job is not to make sure that every single unemployed person in the world is given the opportunity to take an American job. That is not what I consider to be my responsibility as a Member of this body.

Yet my bill for the elimination of H–1B status will not be heard, I will predict. We will not even get a hearing, Mr. Speaker. My bill to put a moratorium on the deliverance of visas will not be heard, I fear. My request, as the

chairman of the Congressional Immigration Reform Caucus, to have a bill that would actually reform the INS by abolishing that responsibility that they take so casually, that is for enforcement, abolishing that and creating a brand-new agency that includes some of the responsibilities that are now given to the INS, Customs, Treasury, Coast Guard, and others for border security and internal security.

We would abolish those agencies, or those parts of agencies that are now given that responsibility, an overlapping and confusing and conflicting responsibility, and create a new agency under Governor Ridge, under the Homeland Defense Agency. We could call it the National Border Security Agency, or whatever we want; but let us make sure that it has only one responsibility, not to on the one hand hand out green cards and help individuals get legal status in the United States, help them figure out a way to get here and achieve their life's dreams as an immigrant, but has as its only responsibility to make sure that people we do not want in this country cannot get into this country, and to make sure that those people who are here illegally are deported.

Now, that is the true and real responsibility of a Federal Government. It is especially our responsibility now. It does not mean we slam the door shut to every single immigrant. We will hear that, I know; that what we are trying to do is deny our heritage as immigrants, as a nation of immigrants. Poppycock. It is irrelevant to talk about the fact that we are all here as immigrants.

Yes, well, so what? What has that got to do with September 11 and what we should do from that day forward? It is irrelevant. It does not matter. Because if we continually look to the past in that respect to try to determine what we do in the future, why do we not simply abandon the border? How much of a death wish do we have?

It is not the fact that we cannot grow our own terrorists. It has happened. But it is the fact that right now the most significant threat we face to this country does not come from a homegrown terrorist; it comes from an immigrant, people who are here either legally or illegally, who are not U.S. citizens, and are here to destroy this Nation.

Now, how do we stop that? Do we just say that only those people whom we deem to be potential terrorists are going to be given a hard time trying to get a visa? Well, that is what we have proposed.

That is the huge immigration reform proposal we have had so far, that we are going to make it much more difficult, Mr. Speaker, for anybody to come into this country on a student visa; and we are going to actually try to make sure if they do come in on a student visa, they go to school.

Well, I feel so much better. That, combined with making sure that that person that is peering through that little box a Federal employee will make me sleep so much easier at night. Idiotic. Almost incomprehensible. But here we are. Here we are.

By the way, when I talk about my suggestion for a bill that would move us in the direction of a brand-new agency, it will not be heard. I am sure it will not find its way into legislative format. I am more than willing to draft a bill, Mr. Speaker, but if history is any guide, I am going to bet that I would not be very successful in getting that bill heard in the committee of reference, the Committee on the Judiciary, chaired by the gentleman from Wisconsin (Mr. SENSENBRENNER), or any other place in this process.

I suggest that there is a problem that needs to be addressed of far greater significance than who pays the salary of the person who looks through the screening device at the airport when we talk about the security of the Nation. Far more serious. Far more serious. The defense of the Nation begins with the defense of our borders.

I find it fascinating, almost, again, incomprehensible that time and again I have to come to this floor and plead with my colleagues to do something significant about immigration reform, to do something that would in fact improve the security of the Nation; that in fact would help us all sleep a little easier.

I ask my colleagues to think about the fact that as we stand here tonight on the floor of the House, not one thing has happened to improve the security of our borders, although a great deal of attention is paid to trying to get on an airplane in America. And whether it is improved or not, I do not know. I certainly go through a lot more security every single week than I ever did before.

But nothing has really happened to change the fact that if a person wanted to come into this Nation and avoid being detected, he or she could easily do so. All it would take is the willingness to expend a little energy to get around the border security checkpoint. That is all it takes.

We talk about tightening the visa requirements. I am all for it. But I ask, Mr. Speaker, for us to apply just a tiny bit of logic to this whole process, this whole question, to this controversy.

Let us assume for a moment that we have someone, a member of the al-Qaeda, or any one of the other various groups that want to do us harm, and that person is in, let us say Saudi Arabia today, or Pakistan or the UAE, or any country that requires a visa. And by the way, we do not require every country to actually approve visas for people coming into the United States.

But let us say that person is coming from one of those countries, and they go to the consulate to try to get a visa and they find out the requirements are a little more difficult: that there is actually a form they have to fill out, maybe even a fingerprint they have to give, maybe even some other form of identification that actually will be shared with other agencies; and that information from the CIA and other groups will all be stored in one place, and we will be able to determine whether this person trying to come into the United States is connected with a terrorist organization; and therefore we will say to them, no, sir, you cannot come in, we will not give you a visa.

Then will we go, oh, thank God, that stopped that. That person is now probably going to go home and say, you know, Mr. bin Laden, I tried to get into the United States but, hey, they would not give me a visa. So I guess I just will not go any farther with this plan. I will just go home and take my bomb with me. I do not think so. I do not think so, Mr. Speaker.

Again, let us apply a little logic. If that person wants to come into the United States, and let us assume we actually tighten up visa requirements, then that person, of course, will come the way that millions of others come every year. He will simply walk across the border, the part of the border that is undefended, and come into the United States, probably the same way that at least six of the nineteen hijackers on September 11 came in. We do not know because, as I say, the INS cannot tell us. They have not the slightest idea how they got here. They shrug their shoulders. I do not know. Gee, we are just the INS, do not expect us to keep track of people.

Here is an interesting statement that was reported in the Marietta Daily Journal in Georgia. It is from Fred Alexander, who is the INS Deputy District Director, speaking to a group of ''undocumented day workers.''

□ 2215

If I am driving without my driver's license, I am undocumented. But if I am here illegally, I am an illegal alien. ''It's not a crime to be in the United States illegally. It's a violation of civil law.''

Oh, I see. It is not a crime to be here illegally. That sentence makes all of the sense in the world. No problem. I do not know if this fellow is really that unable to understand the English language. Perhaps he himself is not able to really communicate well in English, although his name does not suggest it. It is not a crime to be in the United States illegally; it is a violation of civil law. I do not know what that means except this guy is trying to say do not worry about being here illegally. The INS is here to help you. That is what he is saying.

Members wonder why we are concerned about the INS and why we are trying to push this body into truly reforming the INS. There will be bills put into the hopper that will split the INS into two. That idea is not good enough because of course, if we do not gain control over the entire process, we will soon be left with this peculiar and at

least questionable method of border security where people actually look at lines, and this happens, Mr. Speaker. People will actually view which line is being monitored, and this is coming across the border now, which line is being monitored by border patrol and which line is being monitored by any other agency. Customs in this case in particular, because of course Customs has certain regulations that they have to follow and Border Patrol has others. Border Patrol does not look in certain places where Customs will look. If you are trying to smuggle drugs in, you will come in via one line; and if you are smuggling people, you will come via the other. That happens. It is incredible, but it is true. It is because we have this mish-mash of responsibilities.

Trying to actually change all that, reform the system, this is our greatest opportunity, Mr. Speaker. This is the greatest opportunity we have ever had to reform immigration; but I fear that the lethargy, the inertia is so strong and the political obstacles to overcome are so great. We fear the political ramifications of immigration control, both Republicans and Democrats. Those ramifications are significant, but none more so than the potential safety of the Nation.

We have asked, this is our e-mail address and if Americans want to get in touch, we have encouraged them to write Tom.Tancredo@mail.house.gov for more information about immigration reform and for us to be in communication with people when there are important bills coming up in the Congress that they should be aware of and that we can request their help.

This is the only way that this will happen, the only way any of the reforms will be accomplished is if there is a huge outcry, to both Senate and Members of the House, to please, please do something more than just give lip service to immigration reform. Please develop true immigration reform proposals, put them in front of the President for him to sign.

We are going to be looking at one issue coming soon, and that is the extension of 245(i). The only thing we are going to do is perhaps extend amnesty for literally millions of people who are here illegally. That is going to be coming up on the House floor. Whether it is a part of the Commerce, State, Justice appropriations bill or a freestanding bill, that is what we are going to be asked to do, not throw out H–1Bs or diversity visas which give 55,000 visas to special countries because they do not send us enough people, many of those Middle Eastern countries, not to reduce or eliminate the number of immigrants coming into the country, not border security, not doing anything about truly trying to significantly change and improve immigration at INS by creating a new agency, entirely new agency. None of that.

What we are going to be asked to do is to extend, for the ability of people to stay without going through the process of being reviewed in their country of origin so we will not know whether or not they have a criminal background or whether or not they are connected with any sort of agency that will bring harm to the United States. That is what we are going to be facing.

If people are willing to help us, we encourage them to go to that Web site, Tom.Tancredo@mail.house.gov. We need the help of everyone on this issue. It is the only way we will improve the whole procedure of immigration. It is the only way we will reform immigration and the only way we will be able to sleep easier at night, and that is what we are seeking here. It is far more important in my mind and in the mind of most people than who pays the salary, than the person who looks through the screening device at the airport.

TRIBUTE TO JERRY WILLIAMS AND REPRESENTATIVE BOB DORNAN

The SPEAKER pro tempore (Mr. SHUSTER). Under the Speaker's announced policy of January 3, 2001, the gentleman from California (Mr. HUNTER) is recognized for 60 minutes.

Mr. HUNTER. Mr. Speaker, I congratulate the gentleman from Colorado (Mr. TANCREDO) for his very excellent statement about the state of the country with respect to control of our borders and the important need to hesitate at this point in our history and put together a strategy that allows us to control our borders and to get a handle on immigration, and on all of the people who have come into this country legally but stayed beyond their legal limit and apparently did not care. I would hope to work with the gentleman and lots of others in the House over the next several months and try to get our arms around this important issue. I thank my colleague for his statement.

Mr. Speaker, on 9–14, just a couple of days after the tragic occurrence that we have been so focused on, a real American, a great Westerner, passed away. That gentleman was named Jerry Williams. I knew him as Mr. Williams because I had a lot of respect for him and for the legacy that he represented.

If one drives north from my district in San Diego and you go past Camp Pendleton, it is the only open area between San Diego and the greater Los Angeles area, and you proceed north, you can drive for hours without leaving the site of lots of pavement, lots of construction, lots of traffic and lots of people. That is the southern California that most Americans know. They see it on television. They see it in person when they fly into LAX or San Diego or any other metropolitan area in southern California.

But if one goes north and inland, one comes to a different California. It is a California of rolling foot hills, and I am speaking of the Santa Barbara area, big oak trees draped with Spanish moss, and a legacy and a tradition of the Old West, a tradition that was started with the founding of the missions along the California coastline.

There are not a lot of great Western families left in southern California because we have urbanized enormously; but there are still a few, and Jerry Williams was one of those great Western ranchers. He represented a hospitality, a big heart, a sense of giving, a sense of community, that is now more rare in the West than it was 20 or 30 years ago.

I got to know him by knowing his sons, Rodney and J.P. Williams, and their families, and their good neighbor, John Wiester and his wonderful wife. The Santa Ynez Valley has a spirit of hospitality, just inland from Santa Barbara 15 or 20 miles with one coastal range between the valley and the Pacific Ocean.

President Ronald Reagan found that area to be the area that he wanted to locate in and he put his house on top of that mountain range about 10 miles or so from the Pacific Ocean.

But that was the world of Jerry Williams. He was a rancher. He was a farmer. He was a businessman extraordinare. Jerry gave of himself to his community during his entire life. He and his wife, Nancy, lived in the Santa Ynez Valley for 40 years. Wild Turkeys flew overhead, and they had a pet raccoon or two. They had a wonder world for their grandchildren, and I could see this was a Western family that really cared about family.

Jerry Williams was a member of the Santa Barbara Cattlemen's Association; the Santa Barbara Fiesta Days is an event that we all remember. For 10 years he was a member of the board of that wonderful event until for the last 10 years he was the chairman of that particular board. This was a guy who represented a lot of California that many of us knew and loved and would like to see return. It is the California of graciousness and hospitality and goodness and people who make business deals by shaking your hand, not by bringing in a troop of lawyers. That was Jerry Williams.

Mr. Speaker, I just wanted to talk about Mr. Williams a little bit and to honor his legacy and the tradition that he has left in the California ranch country.

Mr. Speaker, I would like to talk about another individual. This individual is very much alive. I thought about him today as I was going through the New York Times and read the story about the defeat of Daniel Ortega, who at one time was the leader of communist Sandinistas in Nicaragua, and ran for president, and for the third time was defeated, this time by Enrique Balanos who is a businessman who was arrested a number of times, who always spoke out against the Sandinistas and had much of his property confiscated during the Contra wars.

This race was considered to be one that would go down to the wire. Mr.

Balanos won a fairly convincing victory, but it is not just the victory of Mr. Balanos over the former Sandinista leader that I think is impressive and reminds me of this other guy I am going to talk about; but it is the fact that there was an election, and it is the fact that there was a former communist leader running in that election, putting himself before the will of the people, before the electorate, to let them pass judgment of his fitness for judgment. That is the miracle of Central America and the miracle of the Reagan administration a lot of Members of what this House of Representatives and the other body did in the 1980s to bring about in a Central America that before was one in which military dictatorships were the order of the day, but to bring all of those military dictatorships, whether it was Nicaragua or Salvador or Guatemala, to bring those countries to become fragile democracies.

□ 2230

Obviously this democracy in Nicaragua has endured longer than many experts had predicted.

One of the gentlemen who really worked in those days to help this country win that freedom for Central America was a guy named Bob Dornan. Bob Dornan is a great friend of mine and a friend of many members of the House here. I see my good friend the gentleman from California (Mr. ROHRABACHER) here, who stood side by side with Bob and myself and many others during the Contra wars.

He was a great friend of ours. And because his election was so close and was contested for so long, we never had a chance to sit around or to gather on the House floor as we often do when a Member retires or leaves office pursuant to an election and talk about that Member. We have not had that opportunity. We never did that, because that election was contested for such a long time that we never went through that tradition.

And so I just wanted to say a word or two today and invite my good friend, the gentleman from California (Mr. ROHRABACHER) to say a few words about this guy Bob Dornan.

I am reminded when our troops were killed in Somalia, when the American Rangers were killed and we had that crisis, that Bob Dornan was the one member of the House Armed Services Committee who flew for a dozen hours by himself to go to that location, to meet with the survivors and then came back and personally talked with the families of every American who had given his life in that particular mission, that very dangerous mission. That was Bob Dornan.

Bob Dornan knew every aircraft that was ever made in this country and a few that were made in other countries. He flew everything. He flew every jet aircraft and every bomber and every recon plane that we had. But it was really the people that he loved the most.

He did a wonderful job as the chairman of the Personnel Subcommittee on the House Armed Services Committee, and he loved people so much and loved people who wore the uniform so much that he was the one guy you could count on to meet with families when there had been a tragedy, when there had been a firefight, when there had been a death, and talk to them about the value of their loved one to the United States of America. I will always remember Bob for that and remember him for his great expertise as a fighter pilot who knew the equipment that we were voting on in the committee and on the House floor.

Of course, everybody has their favorite Bob Dornan story, but I can tell you, he was one guy when I was a freshman as a candidate for the House Armed Services Committee back in 1980 and we had a lot of great Members like former colleague Dan Lungren and Pete McCloskey and Bill Lowery and lots of others who were well qualified, probably more qualified than me for that position, and Bob Dornan himself all running for that post.

Bob got up when we were about ready to take the vote and said, you know, there is one guy there who is an Army veteran from Vietnam who has got a district that is a military district and probably deserves this seat or needs this seat more than anybody else, and that is Duncan Hunter. I was as much shocked by that as all my other colleagues, but Bob Dornan, instead of voting for himself, voted for me and let me as a freshman have that particular seat. What a wonderful display of generosity and selflessness that represented. That was the true Bob Dornan and is the true Bob Dornan.

One great thing about him is Bob Dornan stays current with the affairs of the day. He is still in the media. He is doing lots of work now in radio. And so the people across the country still have the opportunity to listen to this guy and listen to that good conservative wisdom that he has displayed so often.

I would be happy to yield to my good colleague, the gentleman from California.

Mr. ROHRABACHER. Mr. Speaker, I think the gentleman is right. This is a very good day for us to remember Bob Dornan, the day after Daniel Ortega has lost again in a free election in Nicaragua, because I have no doubt if it was not for Bob Dornan and a few stalwarts, and I was very proud to be at your side and at Bob's side during this time during the Cold War when very, very few people were up making the case for supporting the Nicaraguan resistance, Bob was there.

And now we have free elections in Nicaragua, but not only just Nicaragua. Had we not had those freedom fighters that we were supporting to fight the Sandinistas, we would have lost all of Central America. There would not have been a disintegration of the will of the Soviet Union's leadership which happened during Afghanistan and Nicaragua. If they would have seen instead that the Communist forces were just making their way up Central America towards Mexico, you can bet they would have been emboldened rather than weakened as they were. That was an incredible fight.

Bob Dornan, he does not get the credit for it; you are right. People look back right now, they are not going to give Bob Dornan credit for that, but I have no doubt that if it was not for the strength and the vigor and the energy and the excitement that he put into that, I do not think we would have won that. I can honestly look back and think that, because Bob was there 100 percent.

When he was with you, he was with you 100 percent. The Afghans know that. The Vietnamese who were fighting the Communist dictatorship knew that. People all over the world who were struggling against Communist oppression, he would just pop in on them, he would pop right in and say, ''Hold firm, we're going to be with you. Don't worry about it. We're with you right now. What can we do?'' He would get right in the action.

We have a cloakroom back here where the Republicans sit. Bob Dornan would sit there for hours telling us about these various personalities that he had worked with that love America, that need our help and were in a very precarious situation. Or he would be telling us about a new weapons system, because not only was he for strengthening those people who were struggling against the Soviet Union, he was for bolstering the strength of the ultimate freedom fighters, and those ultimate freedom fighters are the ones who wear the uniform of the United States of America, because he knew that our freedom fighters, the people in the United States military, had been done a great wrong, especially during the 1970s when we permitted their strength to be so drained that they were at risk. Their own lives were at risk, not only was our country at risk. Bob would talk about that.

I remember him talking about the food stamps that these kids in our military had to be on at the time. Bob was there not only for the freedom fighters overseas but he was for our freedom fighters as well.

When I was in the White House, and I was in the White House during most of the 1980s, Bob had had his ups and downs. I do not know if he remembers, but when he was on a down time one time in his career, I think he had given up his seat for somebody else, I think that is what it was, he ended up making my office sort of his command center. He took over my desk and, sure enough, he was right at home there.

Mr. HUNTER. That is true. Bob Dornan never had an office. He always had a command center.

Mr. ROHRABACHER. He certainly did. I was looking back in my photos

the other day. Sure enough, there we were.

Which leads me to another thing about Bob. Bob really worked his heart and soul out for Ronald Reagan, and he worked his heart and soul out for George Bush, Sr. Let us all admit, Bob made people mad, we all know that. He got people angry because he is an Irishman who has got a temper. We all know that. But Bob never got the appreciation that he deserved for the things that he did.

I know George Bush, Sr., he worked a full year trying to make sure that man became President of the United States. Then when Bob was down and out, as I say, he was there during the Reagan years, and it was not President Reagan, it was his staff, they did not do right by Bob.

Mr. HUNTER. That is true. Bob Dornan, I think, went to more States for George Bush than anybody else.

Mr. ROHRABACHER. Than George Bush did, I am sure.

Mr. HUNTER. Except George Bush.

Mr. ROHRABACHER. I bet he went to more States than George Bush did.

Mr. HUNTER. You are probably right; he probably did.

We have all seen that the great thing about great Republican Presidents is you continue to love them even when their bureaucracy sometimes does not measure up to their measure of goodness. I think Bob understands that. I think we all have to deal with that on a day-to-day basis.

Mr. ROHRABACHER. If the gentleman will yield further, as I get older, I realize that all of us, every single one of us, has our good traits and our bad traits. We have things that are very admirable and other parts of us that perhaps are not as admirable. Sometimes, because Bob had such a temper, it blinded some people to the very good things that he was doing.

I know many times in technology development issues, most people think of me now because I am so involved with this Afghan thing that they think of me as the Afghanistan guy or the international relations guy, but actually I have spent a lot of time on technology issues in the Science Committee. I am the chairman of Space and Aeronautics.

Whenever we would be in a tight spot and we needed to make sure that a critical piece of technology for America's space program that perhaps had dual use for our military as well, we would go to Bob and Bob would make sure it got done. I can think of two or three times where it was so important and Bob made sure he did it. He took the time and energy to buttonhole the appropriator and make sure that he understood the magnitude of the decision of how much money was going to be spent developing a piece of technology.

Mr. HUNTER. That is true. I think one reason Bob was so helpful on aerospace issues and on military issues and was so good to this House and such a leader in the House is that Bob Dornan loved and appreciated American air power.

Somebody mentioned the other day that American troops had not been killed by foreign air power, that is, by an adversary's air power, for something like 40 years. That is the period of time during which we have held total mastery of the skies in all the engagements that we have been involved in.

Mr. ROHRABACHER. That did not just happen.

Mr. HUNTER. It did not just happen. It is a function of a lot of great expertise, leadership and technology, and guys in the House of Representatives like Bob Dornan. Bob was one of a kind in supporting that continued superiority of air power.

You have got to have a good old Irish temper if you are an Irishman. I think that is one of the great things about Bob Dornan. When you were in a tight spot, you just wanted Bob to get angry at your adversary and you were taken care of.

Mr. ROHRABACHER. That is correct. I should say, if you are not getting people mad at you, perhaps you are not doing your job if you are a Congressman.

But sometimes, I have to admit, Bob lost his temper. But I will say this about Bob, and he does not like it when I say this, he has a temper; but you can see through the temper and you know that he has, he had and has, a wonderful heart. He has a heart of gold. He hates me to use that expression, for whatever reason, but I think he does have a heart of gold. He had a lot of passion in him. He cared a lot. That can get you in trouble sometimes.

With his own constituents, I know sometimes the news media would just take a picture when he had lost his temper about something. I will just have to say that I think it is, again when you say when someone is not appreciated, I think it is wrong what happened to Bob in the end in this body, what happened in the end here, we permitted, and I know that you worked a lot on this and so did I, but the rest of our Members did not.

Bob Dornan did not lose his election. That last election that he had was stolen with the use of illegal immigrant votes. Everybody here knows it and every now and then when you try to confront people with it, they will pull you aside and say something, oh, well, Bob Dornan, he flies off the handle and does this or that.

No, Bob Dornan won his election and his opponent in that election, or maybe not his opponent, maybe it was just his opponent's campaign team, who knows whether his opponent knew about it personally or not, but I can just say that clearly it was illegal alien votes that made the margin of victory. We should never have let that stand. When we let that stand, we did ourselves a disservice and we did Bob Dornan a disservice.

Mr. HUNTER. My colleague is absolutely right. Bob Dornan won the majority of the legal votes cast in that particular race. It is sad that so many officeholders who were in a position to do something about that, to pursue the investigation, became intimidated and allowed that thing to fall through. That happened throughout the State of California. Folks that were supposed to be subpoenaed left and went to other countries.

In the end the race card was played by the opponents of Mr. Dornan's campaign. That is sad, because everybody, regardless of your ethnic background or your religious background, everybody has got a stake in free and fair and honest elections. Bob Dornan got the majority of the votes in that election.

Mr. ROHRABACHER. The gentleman from Colorado (Mr. TANCREDO) was here a few moments ago talking to us about how illegal immigration has gotten so totally out of control. There is no doubt about this. Again he mentioned the fellow who was just caught up at O'Hare in Chicago trying to smuggle the knives and the stun gun onto an airplane. That is a horrible thing no matter who was doing it, but that person was here illegally. He was an illegal immigrant into our country. Not only should he have been arrested, of course, for trying to smuggle these weapons onto the airplane, he should never have been here at all.

□ 2245

I think that it was during this time period when Bob's election was stolen from him and other people backed away that the message went out that government was not going to do anything about illegal immigration. We would even let one of our own Members have his House seat taken by a margin created by illegal alien votes. So I think that was a bad disservice for Bob, it sent a very bad message to the country, and we should regret it in many ways right now.

Mr. HUNTER. There is one other area that Bob was very concerned about, and I think most Americans today, especially in the wake of the September 11 attacks are concerned, and that is the problem that we have, and the problem is that we have no defense against incoming ballistic missiles.

The argument against having a defense against missiles has always been that somehow it is unthinkable, it is unimaginable, that cities in the United States could be attacked by incoming missiles. It is not that there are not dozens of countries around the world making these missiles, and I would just hold up this chart to show the dozens of countries. Each one of these lines and boxes represents ballistic missiles that are being developed by various individual countries around the world. It is not that dozens of countries are not making these missiles, which are becoming increasingly capable of covering large distances, meaning a number of them can now reach the United States from various locations around

the world. But it was somehow that it was too Buck Rogerish to imagine a missile attack on the United States.

Remember when we first started talking about missile defense, and Ronald Reagan started talking about it in 1980, the put-down, and in politics you always try to get, whether you are conservative or liberal, you use a put-down with a touch of humor, and the put-down was this was Star Wars; that this was somehow so unimaginable that we would have an incoming missile hit an American city, that it was something that was more appropriate for a movie screen, where people would go and leave the real world for a few hours and watch a movie, than in real life. So that was a derision that a lot of journalists accorded the idea you should defend yourself against incoming missiles.

Of course, we defended ourselves against every other invention of warfare in this century. We defended ourselves against tanks; we came up with counter measures. We defended ourselves against machine guns. We defended ourselves against aircraft. We learned how to make radar to shoot down aircraft. When our own aircraft were shot down with radar, culminating in hundreds of planes being shot down in the Vietnam theater, we developed an airplane that could avoid radar, that at some places could not been seen by radar, the so-called stealth airplane. So every time there has been a technology that could defeat America's military developed by another country, we always built a countertechnology to defend ourselves.

For the first time in this century, in fact, in our history, we had people saying we should not defend against incoming ballistic missiles. Of course, we made the treaty with the Soviet Union where we promised not to defend ourselves, they promised not to defend themselves, and the idea was no matter who threw the first rock or missile, there would be such a huge response from the other side that both sides could be assured of destruction. That was called the MAD doctrine, mutually assured destruction. To a large degree, we still operate under that with the Soviet Union. We still have no defense against incoming missiles.

But today there are lots of countries, dozens of countries, who never signed that agreement not to defend themselves, or not to attack an America that did not defend itself, building ballistic missiles around the world. So right now President Bush is meeting with President Putin of Russia, and they are both acknowledging the reality that while we have made this agreement between our two countries for better or for worse, there are lots of countries that never signed the agreement who are building these systems with increasing capability to go further and further; and a number of these missiles can now reach the United States of America.

Mr. ROHRABACHER. If the gentleman would yield, I think it is sometimes mind-boggling to be here and to just understand that there are people who will permit something that is so horrendous a threat to the United States of America and just brush it off, just not even think about it, just sweep their hand as if it is not an issue because it is so stupid even to consider it.

There is an arrogance, a personality of arrogance in some of these debates that are overwhelming. Whether it is illegal immigration, where clearly, I mean, millions of people coming in, are bound to have a terrible impact on us in some way; or, I might add, during the last 8 years when I was up giving speeches trying to convince people we could not permit Afghanistan to go the way it was. Just the last administration, the Clinton administration, I might add, some of them, my fellow Members of my Committee on International Relations, just brushed it away as if I was being delusional or something, by suggesting that the last administration was actually having policies that helped the Taliban.

Then missile defense, based, as Ronald Reagan said, on an immoral theory. The immoral theory is we should kill millions of innocent people because our innocent people have been killed. That is an immoral theory. We should have MAD, mutually assured destruction. We are not just destroying their military capabilities. It is based on the idea we are going to slaughter tens of millions, if not hundreds of millions, of women and children.

Now, that is an immoral premise. That is what MAD, that strategy leaves us with. Having a defense system, as Ronald Reagan said, is a moral decision, is a moral stance facing this type of challenge. Instead of saying we are going to kill all of your women and children, you are saying no, we are going to defend ourselves.

Mr. HUNTER. Another thing has happened since September 11, and that is a lot of Americans realize there are people in the world who do not care about mutual assured destruction; and there are people who have technology, who understand how to leverage technology. Today the experts call it asymmetric warfare, that is, you do something that has a great deal of leverage and damage capability, far beyond the parity or the proportionality of your military to the other military. That is, you may have a very small military that could not in a conventional war take on the United States of America; but if you can use a technological weapon, and that includes today missiles, you can do a lot of damage, far beyond your size.

So I think since September 11 it is no longer unimaginable that one of these thousands of missiles that are now being built by our adversaries may in fact be used by them at some point. In fact, with all the construction of ballistic missiles that is taking place right now, it would be the first time in our history that all this construction and development and technology dollars went into a program and it was never utilized.

When we saw technology go into the building and development of tanks, they used tanks. When we saw building and technology development go into the development of machine guns, they used them. The same thing with aircraft and artillery. So the idea that the bad guys are building these missiles but they do not intend to ever use them is itself a myth. I think it is becoming harder and harder to explain why we are not building defenses against missiles.

Finally, we now have a lot of Americans who were killed in that Desert Storm attack with Saddam Hussein's Scud missiles, that killed Americans; and we saw for the first time on the battlefield American casualties caused by ballistic missiles. We sent up our Patriot missiles to try to intercept them. The Army thinks they got about 80 percent hits. We had some private experts from the outside that said they did not think we got any hits. Probably the truth is somewhere in between. But right now we have more capability to knock down those Scud missiles.

Mr. ROHRABACHER. The phoniest argument against missile defense that I know is that we should not build it because it will never work. Well, who would advocate building a system that does not work? If it does not work, it will not be built. The fact is that no one on this side of the aisle or either side of the aisle who believes in missile defense would ever consider building a system that did not work.

But the major decision we have to make is if we can build a system that works, should we build it? And those people who are opposing the missile defense system, they do not want to face that argument. They just want to say it will not work, and, then, again, brush it away in an arrogant manner.

Mr. HUNTER. That is the offering that George Bush, President Bush, is making to the American people with this defense budget. He is requesting the dollars to expand our missile testing range, which presently is in the Pacific. We fire our missiles now, our test missiles, out of Vandenberg. We fire them due west. They cross over Hawaii at about 148 miles above the Earth's surface. And we fire an intercepter missile from Kwajalein Island at that incoming target missile. When they hit, they are both going about three times the speed of a 30.06 bullet.

The last test we did a couple of months ago it was a success, although it was an easier test. We had a transponder part-time in the missile going out. We shot that same shot a number of times, because we have a very limited test range.

So what President Bush has offered to all Members, whether you are for missile defense or against missile defense, is to do some really tough testing. He has said, and General Kadish, who heads up the Ballistic Missile Defense Office, said was, okay, let us do

some tough testing. The critics want it; they say this is too easy. Let us have some tough angles. You shot that pheasant going straight away. Have angles where they cross. Let us have some higher speeds; let us have some difficult geometries. Let us have some more difficult radar acquisition.

To do all of that, you have got to build a bigger test range. You cannot just have this narrow alley where you throw the same target up in the same position every time and you shoot it from the same position.

So we are now expanding this test range in this defense bill to Alaska, to a location at Fort Greely and a location at Kodiak, Alaska. So we are now going to have some very difficult shots.

It will also allow us to shoot-look-shoot. We will have multiple engagements. We throw up a missile, and if we miss it with first shot, we will try to get it with a second one. So we will have a chance to evaluate our success just seconds after we fired our first intercept; and, if we miss that intercept, we come back with a second intercept.

So President Bush has taken the challenge from all the naysayers that you talked about that said it does not work. A lot of the naysayers say we do not even want to test it. It is so unthinkable, we do not want to test it. That is no longer a reasonable position. That is why we need every penny of funding that the President has requested in this defense bill for missile defense.

Mr. ROHRABACHER. I think what we also to have understand, if the President is successful in his strategy, missile defense will actually in the end cost us less, much less, than what President Reagan envisioned missile defense costing, because if President George W. Bush is successful, we will be working with the Russians, as Ronald Reagan had suggested we might do in a more peaceful world; and we could actually work with the Russians to build this shield. It would help bring down the cost. This is something that would make the world a lot safer.

But for us to just suggest that no country, that we could rely on this mutually assured destruction, which was a policy from the 1950s and 1960s, is so ridiculous. China or Korea, for example, you have regimes that murder their own people by the tens of thousands. Why do they care then if we would retaliate against them and kill 100,000 or 200,000 of their people? They do not care. That does not deter them at all.

Mr. HUNTER. We just had an attack by people who did not care about mutually assured destruction.

Mr. ROHRABACHER. Absolutely. I would like to thank the gentleman for, number one, his leadership, and also for helping us recall that Bob Dornan played such an important role on issues like this and other defense issues that have made the country safer.

I am pleased to be standing here at your side now, and wish Bob a lot of success in his radio program that he has on, I guess, on a daily basis.

Mr. HUNTER. I want to thank my good friend for his contribution to this Special Order. I think it is appropriate that we started in southern California talking about Jerry Williams, who was a great cattleman and really carried forth a tradition and legacy of the West in his home and with his great family up in the Santa Ynez Valley where Ronald Reagan settled, and where you and I and Bob Dornan campaigned a number of times.

That was really, to some degree, the heart of the political movement that supported then Governor Reagan through a couple of campaigns for the U.S. Presidency and ended up with leadership in the 1980s that proved the validity of peace through strength. That is the idea that we in the United States would become so strong that we would be able to deter aggression. That means we could not only protect ourselves, but we could protect lots of others.

□ 2300

We did a lot of great things for the world. We freed a lot of people. This little article from the New York Times about the President or the head of the Communist Sandinistas, former dictator of Nicaragua, being beaten in a free and fair election in Nicaragua is great evidence of the validity of the idea of peace through strength that we engendered in the 1980s.

Mr. ROHRABACHER. Mr. Speaker, if the gentleman will yield, let us note that for the record, I noted about a week ago on the Los Angeles Times editorial page, they had some leftist, as they always do, lamenting about Latin America and how horrible it was, this war in Latin America in which we stopped the Communists from taking over Latin America, and yes, it was certainly an imperfect war, and there never was a perfect war; innocent people were hurt and there were some unsavory characters on our side at times. But I say to the gentleman, there would be no democracy there; all of these countries would be like North Korea.

Mr. HUNTER. Or Cuba.

Mr. ROHRABACHER. Or Cuba, if we would have lost then, but here we have in the L.A. Times, giving column inch after column inch to these old leftists who are proven wrong every time, and here again we have an election in Nicaragua where the people soundly reject everything this leftist was claiming about Latin America, everything he was claiming about Nicaragua, and the people down there do not believe a darned word of it.

But guess what? Guess what? The L.A. Times gives people like that all of that coverage, and they would not say a good word about Bob Dornan in his entire career. The L.A. Times would not give him one column inch. Detractors, yes. People who were espousing the virtues of the Sandinistas and these people who would have enslaved the people of Latin America, the Communists, they get all of the space they need. Bob Dornan has never gotten a column inch.

Mr. HUNTER. Mr. Speaker, reclaiming my time, that is true. Daniel Ortega is probably sitting in an empty room right now in Nicaragua with an old copy of the Los Angeles Times predicting that he was going to win this election in one hand, and a ''Dear Commandante'' letter from the more liberal Members of this House of Representatives in the other hand, assuring him of his primacy. That is all he has left.

Mr. ROHRABACHER. Mr. Speaker, the gentleman is correct.

Mr. HUNTER. Mr. Speaker, I thank the gentleman for participating. Mr. Speaker, God bless the family of Jerry Williams, God bless Bob Dornan and his family, and God bless Ronald Reagan and his family and the strength that he brought to our country.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. LOFGREN (at the request of Mr. GEPHARDT) for today and the balance of the week on account of a death in the family.

Mr. MCNULTY (at the request of Mr. GEPHARDT) for today on account of personal reasons.

Mr. UNDERWOOD (at the request of Mr. GEPHARDT) for today on account of official business.

Mr. BURTON of Indiana (at the request of Mr. ARMEY) for today and the balance of the week on account of illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. BONIOR, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

Mr. LIPINSKI, for 5 minutes, today.

Mr. LARSON of Connecticut, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

(The following Members (at the request of Mr. MORAN of Kansas) to revise and extend their remarks and include extraneous material:)

Mr. MORAN of Kansas, for 5 minutes, today.

Mr. HORN, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. TRAFICANT, and to include therein extraneous material, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $1,105.

ADJOURNMENT

Mr. HUNTER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 3 minutes p.m.), the House adjourned until tomorrow, Wednesday, November 7, 2001, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4510. A communication from the President of the United States, transmitting Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States; (H. Doc. No. 107–143); to the Committee on Appropriations and ordered to be printed.

4511. A letter from the Deputy Secretary, Division of Market Regulation, Securities and Exchange Commission, transmitting the Commission's ''Major'' final rule—Books and Records Requirements for Brokers and Dealers Under the Securities Exchange Act of 1934 [Releases No. 34–44992; File No. S7–26–98] (RIN: 3235–AH04) received November 5, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4512. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Prohibition on Gasoline Containing Lead or Lead Additives for Highway Use: Fuel Inlet Restrictor Exemption For Motorcycles [FRL–7095–8] (RIN: 2060–AJ76) received October 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4513. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards [AD-FRL–7095–6] received October 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4514. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Ethylene Oxide Emissions Standards for Sterilization Facilities [AD-FRL–7096–1] (RIN: 2060–AC28) received October 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4515. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Incorporation by Reference of Approval State Hazardous Waste Management Program [FRL–7014–9] received October 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4516. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Outer Continental Shelf Air Regulations Consistency Update for Alaska [Alaska 001; FRL–7082–4] received October 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4517. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—State and Federal Operating Permits Programs: Amendments to the Compliance Certification Requirements [FRL–7096–4] (RIN: 2060–AJ04) received October 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4518. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality State Implementation Plans (SIP); Texas: Administrative Orders Issue to Airport Operators and Airlines Regarding Control of Pollution from Ground Support Equipment (GSE) for the Houston/Galveston (HGA) Ozone Nonattainment Area and a Non-Road Large Spark-Ignition Engine rule for the HGA and Dallas/Fort Worth (DFW) Ozone Nonattainment Areas [TX–134–4–7508; FRL–7093–1] received October 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4519. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; Nitrogen Oxides Budget Trading Program [DC 050–2027a; FRL–7094–7] received October 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4520. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Reasonably Available Control Technology Requirements for Volatile Organic Compounds and Nitrogen Oxides in the Philadelphia-Wilmington-Trenton Area [PA041–4180; FRL–7089–4] received October 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4521. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Final Full Approval of Operating Permit Programs; Alabama, City of Huntsville, and Jefferson County [AL–T5–2001–02; FRL–7091–2] received October 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4522. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Final Full Approval of Operating Permit Program; Kentucky [KY–T5–2001–02; FRL–7095–1] received October 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4523. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Determination of Attainment for PM10 Nonattainment Areas; Montana and Colorado [MT–001–0038, CO–001–0065; FRL–7093–7] received October 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4524. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Full Approval of Partial Operating Permit Program; Allegheny County; Pennsylvania [PA–T5–AC2001a; FRL–7093–3] received October 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4525. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Reclassification, San Joaquin Valley Nonattainment Area; Designation of East Kern County Nonattainment Area and Extension of Attainment Date; California; Ozone [CA–059–RECL, FRL–7093–4] received October 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4526. A letter from the Executive Secretary, Disabled American Veterans, transmitting the 2001 National Convention Proceedings of the Disabled American Veterans, pursuant to 36 U.S.C. 90i and 44 U.S.C. 1332; (H. Doc. No. 107–142); to the Committee on Veterans' Affairs and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TAUZIN: Committee on Energy and Commerce. Supplemental report on H.R. 3016. A bill to amend the Antiterrorism and Effective Death Penalty Act of 1996 with respect to the responsibilities of the Secretary of Health and Human Services regarding biological agents and toxins, and to amend title 18, United States Code, with respect to such agents and toxins, to clarify the application of cable television system privacy requirements to new cable services, to strengthen security at certain nuclear facilities, and for other purposes (Rept. 107–231 Pt. 2).

Mrs. MYRICK: Committee on Rules. House Resolution 277. Resolution providing for consideration of the bill (H.R. 3167) to endorse the vision of further enlargement of the NATO Alliance articulated by President George W. Bush on June 15, 2001, and by former President William J. Clinton on October 22, 1996, and for other purposes (Rept. 107–271). Referred to the House Calendar.

Mr. WALSH: Committee of Conference. Conference report on H.R. 2620. A bill making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002, and for other purposes (Rept. 107–272). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. GALLEGLY:

H.R. 3229. A bill to enhance the security of the international borders of the United States; to the Committee on the Judiciary, and in addition to the Committees on International Relations, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MANZULLO (for himself, Mr. MORAN of Virginia, Mr. NADLER, Mr. CASTLE, Mr. FERGUSON, Mr. FOSSELLA, Mr. GRAVES, Mr. GRUCCI, Ms. HOOLEY of Oregon, Mr. JOHNSON of Illinois, Mr. LAFALCE, Mr. SHUSTER, and Mr. SWEENEY):

H.R. 3230. A bill to provide assistance to small business concerns adversely impacted by the terrorist attacks perpetrated against the United States on September 11, 2001, and for other purposes; to the Committee on Small Business.

By Mr. SENSENBRENNER (for himself and Mr. GEKAS):

H.R. 3231. A bill to replace the Immigration and Naturalization Service with the

Agency for Immigration Affairs, and for other purposes; to the Committee on the Judiciary.

By Mr. JACKSON of Illinois:

H.R. 3232. A bill to direct the Federal Election Commission to make grants to States which have adopted an instant runoff voting system for presidential elections, and for other purposes; to the Committee on House Administration.

By Mr. ACEVEDO-VILA:

H.R. 3233. A bill do permit a dependent of a Federal employee who is currently enrolled in the Department of Defense domestic dependent elementary and secondary school system in Puerto Rico to continue such enrollment until graduation from secondary school; to the Committee on Armed Services.

By Mr. BLAGOJEVICH:

H.R. 3234. A bill to promote the engagement of young Americans in the democratic process through civic education in classrooms, in service learning programs, and in student leadership activities, of America's public schools; to the Committee on Education and the Workforce.

By Mr. BROWN of Ohio:

H.R. 3235. A bill to amend title 35, United States Code, to provide for compulsory licensing of certain patented inventions relating to health care emergencies; to the Committee on the Judiciary.

By Mr. CONYERS (for himself, Mr. WAXMAN, Mr. STARK, Ms. NORTON, Mr. ANDREWS, Ms. RIVERS, Mr. BOUCHER, Ms. KAPTUR, Mr. KILDEE, Mr. KUCINICH, Mr. KLECZKA, Mr. GREEN of Texas, and Mr. HALL of Ohio):

H.R. 3236. A bill to amend title XVIII of the Social Security Act to reduce the work hours and increase the supervision of resident-physicians to ensure the safety of patients and resident-physicians themselves; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MCKINNEY (for herself, Mr. LINDER, Mr. LEWIS of Georgia, and Mr. BONIOR):

H.R. 3237. A bill to establish the Arabia Mountain National Heritage Area in the State of Georgia, and for other purposes; to the Committee on Resources.

By Mr. STARK (for himself, Mr. LATOURETTE, Mr. RANGEL, Mr. BARRETT, Mr. KLECZKA, Mr. POMEROY, Mr. LEWIS of Georgia, Mr. WAXMAN, Mr. COYNE, Ms. SCHAKOWSKY, Mr. TOWNS, Mr. FILNER, Mr. MURTHA, Ms. KILPATRICK, Ms. SOLIS, Mr. SANDLIN, Mr. OWENS, Ms. LEE, Mr. WEINER, Mr. BRADY of Pennsylvania, Mr. CONYERS, Ms. PELOSI, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. ACKERMAN, Ms. ROYBAL-ALLARD, Mr. GEORGE MILLER of California, Mr. FRANK, and Mr. MCDERMOTT):

H.R. 3238. A bill to amend title XVIII of the Social Security Act to provide for patient protection by limiting the number of mandatory overtime hours a nurse may be required to work in certain providers of services to which payments are made under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THORNBERRY (for himself, Mrs. WILSON, Mr. NORWOOD, and Mr. GREEN of Texas):

H.R. 3239. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to ensure the continuity of medical care following a major disaster by making private for-profit medical facilities eligible for Federal disaster assistance; to the Committee on Transportation and Infrastructure.

By Mr. JACKSON of Illinois:

H.J. Res. 72. A joint resolution proposing an amendment to the Constitution of the United States regarding the right to vote; to the Committee on the Judiciary.

By Mr. ENGLISH (for himself, Mr. VISCLOSKY, Mr. QUINN, Mr. EHRLICH, Mrs. JONES of Ohio, Mr. NEY, Mr. STUPAK, Mr. GEKAS, Mr. EVANS, Mr. SPRATT, Mr. DINGELL, Mr. BERRY, Mr. HOUGHTON, Mrs. MYRICK, Mr. SHIMKUS, Mr. CALLAHAN, Mr. DOYLE, and Mr. BROWN of Ohio):

H. Con. Res. 262. Concurrent resolution expressing the sense of Congress that the President, at the WTO round of negotiations to be held at Doha, Qatar, from November 9–13, 2001, and at any subsequent round of negotiations, should preserve the ability of the United States to enforce rigorously its trade laws and should ensure that United States exports are not subject to the abusive use of trade laws by other countries; to the Committee on Ways and Means.

By Mr. JACKSON of Illinois:

H. Con. Res. 263. Concurrent resolution expressing the sense of Congress that any Presidential candidate should be permitted to participate in debates among candidates if at least 5 percent of respondents in national public opinion polls of all eligible voters support the candidate's election for President or if a majority of respondents in such polls support the candidate's participation in such debates; to the Committee on House Administration.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 122: Mr. GORDON and Mr. HERGER.

H.R. 218: Mr. CAMP, Mr. DEFAZIO, and Mr. CRENSHAW.

H.R. 250: Mr. FORD.

H.R. 265: Mr. ANDREWS and Ms. LEE.

H.R. 303: Ms. MILLENDER-MCDONALD and Mr. WELLER.

H.R. 488: Mr. FARR of California.

H.R. 510: Mr. TANNER and Ms. HARMAN.

H.R. 531: Ms. PELOSI.

H.R. 536: Mr. MOORE.

H.R. 604: Mr. FARR of California and Ms. DELAURO.

H.R. 782: Mr. EHRLICH, Mr. OWENS, Mr. DUNCAN, Mr. KENNEDY of Rhode Island, Ms. LEE, and Mr. NEY.

H.R. 898: Ms. ESHOO and Mr. GONZALEZ.

H.R. 910: Mr. THOMPSON of California.

H.R. 921: Mr. RYUN of Kansas.

H.R. 952: Mr. DOYLE.

H.R. 981: Mr. GIBBONS and Mr. COMBEST.

H.R. 1043: Mr. DAVIS of Illinois.

H.R. 1097: Mr. DAVIS of Illinois and Mr. MATHESON.

H.R. 1129: Mr. WAXMAN.

H.R. 1158: Mr. UDALL of Colorado.

H.R. 1212: Mr. RILEY, Mr. CHAMBLISS, and Mr. GEKAS.

H.R. 1307: Mr. RAHALL.

H.R. 1354: Mrs. JO ANN DAVIS of Virginia and Mr. CONYERS.

H.R. 1360: Mr. ISRAEL, Mr. BARCIA, Mr. BOEHLERT, Ms. DELAURO, Mr. BORSKI, and Mr. BROWN of Ohio.

H.R. 1436: Mr. FLETCHER, Mr. SHERMAN, Ms. WATERS, Mr. SHOWS, Mr. SHUSTER, Mr. ETHERIDGE, and Mr. SKELTON.

H.R. 1460: Mr. PETERSON of Minnesota.

H.R. 1485: Mr. KING, Mr. FERGUSON, Mr. BORSKI, Mr. CONYERS, Mr. PAYNE, Mr. WYNN, and Mr. HILLIARD.

H.R. 1487: Mr. CUNNINGHAM.

H.R. 1536: Ms. PELOSI.

H.R. 1609: Mr. FLETCHER.

H.R. 1629: Mr. LANGEVIN.

H.R. 1795: Mr. PHELPS and Mr. CARDIN.

H.R. 1822: Mr. PAYNE.

H.R. 1862: Mr. STRICKLAND.

H.R. 1887: Ms. NORTON.

H.R. 1919: Mr. FORBES, Mr. BLUMENAUER, and Mr. SHUSTER.

H.R. 2074: Mr. LEWIS of Georgia.

H.R. 2117: Mr. INSLEE.

H.R. 2134: Mr. ANDREWS.

H.R. 2166: Mr. NADLER and Ms. BALDWIN.

H.R. 2254: Mr. KUCINICH.

H.R. 2269: Mr. HERGER.

H.R. 2349: Mrs. MINK of Hawaii, Mr. BERMAN, and Ms. KAPTUR.

H.R. 2380: Mr. CLYBURN, Mr. JEFFERSON, Ms. WATERS, Mr. LEWIS of Georgia, Ms. CARSON of Indiana, Mr. WATT of North Carolina, Mr. CUMMINGS, Mr. RANGEL, Mr. SCOTT, Mr. MATSUI, and Mr. GORDON.

H.R. 2405: Mr. GUTIERREZ.

H.R. 2417: Mr. PICKERING.

H.R. 2623: Ms. NORTON and Mr. HINCHEY.

H.R. 2693: Mrs. MALONEY of New York and Ms. BERKLEY.

H.R. 2750: Mr. OWENS and Mr. DOYLE.

H.R. 2758: Mr. JACKSON of Illinois.

H.R. 2820: Mr. STUPAK, Mr. KING, Mr. KENNEDY of Rhode Island, Mr. COSTELLO, Mr. UNDERWOOD, Mr. CLEMENT, and Ms. SLAUGHTER.

H.R. 2839: Mr. NADLER.

H.R. 2896: Mrs. BIGGERT.

H.R. 2946: Mr. MARKEY, Mr. NADLER, Mr. BARCIA, Mrs. NAPOLITANO, and Mr. HOYER.

H.R. 2981: Mr. PETERSON of Pennsylvania, Mr. OSBORNE, and Mr. STUPAK.

H.R. 3015: Mr. LANGEVIN.

H.R. 3024: Mr. WHITFIELD.

H.R. 3026: Mr. MALONEY of Connecticut, Mrs. MCCARTHY of New York, Mrs. LOWEY, Mr. PASCRELL, Mr. UDALL of Colorado, and Mr. FORD.

H.R. 3029: Mr. FILNER and Mr. BLUMENAUER.

H.R. 3935: Mr. HOUGHTON and Ms. WOOLSEY.

H.R. 3046: Mr. BRADY of Pennsylvania, Mr. LANGEVIN, Mr. CANTOR, Mr. PETERSON of Pennsylvania, Mr. SESSIONS, Mr. NEY, Mr. CLEMENT, Mr. BACHUS, and Mr. FARR of California.

H.R. 3054: Mr. ISRAEL, Mr. CAMP, Mr. QUINN, Mr. BERRY, Mr. RANGEL, Mr. MCINNIS, Mr. PALLONE, Mr. GILMAN, Mr. CRANE, Mr. WYNN, Mr. BENTSEN, Mrs. EMERSON, Ms. LEE, Mr. UDALL of Colorado, Mrs. ROUKEMA, and Mr. ISAKSON.

H.R. 3059: Mr. COSTELLO.

H.R. 3067: Mr. WAXMAN and Ms. WOOLSEY.

H.R. 3107: Mr. BROWN of Ohio.

H.R. 3115: Mr. DUNCAN, Mr. PAYNE, Mr. RUSH, and Mr. BACA.

H.R. 3134: Mr. GIBBONS and Ms. BERKLEY.

H.R. 3163: Ms. LEE, Mr. WYNN, Ms. HOOLEY of Oregon, Mr. MCGOVERN, Mr. COSTELLO, Ms. MILLENDER-MCDONALD, Mr. HASTINGS of Florida, Mr. BOEHLERT, Mrs. CHRISTENSEN, and Mr. MEEHAN.

H.R. 3172: Mrs. MALONEY of New York, Mr. ORTIZ, Mr. BLUNT, Mr. JONES of North Carolina, Mr. FROST, Mr. KIRK, Mr. BAIRD, Mrs. BIGGERT, Mr. VITTER, Mr. SWEENEY, Mr. GORDON, and Mr. RAMSTAD.

H.R. 3175: Mr. GILMAN, Mr. HOLT, and Mr. MENENDEZ.

H.R. 3194: Mr. ANDREWS, Mr. BARRETT, and Mr. BACA.

H.J. Res. 23: Mr. FORBES.

H.J. Res. 54: Mr. TERRY.

H. Con. Res. 102: Mr. BOUCHER and Mr. FLETCHER.

H. Con. Res. 164: Mr. LANGEVIN.

H. Con. Res. 211: Mr. SANDERS.

H. Con. Res. 216: Ms. MILLENDER-MCDONALD.

H. Con. Res. 230: Mr. WU, Mr. TANCREDO, Mr. TRAFICANT, Mr. RANGEL, and Mr. SABO.

H. Con. Res. 249: Mr. HOUGHTON, Mr. CRENSHAW, Mr. TAYLOR of North Carolina, Mr. BROWN of South Carolina, Mr. PETERSON of Pennsylvania, Mr. BASS, Mr. YOUNG of Florida, Mr. REHBERG, Mr. HILLEARY, Mr. UPTON, Ms. ROS-LEHTINEN, Mr. LEACH, Ms. PRYCE of Ohio, Mr. PORTMAN, Mr. HOEKSTRA, Mr. MCCRERY, Mr. LEWIS of Kentucky, Mr. ENGLISH, Mr. CAMP, Mr. KERNS, Mr. GREENWOOD, Ms. DELAURO, Mr. MARKEY, Mr. LAFALCE, Mr. WEINER, Mr. ACKERMAN, Ms. VELAZQUEZ, Mr. MCHUGH, Mr. GRUCCI, Ms. JACKSON-LEE of Texas, Mr. CUMMINGS, Mr. MANZULLO, Mr. CULBERSON, Mr. SHIMKUS, Mr. SCHROCK, Mr. TAUZIN, Mr. TIAHRT, Mr. HAYES, Mr. BOSWELL, Ms. MILLENDER-MCDONALD, Mrs. CLAYTON, Ms. LOFGREN, Mr. KUCINICH, Mr. ANDREWS, Mr. DEFAZIO, and Mr. MOORE.

H. Con. Res. 253: Mr. WATT of North Carolina, Mr. COSTELLO, and Mr. UDALL

H. Con. Res. 254: Mr. HOEFFEL and Mr. TOOMEY.

H. Con. Res. 257: Mr. PETERSON of Minnesota, Mr. FARR of California, Ms. LEE, Mr. PAYNE, Mr. SHOWS, Mr. CAPUANO, Mr. MEEKS of New York, Ms. MCKINNEY, Mr. NEAL of Massachusetts, Mr. THOMPSON of Mississippi, Mr. KIND, Mr. MALONEY of Connecticut, Mr. HILLIARD, Mr. POMEROY, Ms. PELOSI, Mrs. CHRISTENSEN, Mrs. CLAYTON, and Mr. TOWNS.

H. Res. 128: Mr. LEVIN.

H. Res. 235: Mr. GRUCCI.

H. Res. 265: Mr. EVERETT and Mr. BALLENGER.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 9811: Mr. PETERSON of Pennsylvania.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

45. The SPEAKER presented a petition of the California State Lands Commission, California, relative to a Resolution petitioning the United States Congress to continue the moratorium on oil leasing in FY 2002, to take all steps appropriate and necessary to protect California's coast by ending all new oil leasing and preventing development of oil and gas from the 36 undeveloped federal oil leases remaining off the coast of California; to the Committee on Resources.

46. Also, a petition of the Elk County Board of Commissioners, Pennsylvania, relative to a Resolution petitioning the United States Congress that the Board condemns the cowardly and deadly actions of the terrorist attacks and supports the President as he works with his national security team to defend against additional attacks, and finds the perpetrators to bring them to justice; jointly to the Committees on Armed Services, the Judiciary, and Energy and Commerce.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, FIRST SESSION

Vol. 147 WASHINGTON, TUESDAY, NOVEMBER 6, 2001 No. 152

Senate

The Senate met at 2:16 p.m., and was called to order by the Honorable JEAN CARNAHAN, a Senator from the State of Missouri.

PRAYER

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

Gracious God, who knows what is going on in our minds, we thank You that more than providing our surface needs, You meet our deepest needs. Help us to put and keep things in perspective. Thousands of men and women of our armed services are in harm's way in a just battle against terrorism and despotism, and hundreds of thousands are on alert. Meanwhile, so much has changed for our life here in the Senate. An anthrax scare has gripped us, our routines have been disrupted, temporary offices cause frustration, and the instability of everyday conveniences unsettle us. In a time like this, we learn that faith and flexibility are inseparable. Our trust is in You and not in having everything in our control. While we pray for those who are making a much greater sacrifice than we, we also ask for the qualities of greatness rooted in Your goodness and grace. Thank You for this new day in which to find our security in You, our serenity in Your peace, and our strength in Your power. You have taught us to seek first Your Kingdom with the assurance that all things necessary for our joy would be added to us. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEAN CARNAHAN led the Pledge of Allegiance as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 6, 2001.

To the Senate:

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

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. DASCHLE. Madam President, the Senate will resume consideration of the Labor-HHS Appropriations Act with 15 minutes of debate in relation to the firefighters amendment. The Senate will vote on cloture on the amendment at approximately 2:30 this afternoon. We hope to complete action on the Labor-HHS appropriations bill today. Then it would be my intention of moving to the D.C. appropriations bill.

I yield the floor.

RESERVATION OF LEADER TIME

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

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of H.R. 3061, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3061) making appropriations for the Department of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

Pending:

Daschle amendment No. 2044, to provide collective bargaining rights for public safety officers employed by States or their political subdivision.

Gramm modified amendment No. 2055 (to amendment No. 2044), to preserve the freedom and constitutional rights of firefighters, law enforcement officers, and public safety officers.

The ACTING PRESIDENT pro tempore. Under the previous order, there is now 15 minutes for debate to be equally divided and controlled by the two leaders or their designees.

The Senator from Oklahoma.

Mr. NICKLES. Madam President, I yield myself 3½ minutes.

Madam President, I urge my colleagues to vote no on the Daschle-Kennedy amendment. This is an amendment which, for the first time in over 200-some-odd years in our Nation's history, we have the Federal Government trying to pass a law dealing with collective bargaining for cities, counties, and States for fire, police, sheriffs, and emergency personnel.

We have never done it before. We shouldn't do it now. That is and should be the prerogative of the States. The 10th amendment to the Constitution says all of the rights and powers are reserved to the States and to the people. It doesn't say: States, you have been doing this for all these years, but now we will have the Federal Government

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

Printed on recycled paper.

pass a collective bargaining law that also says you should have remedies, arbitration, and so on.

Why is the Federal Government doing that when States should be doing it? The States are doing it. Why should we tell the States they are not doing it well enough? We will have a bureaucrat go in and review the State's laws and say, maybe your State doesn't comply. Some people have estimated 26 to 30 States don't comply. Maybe the State of Missouri will have to rewrite its collective bargaining law or the State of Oklahoma. Frankly, over half of the States have local options where the State legislatures have said: We will leave that up to the cities. And now the Federal Government will say: No, that is not good enough; we will have the Federal Government come in and make that decision.

This bill says we will exempt small communities. Communities that have less than 5,000 will not be covered by this law. If we don't get cloture, we will have an amendment because I will raise that number. I think 5,000 is way too small. We will exempt cities with fewer than 5,000 employees. I think that is too small. We will have to have a bigger exemption. The legislation forgot to exempt volunteers. Why should we cover volunteers? So we will have to have an amendment dealing with volunteers. There are over 800,000 volunteer firefighters and police officers in the country.

Why should we mandate that people contribute to an organization against their will? We need voluntary contributions.

This bill is legislation on an appropriations bill. It should be dealt with separately. It doesn't belong on this appropriations bill. Let me read comments from a couple of organizations.

The U.S. Conference of Mayors:

However, the federal government should not impose collective bargaining procedures and practices on these local governments that have chosen over time to develop alternative methods for the management of human resource and personnel needs.

The National Volunteer Fire Council:

. . . representing over 800,000 Members of America's volunteer fire, EMS, and rescue services. . . . On behalf of our membership, I urge you to oppose the Daschle Amendment as currently written that would insert the language of [this bill].

The National League of Cities:

. . . the Federal Government should not undermine municipal autonomy with respect to making fundamental employment decisions by mandating specific working conditions.

From the Vermont League of Cities and Towns, written to Senator JEFFORDS:

The Vermont League of Cities and Towns strongly urges you to oppose the amendment. The amendment would create a Federal collective bargaining law that applies to State and local government employees. We believe strongly this is an issue better dealt with in the Statehouse in Montpelier than in Washington. This amendment is not only intrusive but has the potential of causing confusion with conflicting and overlapping statutes.

They said it well. The League of Cities said it well. The Conference of Mayors said it well. The National Conference of State Legislatures said it well. Leave this area of jurisdiction to the States, where it has always been, not trying to preempt it by a Federal statute.

I urge my colleagues to vote no on cloture.

Mr. DASCHLE. I yield 3 minutes to the distinguished Senator from Massachusetts.

Mr. KENNEDY. Madam President, on September 11, Americans were riveted not only by the extraordinary act of terrorism that struck this country and the extraordinary loss of life, but also they were struck by the extraordinary heroism and bravery of firefighters, police officers, and rescue workers, but particularly the firefighters.

There may be those who want to suggest reasons we shouldn't permit firefighters to be able to bargain collectively in the public interest. What is the record when these firefighters have been able to bargain collectively? First of all, there is greater safety for not only the public but for the firefighters. Second, the number of deaths per firefight has gone down. The numbers clearly reflect that. Third, where this has been permitted in States, we have seen the costs for fire protection have actually gone down.

Madam President, this is most of all about fairness and decency. This is about respect for workers in our country who have demonstrated day in and day out that they are prepared to lay down their lives in order to save other lives. We don't need any lectures about that in the Senate.

The real question now is whether the Senate will permit these extraordinarily brave and courageous individuals to get together in order to have an adequate and decent living. They are not asking for the Moon. If there is going to be an impasse, there are procedures to work out that impasse. We do think they are entitled to the kind of coming together and speaking to the interests and the safety of firefighters which they deserve.

I cannot think of a place in our society that has demonstrated a stronger commitment to the public good. They are not asking for very much. All they are asking for is to be treated decently and fairly in the workplace. That is what this is about. Are we going to permit firefighters in our country to be treated decently and fairly in the workplace?

If Members believe in that, support the Daschle amendment. That is what this amendment does.

Mr. MURKOWSKI. Madam President, it has been nearly a week that the Senate has been tied up over the majority leader's amendment to the Labor-HHS appropriations bill. I have listened to a great deal of debate about how this amendment would affect State and local police, fire, and emergency services officers. After the devastating attacks of September 11, we know that these men and women are the true heroes of America.

The issue before the Senate, mandating that State and local governments allow public safety officers to unionize and collectively bargain, raises many passions on both sides of the aisle. In Alaska, this issue has been resolved. Our State and local employees are allowed to unionize and engage in collective bargaining and I very much support the right of Alaska police, fire and emergency service personnel to unionize.

So as far as this Senator is concerned, the issue raised by Senator DASCHLE is one of principle, not labor/management principles but principles of constitutional proportions.

Senator DASCHLE's amendment preempts the laws of 27 States. These States have decided that they do not believe their police, fire, or emergency service workers, employees of State and local governments, should be allowed to engage in union activities. By what constitutional right does the Federal Government have the authority to tell State and local governments what the terms of employment should be for State and local workers?

Here is how the amendment attempts to address the Constitution: ''The absence of adequate cooperation between public safety employers and employees has implications for the security of employees and can affect interstate and intrastate commerce.''

This amendment does not pass the laugh test when it comes to constitutionality. If the standard of the Commerce clause can be satisfied with the previously quoted finding, then there is absolutely no area where the Federal Government can preempt States.

I think it is clear from the recent decisions of the Supreme Court that the Commerce clause is alive and well and that Congress should be legislating in areas that have real impacts on interstate Commerce, not phony made-up attempts to preempt all State decisions.

Because this amendment clearly contravenes the Constitution, I have decided that I will not vote to invoke cloture.

Mr. WARNER. Madam President, I rise to offer a few comments before we vote on cloture on the Daschle amendment. I have and always will be strongly committed to our Nation's fire, police and emergency rescue personnel. Career emergency workers and the individuals who are members of our Nation's over 22,000 all volunteer fire stations are on the front lines in America's new war on terrorism. They have a critical role in our homeland defense initiatives.

Virginia is a Right to Work State and has passed laws explicitly prohibiting public safety unions. Passage of the Daschle amendment would impose an unfunded Federal mandate on

States and preempt the existing guidelines and laws in the 27 States which do not have comprehensive collective bargaining rights for public safety employees.

States and localities must retain the flexibility to operate effectively and manage their public safety workforce as it is most appropriate for their particular needs.

It is not the right time for the Federal Government to intervene with the rights of State and local governments, burdening them with additional requirements which may strain the limited financial resources of our local governments.

In particular, many Americans are not aware of the staffing shortages we may face in our fire and rescue departments. The role of firefighter in our communities is far greater than most realize. They are first to respond to hazardous materials calls, chemicals emergencies, biohazard incidents, and water rescues. These are dangers which are fire rescue personnel deal with on a daily basis.

Earlier this year the National Fire Protection Association, a nonprofit organization which develops and promotes scientifically based consensus codes and standards, adopted a standard on response operational and deployment issues pertaining to fire and rescue departments. Based upon that standard, almost two-thirds of fire companies across the country operate with inadequate staffing. The cost for many municipalities to meet these new safety standards, however, would be significant.

In Virginia, many professional fire and rescue workers also volunteer at their local volunteer station. Their presence is invaluable to these communities.

If Senator DASCHLE's amendment passes, however, these paid firefighters would be prohibited from serving as volunteers elsewhere.

Over the past month, I have heard from a great number of professional firefighters present at the Pentagon that day and the days following. Volunteers and paid professionals worked side-by-side in the wake of the tragedies which occurred on September 11, 2001, in New York, Pennsylvania, and at the Pentagon in Virginia. Volunteer stations from throughout Virginia also helped to serve communities when the fire and rescue personnel from that area were on duty at the Pentagon.

I am pleased to be actively involved in several legislative initiatives to support our Federal, State and local fire and rescue services.

We need to recognize our firefighters and emergency personnel around the country who continue to make sacrifices in their service to the public. We must provide our fire and rescue departments with sufficient funding to hire the necessary personnel in order to ensure that our nation's communities are adequately protected.

I am pleased to be an original cosponsor of legislation, S. 1617, introduced by Senator DODD on November 1, 2001, that will provide States and localities with the necessary funding to hire additional firefighters. The Staffing for Adequate Fire and Emergency Response Act establishes a new grant program that will provide direct funding to fire and rescue departments to cover some of the costs associated with hiring and training new firefighters.

In addition, our fire and rescue services have a critical role in our homeland defense initiatives. I am pleased to have cosponsored an amendment offered to the fiscal year 2002 Defense Authorization legislation to increase funding for the fire program from $300 million to $600 million in 2002. Funds from the fire program are granted to local fire departments from the Federal Emergency Management Agency for, among other things, training of firefighters and emergency response personnel, toward the purchase of new equipment, and upgrading fire stations and fire training facilities. With the existing and emerging threats our Nation is facing, it is now more important than ever that our firefighters receive the necessary training and resources.

Please know that I recognize the sacrifice firefighters, police, and all emergency personnel make in Virginia and across the Nation. I will continue to support initiatives that will help our Nation's firefighters and emergency workers.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mr. GRAMM. Madam President, I am opposed to the Daschle amendment on both substantive and procedural grounds.

First of all, in terms of substance, the Daschle amendment actually empowers a Government agency, the Federal Labor Relations Authority, to override State law. It allows this Authority in some 25 States in the Union to make a determination that would override established State law and State constitutions and impose a unionization process which the States have rejected.

In my State, we have a local option, so the question of collective bargaining and unionization of the local fire department and sheriff's department is a matter for local voters. They have a referendum. That is our procedure. That is the way we do it in Texas. It has served us well.

The Daschle amendment would override State law, override county ordinances, and empower a government regulatory body, the Federal Labor Relations Authority, to override State law.

I think this violates everything we claim to believe about federalism. It is very bad policy. It violates the spirit of the tenth amendment of the Constitution, and I think it is profoundly wrong.

Second, let me say on procedural grounds, we are in the process of trying to finish appropriations. We were encouraging our Members to put aside controversial and extraneous matters until we had an opportunity to complete the appropriations process. This bill could be brought up freestanding. The majority leader has the unilateral power to do that. But to put it on an appropriations bill, it seems to me, disrupts what we are trying to achieve and encourages others to follow suit. If this amendment is clotured, there will be a dozen amendments offered to it that have to do with labor law in America.

This is another debate for another day. We will end up having to cloture this bill. There will be a lengthy process that will use up our time and energy that would better be spent on something else.

I understand this is a time when we appreciate our firemen and we appreciate our policemen, but forcing people to pay union dues is not a way I show appreciation to people.

We have the right in Texas and every State in the Union has the right to write its State constitution and to write its laws. Laws related to local labor relations and the relationship of the city, the county, and the State with their employees is something that should be set by the cities, counties, and States, not by the Federal Government.

I urge my colleagues, on substance this amendment is profoundly wrong and wrongheaded. And on procedure, it puts us into a collision course.

Mr. DASCHLE. I yield 1 minute to the distinguished Senator from New York.

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

Mr. SCHUMER. Madam President, I thank our leader once again for coming forward with a very timely amendment. I would like to add my support.

I know people from all over the country were riveted on the great work of our firefighters as well as our police and rescue workers in New York. They did a wonderful job.

I can tell you—and I have talked to hundreds of them—the words are very inspiring. But they also need help. They are trying to feed families. They are trying to get the kind of benefits that so many others have. In place after place after place in America, they don't get them.

If we want to show our real feelings, if we want to put our money where our mouth is, if we really want to help the firefighters—go ask them. Don't rely on some kind of broad ideological mantra. If we want to help the firefighters, we should not tell them how we are going to help them. Let them tell us how we are going to help them. They want this proposal. They are right. I am for it.

Mr. DASCHLE. I yield 1 minute to the distinguished Senator from North Carolina.

Mr. EDWARDS. Madam President, this is not a complicated question. The American people have watched as these firefighters have put their lives on the

line for us. They have provided all of us, all of our families, and families all over this country, with the security we need and expect.

Now these firefighters have come to us, the Senate, and asked that we provide them and their families with the same kind of security American workers have all over this country.

This is not a complicated question. It is a simple question. The American people have watched the heroism of these firefighters. It is time for our Senate to provide them with the same kind of security they have been providing to American families forever.

I yield the floor.

Mr. DASCHLE. Madam President, I will use whatever leader time I may require to close out the debate on this amendment.

As my colleagues have noted, every day firefighters, police officers, and emergency workers literally risk their lives to protect our safety. In 18 States, public safety workers do not currently have the legal right—the legal right—to sit down with their employers and talk about their own health and about their own safety. That is why we offer this amendment this afternoon, the Public Safety Employee-Employer Cooperation amendment. It is identical to the bipartisan bill offered by Senators GREGG and KENNEDY, who both spoke in favor of this amendment last week.

The amendment is very simple. It guarantees that public safety officers have the right to form and join a union; have the right to bargain collectively over hours, wages, and conditions of employment—period.

Studies have shown, as Senator KENNEDY and others have noted, that fewer firefighters are killed in the line of duty in States where collective bargaining exists, States where public safety officers have a say in their working conditions. Our proposal expressly forbids strikes or lockouts by public safety workers.

Contrary to assertions by some of the opponents of this amendment, our proposal does not override State right-to-work laws. The opponents of this amendment say that allowing public safety workers to join a union will somehow jeopardize public safety. Tell that to the 344 unionized firefighters and paramedics who died trying to save the lives of people at the World Trade Center. Tell the unionized Capitol police who guard this building and protect our lives every day of the week.

These men and women deserve our thanks. They deserve a vote on this important issue. Instead, when we offered this amendment, we were informed opponents would not give us a vote. So let there be no mistake. This cloture vote is the vote on the merits. It is a vote on whether or not we stand with firefighters, the police, and those who protect us day in and day out. This gives all firefighters, regardless of where they live, the opportunity to do what they ought to be able to do in this country—to bargain collectively for their rights, for their safety, for their lives in some cases.

Madam President, I urge a ''yes'' vote. I hope our colleagues will support this cloture vote.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. NICKLES. Madam President, I yield myself 3 minutes under the Republican leader's time.

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

Mr. NICKLES. Some people have equated this with a patriotic vote because we appreciate the firefighters in New York and Virginia. Certainly we do. The firefighters in Virginia were nonunion. The firefighters in New York were union. That is not the issue. The issue is whether or not the Federal Government is going to go in and preempt States or dictate to the States collective bargaining laws for public employees.

We have never passed a law that says we are going to have collective bargaining dictated by the Federal Government for State employees or for city employees. We have never done it in 225 years. We never passed such a law.

We have never passed a law that says: Sheriffs, officers, you can have collective bargaining.

We have never done that, but we are getting ready to do it. We have never done it to all cities. Right now, this legislation goes to cities with populations of greater than 5,000. Other States have different laws.

Every State has a law dealing with collective bargaining, but now we are saying we are going to tell the States what to do, and the States have to pass laws that are basically, substantially equivalent with this law or else it doesn't apply. A Federal bureaucrat is going to decide whether the existing State laws are in compliance.

Some States have a local option. The majority of States have a local option. They let cities make that decision. We are trying to say: Cities, you can't make it. Small towns in North Dakota, South Dakota, Oklahoma, you can't make that decision. We are going to make it for you.

I think that is a serious mistake. I applaud the bravery of firefighters, police officers, people who work in the ambulance system, the sheriffs, officers, but I don't think we, on the Federal level, should dictate their collective bargaining arrangements. That has been done by the States, done by the cities, done by the counties. They have done a good job. We should not tell them how to do it.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. DASCHLE. Preserving the prerogative of the majority, I want to close out this debate. Let me respond in a couple of ways.

First of all, this amendment does not federalize state labor laws. This amendment says if a state has a right-to-work law, we will respect it.

What this amendment also says to every firefighter in the country: If you want to negotiate in a collective bargaining arrangement with your employer, you have the right to do so.

The process is not dictated. There is no requirement that employers agree with those firefighters who want to enter into a collective bargaining arrangement.

Who would deny the right to a firefighter today to enter into a collective bargaining arrangement if he or she chooses to do so? That is all we are suggesting. We protect right-to-work laws. We protect rights of the State. I think we ought to protect the rights of all firefighters too.

I yield the floor.

CLOTURE MOTION

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the Daschle-Kennedy amendment No. 2044 to H.R. 3061, the Labor, HHS appropriations bill:

Maria Cantwell, Joe Biden, Barbara A. Mikulski, Patrick J. Leahy, Patty Murray, Paul Sarbanes, Debbie Stabenow, Max Cleland, Joe Lieberman, Bill Nelson, Harry Reid, Paul Wellstone, Barbara Boxer, Jack Reed, Daniel K. Akaka, Kent Conrad, and Tom Daschle.

The ACTING PRESIDENT pro tempore. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the Daschle-Kennedy amendment No. 2044 to H.R. 3061, the Labor-HHS appropriations bill, shall be brought to a close?

The yeas and nays are required under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The yeas and nays resulted—yeas 56, nays 44, as follows:

[Rollcall Vote No. 323 Leg.]

YEAS—56

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

NAYS—44

Allard	Enzi	McConnell
Allen	Frist	Murkowski
Bennett	Gramm	Nickles
Bond	Grassley	Roberts
Brownback	Hagel	Santorum
Bunning	Hatch	Sessions
Burns	Helms	Shelby
Byrd	Hollings	Smith (NH)
Campbell	Hutchinson	Stevens
Chafee	Hutchison	Thomas
Cochran	Inhofe	Thompson
Craig	Kyl	Thurmond
Crapo	Lott	Voinovich
Domenici	Lugar	Warner
Ensign	McCain	

The PRESIDING OFFICER (Mr. JOHNSON). On this vote, the yeas are 56, the nays are 44. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. BYRD. Mr. President, I have long been a supporter of collective bargaining rights.

Although worthwhile, I oppose cloture on the Daschle amendment (SA 2044) because it would have further delayed the already backlogged fiscal year 2002 appropriations process. More than one month into the fiscal year 2002, we have sent only 5 of the 13 annual appropriations conference reports to the President. We must finish our work and pass these appropriations bills.

While I support the Daschle amendment, the Labor-HHS appropriations bill was not the proper vehicle to address this issue.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, the matter now before the Senate is the Labor-HHS Appropriations Act; is that true?

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 2044, WITHDRAWN

Mr. REID. Mr. President, I ask unanimous consent to withdraw the Daschle amendment.

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

Mr. REID. Mr. President, I ask unanimous consent that there be no further amendments in order to H.R. 3061, the Labor-HHS appropriations bill, the bill be read a third time, and the vote on final passage occur immediately, notwithstanding rule XII, paragraph 4.

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

Mr. REID. I ask for the yeas and nays on H.R. 3061.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

FARMWORKER HOUSING PROGRAM

Mr. COCHRAN. Mr. President, I have a question about the migrant and seasonal Farmworker Housing Program. I have worked for a number of years to ensure that the Labor Department provide funding for housing assistance for eligible farmworkers. There is a well-established network of local housing organizations that receive these funds. I am particularly impressed by the work of the organization in my State, the Delta Housing Project. The Senate Report accompanying this bill recommends $5,000,000 for farmworker housing. This amount represents an increase of $1,000,000 over the fiscal year 2001 level. In fiscal 2001 the committee increased the fund from $3,000,000 to $4,000,000 representing the first increasee since 1982. I am pleased that the committee has recently increased the funding to this worthwhile program so that grant recipients can use these funds for important housing projects. However, despite the fact that in fiscal year 2001 the program was increased by 20 percent, most all grant recipients received less money than they have consistently relied upon for the past 17 years. This does not seem fair.

Mr. HARKIN. I agree. We need to continue this program so that the well-established network of local housing organizations can continue to provide these needed services. That is why our subcommittee provided an additional $1,000,000 specifically for housing priorities.

Mr. COCHRAN. It is my intent that these funds be used by the Department of Labor for the expansion of funding among the network of farmworker housing grantees. It is my understanding that it is the intent of this committee that these funds be used for those grantees and that any funds for migrant rest center activities would come from other discretionary sources. Would the chairman clarify this understanding?

Mr. HARKIN. Yes. The legislation is intended to provide funds to the network of housing providers in the migrant community and not to be used for discretionary purposes.

Mrs. MURRAY. Mr. President, I rise today to express my overall support for the Labor-HHS bill currently before us. I thank the chairman and ranking member for their continued efforts to meet our county's needs. I recognize the financial limitations we faced in the subcommittee in trying to address our many concerns in labor, health and education. This appropriations bill, more than any other bill, impacts every family and every community. The programs in this bill from education and health services to workplace safety are priorities for Washington families. While I am disappointed by some areas of the bill, overall it makes critical investments in our health, safety and welfare. I would like to highlight some of my priorities in this critical legislation, starting with education.

Although I appreciate the significant increase in education we provide in this bill, I hope that we will be able to put more money into education programs this year. The education reform bill now in conference would impose significant new requirements on our schools, and if we are going to ensure no child is left behind, we need to provide the money to back up that bill. I look forward to working with Senator HARKIN and my other colleagues on the ESEA conference committee to fully-fund IDEA.

I especially thank the Chair for working with me to ensure sufficient funding to keep our commitment of smaller classes for our young students. This investment of more than $3 billion in teacher quality and smaller classes represents the fourth year that I have successfully fought for funds to help districts continue on the path to hiring 100,000 new teachers to reduce class sizes in the early grades nationwide.

By including the class size reduction program in the appropriations bills over the last 3 years, Congress has taken an important, bipartisan step to ensure our students are learning in less crowded classrooms. The first year of Federal class size reduction funds enabled schools to hire 29,000 teachers, and last year's funding added another 8,000 to that number. As a result, about 2 million students are learning in classrooms that are no longer overcrowded. On a related note, I am pleased that this bill includes funding to continue the school renovation investments we started this year. These funds are critical to ensuring students learn in safe, modern and uncrowded classrooms.

I am also pleased to note that this bill includes funding for the Teacher Training in Technology Program. Helping our teachers learn to use technology is essential if we are going to use technology to improve education for all students. I will continue to work to secure this program in ESEA reauthorization, and appreciate the committee's support in that endeavor.

I am disappointed that this bill does not provide more funding to support some of our most vulnerable students our homeless children. I hoped we would follow the lead of the education authorizers who accepted my amendment to double the authorization for homeless education. At the current level this program is only able to serve one-third of eligible children, and less than 4 percent of districts receive direct funding. The House mark includes $50 million for this program, and I hope that the final agreement will include a significant increase over current funding. Family homelessness is increasing. The U.S. Conference of Mayors found that demand for emergency shelter increased by 17 percent among homeless families last year. Schools are having a hard time keeping up with the increasing demand for services, and I fear that the changes in our economy will only make the situation worse.

Local homeless education programs use these funds to help homeless children enroll, attend, and succeed in

school in by: establishing liaisons to the homeless community to identify homeless children and connect them to school; providing school supplies and emergency needs—everything from backpacks, paper, pencils, gym clothes, math/science equipment, to eyeglasses, shoes, clothing, and hygiene supplies; offering tutorial services for homeless children at shelters and other locations; and much more.

I thank the managers for adding funding for GEAR UP in this final bill, and I hope we can include additional funds in conference to avoid a cut from the fiscal year 2001 appropriated level. I have seen firsthand the great work this program is facilitating. Research has shown that reaching out to disadvantaged middle school students to let them know that the dream of college is within their grasp and supporting them in attaining that dream is the most effective way to ensure more disadvantaged students get a college degree. In the information economy of the 21st century we cannot leave children behind by denying them access to higher education. I believe we can and must do better for these children by providing an increase in funding for the GEAR UP Program.

Finally, I look forward to working with Chairman HARKIN and the Ranking Member, Senator SPECTER, to secure the funds necessary to operate Child Care Aware. Millions of children are in care outside of their home while their parents work. Yet child care is often more costly than college tuition, and quality care can be hard to find. Child Care Aware is a nonprofit initiative, operated by the National Association of Child Care Resource and Referral Agencies, that is committed to helping parents find the best information on locating quality child care and child care resources in their community.

Next, I would like to turn to the labor provisions of this bill. I am pleased that the bill includes $1.549 billion for the Dislocated Worker Employment and Training Activities. This is an increase of nearly $140 million from fiscal year 2001.

Unfortunately, our economy is continuing to slump. Recent indicators suggest unemployment could reach as high as 6.9 percent by the end of next year. Many of these people need help in their search for new skills and new jobs. The Boeing company has announced it will lay off more than 30,000 workers from its commercial airline business, which is headquartered in Washington. That is 30 percent of their workforce. Many other industries have announced massive layoffs. Those workers will be seeking access to the dislocated workers' program. The money in this bill is a good first step. However, we must also expand unemployment insurance, health care and job training programs to assist these newly-unemployed workers. I hope my colleagues will support such a measure as we debate an economic stimulus package.

Finally, I would like to turn to some of the progress this bill makes in the area of healthcare. For years, we have known about the important role played by the Centers for Disease Control and Prevention. During the recent anthrax incidents, many Americans have learned about some of the CDC's responsibilities. This bill boosts our investment in the CDC by providing $4.4 billion for Disease Control programs—an increase of $372 million over last year. This funding will support cancer screening and education programs, including breast and cervical cancer screening; injury control and reduction, including rape prevention and education, bioterrorism, and improving our local public health infrastructure to respond to public health threats.

This bill makes progress for local communities that are working to provide care to the uninsured and underinsured. The bill provides $1.3 billion for Health Centers, which is $175 million more than in fiscal year 2001.

While this bill makes a lot of progress on health care issues, I am deeply disappointed that this bill falls short of our commitment to the Community Access Program, CAP, which helps communities research and coordinate care to underserved populations. I can tell you that throughout Washington state, the CAP program is allowing local officials, doctors and advocates to meet the needs of underserved patients. In fact, this program is critical in meeting the needs of the growing population of uninsured. During these difficult economic times, we should be strengthening our safety net programs. That is why, earlier this year, the HELP Committee adopted the amendment I offered with Senator CLINTON, which assumes an authorization of $125 for the CAP program. Clearly, the $15 million in this bill falls short of our commitment. I am hopeful that we can work with the House in conference to meet our original commitment.

Throughout Washington State, small and rural communities are seeing hospitals close. It is becoming more difficult for people in rural areas to get the care they need. This bill invests in rural health care. It provides more than $1.6 billion to help increase and improve access to rural health care services, providers and facilities.

I am also pleased that the bill supports pediatric medical training. It provides $243 million for GME for children's hospitals. This increase of $8.45 million is important for hospitals like Children's Hospital in Seattle. In the area of AIDS, this bill provides $1.8 billion for the Ryan White AIDS programs, $75 million more than last year. This bill funds our family planning efforts at $266 million for title X, an increase of $12 million over fiscal year 2001.

When it comes to supporting cutting-edge medical research, this bill keeps us on track for doubling NIH funding by fiscal year 2003. It provides a total of $23.7 billion, an increase of $3.4 billion over last year. I am proud of the research being done in Washington state including at the University of Washington, the Hutch and many biotech and biomedical research facilities throughout the state. In fact, Washington state is one of the top five recipients of NIH funding.

In the area of poison control, I am pleased that this legislation provides a total of $24 million for fiscal year 2002, that's a $4 million increase over fiscal year and $7.5 million more than the administration requested. As one of the original authors of the Poison Control Prevention and Enhancement Act, I believe this additional funding will prevent unintentional poisonings from everyday products. This bill supports trauma care planning and development by providing $4 million, an increase of $1 million over fiscal year 01 and $1.5 million more than the administration's request. Finally, as any advocate can tell you, our country doesn't have enough shelter space to offer protection for abused women and children. This bill provides $122 million for battered women's shelters. That is an increase of $5 million over fiscal year 01 and the Administration's request.

As many of my colleagues are aware, states are struggling to fund critical health care services with rapidly declining revenues. The economic downturn has created a budget crisis for many states including my own state of Washington. We should recognize the struggle facing many of our states and act to incorporate language into this appropriations bill to prohibit or delay any effort by CMS to reduce overall Medicaid payments. I know that many of us are concerned about efforts by CMS to further restrict the Upper Payment Limit within Medicaid. I worked with the previous Administration in 2000 to resolve this matter and phase out any potential loophole. To go back on this agreement now would mean significant Medicaid cuts for several States. This is the wrong time to cut the Federal share of Medicaid. I am hopeful that we can incorporate language in this appropriations bill to prohibit any action by CMS to reduce Medicaid funding.

I believe we should be working to enhance the Federal match under Medicaid to prevent drastic reductions in health care for low income families. At a time when more families will lose health insurance, we should be acting to increase the Federal commitment to Medicaid. I realize that increasing the Federal Medicaid match is a matter which must be addressed in a stimulus package not this appropriations bill. However, we should use this appropriations bill to send a clear message to the administration that this is the wrong time to attempt to reduce Medicaid reimbursement to the States.

I am pleased that this bill continues our investment in the programs that many senior citizens and their families

rely on. It boosts funding for OAA nutrition programs. Specifically, it provides an increase of $30 million over fiscal year 01 for home delivered meals (to $177 million) and congregate meals (to $384 million). It also provides a 10 percent increase for aging programs under the Administration on Aging and supports other investments that assist the elderly.

When we reauthorized the Older Americans Act last year, we created the Family Caregiver Support Program, which assists families caring for an aging relative. This bill provides a $20 million increase in the Family Caregiver Support Program to $140 million.

This bill funds efforts to use technology to expand health care access. It provides $1 million for telehealth efforts at Children's Hospital in Seattle. And in other areas important to Washington State, this bill supports the Franciscan Health System's Program Improving Care through the End of Life demonstration program. It funds the national Asian pacific center on aging continuation of funding. And it funds a health profession and nurse retention study in Washington state.

Overall, this bill makes progress for our people and our country.

Mr. LEAHY. Mr. President, today the Senate will pass the fiscal year 2002 appropriations bill for the Departments of Labor, Health and Human Services, and Education and Related Agencies—the largest of the 13 appropriations bills before Congress this year. This measure contains support for some of the most important aspects of our Nation's work such as medical research that leads to advancements in health, the education of our youth from preschool through college, assistance to the elderly and those with disabilities, and the training of workers seeking employment. While there are many noteworthy initiatives in this bill, I would like to highlight just a few that are particularly important to Vermont.

Hope for a cure for many diseases and illnesses must come through research and I am pleased that the Senate continues to work toward our goal of doubling the Federal Government's investment in the groundbreaking biomedical research conducted by the 25 Institutes and Centers that make up the National Institutes of Health. With this strong support, NIH funding for next year will increase to $23.7 billion, an increase of $3.4 billion over last year. Millions of Americans suffering from conditions ranging from Parkinson's and Alzheimer's diseases, to cancer, diabetes and heart disease, will benefit from the research undertaken by the thousands of NIH scientists, including many in Vermont, supported by this funding.

This bill establishes an Aging Initiative that takes important steps toward assisting senior citizens in Vermont and throughout America. The Initiative is designed to increase the capacity of home- and community-based services to support a high quality life for older Americans. An Interagency Task Force on Aging Programs will coordinate and provide additional support to programs that serve older Americans. Increased funding has been provided for supportive services and senior centers, long-term care ombudsmen to prevent and address the problem of elder abuse and neglect, the National Family Caregiver Support Program, elderly nutrition programs to expand home delivered meal distribution, and Alzheimer's disease research. I am confident that this effort will result in an improved quality of life for our nation's seniors, especially for those living in rural parts of our nation.

This legislation includes important funding for education that will support learning opportunities for Vermont schoolchildren of all ages. Funding for the Head Start Program, which provides comprehensive developmental education services for pre-kindergarten, low-income children, has been increased by $400 million. We have increased funding to assist low-income students who want to receive a college education. This bill will raise the maximum Pell Grant available to American college students from $3,750 to $4,000. This is the highest Pell Grant maximum in the history of the program.

We have also increased funding for our students with special education needs by $1 billion. Although this increase brings us a step closer toward meeting our responsibilities under the Individuals with Disabilities Act, we still must do more. House and Senate Conferees on the bill to reauthorize the Elementary and Secondary Education Act currently have before them the opportunity to mandate that the federal government increase its share of special education funding to 40 percent of IDEA spending from its current level of 15 percent. I strongly urge my colleagues to support this provision. It will provide significant relief to state and local governments as they strive to pay for the quality educational services that our nation's disabled students need and deserve.

I am very pleased that the Senate has provided increased funding for the Office of Civil Rights, OCR, at the Department of Health and Human Services. OCR is responsible for the enforcement of civil rights-related provisions in health and human services programs. Earlier this year, OCR's responsibilities were vastly expanded with the release of the final medical privacy regulation by HHS. Quality enforcement of this new regulation is essential to the protection of Americans' medical privacy. This increased funding will ensure that OCR can fulfill its new medical privacy enforcement obligations without dereliction from its many other civil rights enforcement responsibilities.

Finally, I am pleased that this bill includes $1.7 billion in funds for the Low-Income Home Energy Assistance Program and an additional $300 million in emergency funds. LIHEAP is a critical program for citizens of states like Vermont, who endure long, cold winters. Last year LIHEAP helped nearly 18,000 Vermont families stay warm. I am concerned that demand for this program will rise dramatically this winter as the economy slows and incomes decline. I want to thank the Committee for including a significant increase in LIHEAP funding in anticipation of this great need.

This spending bill is not perfect. There are areas where increased funding is still needed. However, we have taken the right steps in many important health, education, and human service programs, and I am pleased to support a measure that provides such great benefit to Vermonters.

Mr. HATCH. Mr. President, as the Senate is about to adopt H.R. 3061, the Labor-Health and Human Services Appropriations legislation for fiscal year 2002, I would like to express my strong support and gratitude to Senator HARKIN and Senator SPECTER for their willingness to include an amendment to H.R. 3061 on a matter that is very important to my home State of Utah.

The Radiation Exposure Compensation Act, RECA, was signed into law in 1990 and has provided compensation to thousands of individuals, both workers and civilians, who were exposed to harmful radiation as a result of the government's nuclear testing decades ago. Some of these individuals worked in uranium mines; many drove the trucks which transported uranium ore; and many more happened to live downwind from a nuclear test site.

The RECA law was amended last year by S. 1515, the Radiation Exposure Compensation Act Amendments of 2000. The legislation, which was signed into law last July, expanded the list of illnesses and classes of individuals who may be compensated under the RECA program. Recognizing that it is more effective, cost-beneficial, and indeed compassionate, to identify and treat at the earliest stages individuals who may have been exposed to harmful radiation, RECA 2000 also authorized a grant program for education, prevention, and early detection of radiogenic cancers and diseases. These grants would be provided through the Administrator of the Health Resources and Services Administration and would be used to screen individuals for cancer, provide education programs for detection, prevention and treatment of radiogenic cancers. The grants could also be used to give medical treatment to those individuals who have been diagnosed with radiogenic cancers and illnesses.

My amendment appropriates $5 million to HRSA for programs associated with RECA. Of that amount, $4 million will be used for the screening and prevention program I have just mentioned, which is codified under section 417C of the Public Health Service Act. In addition, my amendment provides $1

million so the Department of Health and Human Services may contract with the National Research Council in order to review the most recent scientific information related to radiation exposure and associated cancers and illnesses. The study would also make recommendations as to whether there are additional cancers or illnesses associated with radiation exposure that should be compensated under the RECA program. Finally, the study would review whether other classes of individuals or additional geographic areas should be included under the RECA program. These recommendations by the National Research Council must be completed by June 30, 2003 and will be submitted to the Senate Committees on Appropriations; Health, Education, Labor and Pensions; and Judiciary for review. The report also will be submitted to the House Committees on Appropriations; Energy and Commerce; and Judiciary.

I am pleased that this amendment has been cosponsored by both Senators REID and DOMENICI. I have also worked closely with Senate Majority Leader DASCHLE, Senator BINGAMAN, Senator CAMPBELL, and Senator JOHNSON on the RECA program. All of us have constituents who have been impacted by radiation exposure and all of us want to do everything we possibly can to be helpful to them.

I have met with many RECA claimants in my State. It does not take long to see the pain and suffering they have endured over the years. This is pain and suffering, I might add, that have taken a toll on their lives and the lives of their families as well. Most of these individuals are now retired; they live on modest incomes and fear their declining health will only exacerbate their limited family finances. Many have lost fathers, mothers, sisters, and brothers due to radiation exposure. We cannot forget these brave Americans.

It is for these reasons that this amendment is so important—it will not only provide valuable assistance to those who have been exposed to radiation exposure, it will also review current data to ensure that all of those who have been impacted will be adequately compensated. I cannot tell you how many times I have talked to constituents who don't understand why their cancer is not currently covered under the RECA law. They don't understand why living in one county allows RECA compensation but living in another county, sometimes as close as three miles away, prohibits them from being compensated as a RECA victim. I want to make sure we are using the best science possible to provide answers to these important questions. The National Research Council recommendations will help answer these questions to the best of our ability based on all current scientific data.

Again, I wish to express my gratitude to my colleagues who serve on the Appropriations Committee, especially Senator HARKIN and Senator SPECTER, for recognizing the importance of this issue. Through this amendment, we are acknowledging the plight of these Americans and letting them know that we in the Congress truly care about their welfare.

Mr. DEWINE. Mr. President, I thank Senators LANDRIEU and ROCKEFELLER for cosponsoring my amendment, which has been incorporated into the managers' amendment.

Earlier this month, my colleague from West Virginia, Senator ROCKEFELLER, and I introduced a bill to reauthorize the Promoting Safe and Stable Families Act. This is a vital program that provides grants to children services agencies to help place foster children in permanent homes, provide post-adoption services, and reunify families when appropriate.

I thank Senators SPECTER and HARKIN for working with me to increase the appropriations level for this important program. As reported out of committee, the Senate bill only provided $305 million for the program, while the House bill included $375 million. I worked with the managers to increase the Senate level to $375 million.

I am very pleased that we have increased this funding level because the Safe and Stable Families program provides critical services to at-risk children.

The reality is that many thousands of children in our country are at risk because they are neglected or abused by parents or because they are trapped in the legal limbo that denies them their chance to be adopted. Over a half-million children go to bed each night in homes that are not their own.

We have an obligation to these children. We have an obligation to protect these innocent lives.

The Safe and Stable Families program is there for these children. The funding provided to the States through this legislation is used for four categories of services: family preservation, community-based family support, time-limited family reunification, and adoption promotion and support.

These services are designed to prevent child abuse and neglect in communities at risk, avoid the removal of children from their homes, and support timely reunification or adoption. And, quite candidly, Promoting Safe and Stable Families is a very important source of funding for post-adoption services.

With a nearly 40 percent increase in the number of adoptions since the implementation of the Adoption and Safe Families Act, funding for adoption promotion and support services is especially vital. In Baltimore, MD, for example, 5 years ago, there were only 160 adoptions. So far this year, 514 adoptions have been finalized. Such increases demonstrate the need for these services and the necessity for these services to ensure that the adoptions are not disrupted, which risks further traumatizing a child.

Again, I thank my colleagues for increasing the current Senate funding level. Protecting this vital program is simply the right thing to do.

Mr. ROCKEFELLER. Mr. President, for many years, Senator MIKE DEWINE and I have worked with a bipartisan coalition to promote adoptions and to strengthen Federal funding to help abused and neglected children, especially through the Safe and Stable Families program. Senator DEWINE has been a real leader especially in the key area of defining reasonable effort to protect children. We are joined in our effort by Senators LANDRIEU and CRAIG, both well-known advocates for adoption and leaders of the Adoption Caucus.

President Bush called for an increase of $200 million for this program in his State of the Union address and his budget. In OMB's mid-session review, the administration changed its request from $200 million in mandatory money to discretionary funding. Since then, the House of Representatives added $70 million in new funding in their Labor-HHS-appropriations bill.

Children suffering from abuse and neglect are among our most vulnerable children. In 1997, Congress enacted new legislation to make the health and safety of a child paramount, and to stress the importance of providing every child a permanent home. The act imposed new time frames for States to consider adoption. Since then, adoptions from foster care have almost doubled. But these families need support to address the special needs of these children. Currently, there are over 800,000 children in foster care. About 1 million cases of abuse and neglect are substantiated each year.

In my State of West Virginia, the number of adoptions are increasing, but the statistics on abuse and neglect of children remain stubbornly high. New funding will enable my State and every State to expand their programs for adoption, family support, family preservation, and help to families in foster care.

Our goal is to secure new investments in the Safe and Stable Families Program to help these vulnerable children. I truly appreciate the cooperation and support of Senators HARKIN and SPECTER in accepting our amendment to provide new funding for this worthy cause. Chairman HARKIN and Ranking Member SPECTER have a very hard task in overseeing the Labor-HHS-Education appropriations bill. Balancing all the needs within their jurisdiction, including health care, education, worker safety, and other issues is a very difficult task, but a task they manage each year with skill and fairness. Their deep concern and compassion for children is well-known, and their willingness to work with Senator DEWINE and me further highlights their commitment to some of the most vulnerable children, those suffering from abuse and neglect. I am truly grateful for their leadership and support.

Things have changed dramatically in our country and in the Congress. We

need to respond to the new challenges and the new fiscal issues. But the needs of abused and neglected children remain, and we also need to be sensitive to their problems and their needs. I appreciate the support from my colleagues.

Mr. MCCAIN. Mr. President, I want to thank both Senator SPECTER and Senator HARKIN for their hard work on this important legislation which provides federal funding for the Departments of Labor, DOL, and Health and Human Services, HHS, and related agencies. Many of these programs are even more important as our war on terrorism is placing this Nation at great risk, particularly on the homefront. To protect our survival, we must also ensure that adequate support and resources are provided to protect our citizens at home as well as adequately funding our defense programs necessary for engaging in this war.

I am pleased to see increased funding for many programs, many that are of an increased importance in light of our Nation's war on terrorism. This includes an increase in funding for bioterrorism activities and ensuring that our nation's public health infrastructure is given the highest priority and strengthened considerably. This funding is critical for our States, localities and our nation as a whole, to ensure that substantial investments and improvements are made in our public health infrastructure so we can readily respond to our current situation and potentially future threats as well.

There is funding to ensure our Nation's food supply remains safe and resources for helping meet the health care needs of the uninsured—many who may now be unemployed due to the horrific events of September 11th. In this time of war, we must ensure that adequate resources are available for treating and preventing potential health threats. In addition to funding key public health programs, this bill provides funds for helping States and local communities educate our children. Furthermore, it provides the necessary funds for supporting our scientists dedicated to finding treatments, if not cures, for many illnesses, including Parkinson's, Alzheimer's and ALS. This bill even provides funds for ensuring our nation's most vulnerable—children, senior citizens and the disabled—have access to quality health care. Funds are also provided for important programs that assist working families needing child care, adult daycare for elderly seniors, and Meals on Wheels.

I applaud the appropriators for including very few specific funding earmarks, but I am distressed about the extensive list of directives that have been included. It is apparent that the many directives and recommendation language camouflages the number of specific projects that are given special consideration and bypassing the appropriate competitive funding process. Examples of this language include:

Language supporting the Wheeling Jesuit University NASA Center for Educational Technologies to provide technology training to all elementary and secondary West Virginia mathematics and science teachers;

Language supporting the Missoula Family YMCA in Missoula, MT, to develop the ''Give Me Five'' after school program;

Language supporting the Ellijay Wildlife Rehabilitation Sanctuary to expand its ecological science education programs to make them available to more students in Georgia;

Language supporting Fresno At-Risk Youth Services in California to attack the problem of at-risk youths by coordinating the city's efforts through an education program coordinator;

Language supporting the Northeast and Islands Regional Educational Laboratory at Brown University to run a Website called Knowledge Loom; and

Language supporting the Flint Area Chamber of Commerce in Michigan to establish an ''e-mentoring'' program designed to create a partnership between employers and students.

The bill also includes recommendation language that encourages the Department of Labor to consider supporting certain projects or institutions. Examples include:

Good Faith Fund of the Arkansas Enterprise Group in Arkadelphia, AR;

Las Vegas Culinary Training Center;

Western Alaska workforce training initiative;

Oregon Institute of Technology; and

UNLV Center for Workforce Development and Occupational Research.

While each of these programs may deserve funding, it is disturbing that these funds are specifically earmarked and not subject to the competitive grant process. But there are other job training facilities, health organizations, and educational sites in America that need financial aid for their particular programs and are not fortunate enough to have an advocate in the appropriations process to ensure that their funding is earmarked in this bill.

There are many important programs impacting the labor force, health and education of our nation that depend on the support in this bill. However, we have diluted the positive impact of these programs by siphoning away funds for specific projects or communities that have ardent advocates in members on the appropriations committee.

In closing, I urge my colleagues to curb our habit of directing hard-earned taxpayer dollars to locality-specific special interests which thwarts the very process that is needed to ensure our laws address the concerns and interests of all Americans, not just a few who seek special protection or advantage.

Mr. President, thank you and I yield the floor.

Mrs. CLINTON. Mr. President, I rise to express my dismay that a very important program to address the health care needs of the uninsured was not included in the Labor-HHS appropriations bill which we passed today. Now, when our public health infrastructure must be stronger than ever before, it is crucial that we find ways to provide care for Americans who lack health insurance.

The Health Community Access Program, or H–CAP, would build on the successful Community Access Program, CAP, demonstration program that congress funded last year. CAP has successfully provided grants to communities to encourage integration among safety net providers of care to the uninsured. More then 135 communities have taken advantage of CAP to improve health care for Americans who lack health insurance.

H–CAP allows communities themselves to design solutions for their unique safety-net needs, thus ensuring that the billions of dollars that Congress has already invested in different safety net providers, community health centers, family planning clinics, Ryan White AIDS providers, are spent as effectively as possible. By promoting the integration of health care services, H–CAP allow for more preventive care, and good disease management practices that improve overall health in the long-run and may reduce the incidence of serious and expensive health problems among H–CAP recipients later. And because grant recipients must demonstrate that their project will be sustainable without Federal funding, many communities have successfully found support through public and private matching donations, in-kind contributions, thus ensuring a relatively small Federal investment.

I have worked hard this year with several of my colleagues to permanently authorize CAP so that it will receive regular funding and support from the Federal Government. I also offered an amendment during committee markup to ensure that this program would be authorized at an adequate level.

Unfortunately, funding for H–CAP was left out of this bill. I am pleased that the House did include H–CAP in their bill, which they funded at $105 million, with an additional $15 million for State planning grants. It is my hope that the Senate will include H–CAP in the managers' package, or that this will be resolved during conference in the House's favor. I strongly urge my colleagues to make this program a priority this year.

Mr. SPECTER. Mr. President, before we go to the vote, I ask to be recognized.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank my distinguished colleague, the chairman of the subcommittee, for his extraordinary vote on this bill. I note for the record the speed with which we passed this bill and the concessions which were made by quite a few Senators to take complicated matters off

this bill. We put aside the stem cell issue which I very much wanted to have resolved. We did so in the interest of concluding this bill. We have already started the conferencing issues with both staffs meeting early tomorrow afternoon and Members meeting a little later tomorrow afternoon.

From our experience in the past, we have seen how difficult it is to conference this bill, so we are moving right ahead, and it would be my hope, with the example we have set with this complicated appropriations bill—on time, with people withdrawing matters to try to expedite the process—that we would move ahead and complete our work by November 16, which is when we should finish, and we can go home and take care of business in our States.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I yield to my friend from Iowa.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I thank the Senator for yielding. I want to respond in kind to my good friend and ranking member, Senator SPECTER, and thank him and thank all of his staff for a very great working relationship that we have had over many years, especially this year.

We have completed our bill in pretty good time. Now we have to go to conference. I am convinced we can have a decent conference and get this bill back, as Senator SPECTER said, so we will have it done before we go home for Thanksgiving. So I again thank Senator SPECTER and his staff for a great working relationship. I especially thank all of the staff: Bettilou Taylor, Mary Dietrich, Sudip Parick, and Emma Ashburn. I also thank Ellen Murray, Jim Sourwine, Erik Fatemi, Mark Laisch, Adam Gluck, Adrienne Hallett, Lisa Bernhardt, and Carol Geagley. A lot of them put in a lot of hours early this year putting this bill together.

We have a great bill. It meets the needs of Americans and labor, health and human services, education, and biomedical research. We have met our obligations. This is the bill that helps lift up all Americans, helps address the needs of our human infrastructure in this country, and I believe we have met that obligation to the people of this country in this bill.

I thank the Senator for yielding me this time.

ORDER OF PROCEDURE

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that upon disposition of the Labor-HHS bill, the Senate proceed to executive session to consider Executive Calendar No. 512, that we vote immediately, and that upon disposition of the nomination, the President be immediately notified of the Senate's action and the Senate return to legislative session.

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

UNANIMOUS CONSENT AGREEMENT—H.R. 2944

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that following the second vote in this series; that is, the judicial nomination, the Senate Appropriations Committee be discharged from consideration of H.R. 2944, the D.C. appropriations bill; that the Senate then proceed to its consideration; that immediately after the bill is reported, the majority manager or her designee be recognized to offer the Senate committee-reported bill as a substitute amendment; that the amendment be considered agreed to and the motion to reconsider be laid upon the table; and that the bill as amended be considered as original text for the purpose of further amendment, with no points of order being waived by this agreement.

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

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002—Continued

Mr. REID. Mr. President, for Members, we are going to have two rollcall votes now, followed by taking up the next to the last appropriations bill of this year, the D.C. appropriations bill. Have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have been ordered. The question is on the engrossment of the amendments and third reading of the bill.

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

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The clerk will call the roll.

The bill clerk called the roll.

Mr. REID. I announce that the Senator from Georgia (Mr. MILLER) is necessarily absent.

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

The result was announced—yeas 89, nays 10, as follows:

[Rollcall Vote No. 324 Leg.]

YEAS—89

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

NAYS—10

Allard	Gramm	Smith (NH)
Bunning	Helms	Voinovich
Feingold	Nickles	
Fitzgerald	Sessions	

NOT VOTING—1

Miller

The bill (H.R. 3061), as amended, was passed, as follows:

Resolved, That the bill from the House of Representatives (H.R. 3061) entitled ''An Act making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes.'', 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 Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes, namely:

TITLE I—DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For necessary expenses of the Workforce Investment Act, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Workforce Investment Act and the National Skill Standards Act of 1994; $3,070,281,000 plus reimbursements, of which $1,670,941,000 is available for obligation for the period July 1, 2002 through June 30, 2003; of which $1,377,965,000 is available for obligation for the period April 1, 2002 through June 30, 2003, including $1,127,965,000 to carry out chapter 4 of the Workforce Investment Act and $250,000,000 to carry out section 169 of such Act; of which $3,500,000 is available for obligation October 1, 2001 until expended for carrying out the National Skills Standards Act of 1994; and of which $20,375,000 is available for the period July 1, 2002 through June 30, 2005 for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers: Provided, That $9,098,000 shall be for carrying out section 172 of the Workforce Investment Act: Provided further, That funding provided herein for carrying out Dislocated Worker Employment and Training Activities under the Workforce Investment Act shall include $402,000,000 under section 132(a)(2)(B) of the Act, and $87,000,000 under section 132(a)(2)(A) of the Act: Provided further, That, notwithstanding any other provision of law or related regulation, $80,770,000 shall be for carrying out section 167 of the Workforce Investment Act, including $74,751,000 for formula grants, $5,000,000 for migrant and seasonal housing, and $1,019,000 for other discretionary purposes: Provided further, That funding provided herein under section 166 of the Workforce Investment Act shall include $1,711,000 for use under section 166(j)(1) of the Act: Provided further, That funds provided to

carry out section 171(d) of the Workforce Investment Act may be used for demonstration projects that provide assistance to new entrants in the workforce and incumbent workers: Provided further, That funding appropriated herein for Dislocated Worker Employment and Training Activities under section 132(a)(2)(A) of the Workforce Investment Act may be distributed for Dislocated Worker Projects under section 171(d) of the Act without regard to the 10 percent limitation contained in section 171(d) of the Act: Provided further, That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers.

For necessary expenses of the Workforce Investment Act, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Workforce Investment Act; $2,463,000,000 plus reimbursements, of which $2,363,000,000 is available for obligation for the period October 1, 2002 through June 30, 2003, and of which $100,000,000 is available for the period October 1, 2002 through June 30, 2005, for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers: Provided, That funding provided herein for carrying out Dislocated Worker Employment and Training Activities under the Workforce Investment Act shall include $880,800,000 under section 132(a)(2)(B) of the Act, and $179,200,000 under section 132(a)(2)(A) of the Act.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

To carry out title V of the Older Americans Act of 1965, as amended, $450,000,000.

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during the current fiscal year of trade adjustment benefit payments and allowances under part I; and for training, allowances for job search and relocation, and related State administrative expenses under part II, subchapters B and D, chapter 2, title II of the Trade Act of 1974, as amended, $415,650,000, together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15 of the current year.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For authorized administrative expenses, $191,452,000, together with not to exceed $3,238,886,000 (including not to exceed $1,228,000 which may be used for amortization payments to States which had independent retirement plans in their State employment service agencies prior to 1980), which may be expended from the Employment Security Administration account in the Unemployment Trust Fund including the cost of administering section 51 of the Internal Revenue Code of 1986, as amended, section 7(d) of the Wagner-Peyser Act, as amended, the Trade Act of 1974, as amended, the Immigration Act of 1990, and the Immigration and Nationality Act, as amended, and of which the sums available in the allocation for activities authorized by title III of the Social Security Act, as amended (42 U.S.C. 502–504), and the sums available in the allocation for necessary administrative expenses for carrying out 5 U.S.C. 8501–8523, shall be available for obligation by the States through December 31, 2002, except that funds used for automation acquisitions shall be available for obligation by the States through September 30, 2004; and of which $191,452,000, together with not to exceed $773,283,000 of the amount which may be expended from said trust fund, shall be available for obligation for the period July 1, 2002 through June 30, 2003, to fund activities under the Act of June 6, 1933, as amended, including the cost of penalty mail authorized under 39 U.S.C. 3202(a)(1)(E) made available to States in lieu of allotments for such purpose: Provided, That to the extent that the Average Weekly Insured Unemployment (AWIU) for fiscal year 2002 is projected by the Department of Labor to exceed 2,622,000, an additional $28,600,000 shall be available for obligation for every 100,000 increase in the AWIU level (including a pro rata amount for any increment less than 100,000) from the Employment Security Administration Account of the Unemployment Trust Fund: Provided further, That funds appropriated in this Act which are used to establish a national one-stop career center system, or which are used to support the national activities of the Federal-State unemployment insurance programs, may be obligated in contracts, grants or agreements with non-State entities: Provided further, That funds appropriated under this Act for activities authorized under the Wagner-Peyser Act, as amended, and title III of the Social Security Act, may be used by the States to fund integrated Employment Service and Unemployment Insurance automation efforts, notwithstanding cost allocation principles prescribed under Office of Management and Budget Circular A–87: Provided further, That notwithstanding any other provisions of law, the portion of the funds received by the State of Mississippi in the settlement of litigation with a contractor relating to the acquisition of an automated system for benefit payments under the unemployment compensation program that is attributable to the expenditure of Federal grant funds awarded to the State shall be transferred to the account under this heading and shall be made available by the Department of Labor to the State of Mississippi for obligation by the State through fiscal year 2004 to carry out automation and related activities under the unemployment compensation program.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, as amended, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1954, as amended; and for nonrepayable advances to the Unemployment Trust Fund as authorized by section 8509 of title 5, United States Code, and to the ''Federal unemployment benefits and allowances'' account, to remain available until September 30, 2003, $464,000,000.

In addition, for making repayable advances to the Black Lung Disability Trust Fund in the current fiscal year after September 15, 2002, for costs incurred by the Black Lung Disability Trust Fund in the current fiscal year, such sums as may be necessary.

PROGRAM ADMINISTRATION

For expenses of administering employment and training programs, $112,571,000, including $5,903,000 to administer welfare-to-work grants, together with not to exceed $48,507,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

PENSION AND WELFARE BENEFITS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Pension and Welfare Benefits Administration, $112,418,000.

PENSION BENEFIT GUARANTY CORPORATION

PENSION BENEFIT GUARANTY CORPORATION FUND

The Pension Benefit Guaranty Corporation is authorized to make such expenditures, including financial assistance authorized by section 104 of Public Law 96–364, within limits of funds and borrowing authority available to such Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program through September 30, 2002, for such Corporation: Provided, That not to exceed $11,690,000 shall be available for administrative expenses of the Corporation: Provided further, That expenses of such Corporation in connection with the termination of pension plans, for the acquisition, protection or management, and investment of trust assets, and for benefits administration services shall be considered as non-administrative expenses for the purposes hereof, and excluded from the above limitation.

EMPLOYMENT STANDARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Employment Standards Administration, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, $375,164,000, together with $1,981,000 which may be expended from the Special Fund in accordance with sections 39(c), 44(d) and 44(j) of the Longshore and Harbor Workers' Compensation Act: Provided, That $2,000,000 shall be for the development of an alternative system for the electronic submission of reports required to be filed under the Labor-Management Reporting and Disclosure Act of 1959, as amended, and for a computer database of the information for each submission by whatever means, that is indexed and easily searchable by the public via the Internet: Provided further, That the Secretary of Labor is authorized to accept, retain, and spend, until expended, in the name of the Department of Labor, all sums of money ordered to be paid to the Secretary of Labor, in accordance with the terms of the Consent Judgment in Civil Action No. 91–0027 of the United States District Court for the District of the Northern Mariana Islands (May 21, 1992): Provided further, That the Secretary of Labor is authorized to establish and, in accordance with 31 U.S.C. 3302, collect and deposit in the Treasury fees for processing applications and issuing certificates under sections 11(d) and 14 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 211(d) and 214) and for processing applications and issuing registrations under title I of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.).

SPECIAL BENEFITS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by title 5, chapter 81 of the United States Code; continuation of benefits as provided for under the heading ''Civilian War Benefits'' in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; sections 4(c) and 5(f) of the War Claims Act of 1948 (50 U.S.C. App. 2012); and 50 percent of the additional compensation and benefits required by section 10(h) of the Longshore and Harbor Workers' Compensation Act, as amended, $121,000,000 together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to August 15 of the current year: Provided, That amounts appropriated may be used under section 8104 of title 5, United States Code, by the Secretary of Labor to reimburse an employer, who is not the employer at the time of injury, for portions of the salary of a reemployed, disabled beneficiary: Provided further, That balances of reimbursements unobligated on September 30, 2001, shall remain available until expended for the payment of compensation, benefits, and expenses: Provided further, That in addition there shall be transferred to this appropriation from the Postal Service and from any other corporation or instrumentality required under section 8147(c) of title 5, United States Code, to pay an amount for its fair share of the cost of administration, such sums as the Secretary determines to be the cost of administration for employees of such fair share entities through September 30, 2002: Provided further, That of those funds transferred to this account

from the fair share entities to pay the cost of administration of the Federal Employees' Compensation Act, $36,696,000 shall be made available to the Secretary as follows: (1) for the operation of and enhancement to the automated data processing systems, including document imaging and conversion to a paperless office, $24,522,000; (2) for medical bill review and periodic roll management, $11,474,000; (3) for communications redesign, $700,000; and (4) the remaining funds shall be paid into the Treasury as miscellaneous receipts: Provided further, That the Secretary may require that any person filing a notice of injury or a claim for benefits under chapter 81 of title 5, United States Code, or 33 U.S.C. 901 et seq., provide as part of such notice and claim, such identifying information (including Social Security account number) as such regulations may prescribe.

ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to administer the Energy Employees Occupational Illness Compensation Act, $136,000,000, to remain available until expended: Provided, That the Secretary of Labor is authorized to transfer to any Executive agency with authority under the Energy Employees Occupational Illness Compensation Act, including within the Department of Labor, such sums as may be necessary in fiscal year 2002 to carry out those authorities: Provided further, That the Secretary may require that any person filing a claim for benefits under the Act provide as part of such claim, such identifying information (including Social Security account number) as may be prescribed.

BLACK LUNG DISABILITY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

In fiscal year 2002, such sums as may be necessary from the Black Lung Disability Trust Fund, to remain available until expended, for payment of all benefits authorized by section 9501(d) (1), (2), (4), and (7), of the Internal Revenue Code of 1954, as amended; and interest on advances as authorized by section 9501(c)(2) of that Act. In addition, the following amounts shall be available from the Fund for fiscal year 2002 for expenses of operation and administration of the Black Lung Benefits program as authorized by section 9501(d)(5) of that Act: $31,558,000 for transfer to the Employment Standards Administration, ''Salaries and Expenses''; $22,590,000 for transfer to Departmental Management, ''Salaries and Expenses''; $328,000 for transfer to Departmental Management, ''Office of Inspector General''; and $356,000 for payments into miscellaneous receipts for the expenses of the Department of Treasury.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, $450,262,000, including not to exceed $92,119,000 which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act, which grants shall be no less than 50 percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary under section 18 of the Occupational Safety and Health Act of 1970; and, in addition, notwithstanding 31 U.S.C. 3302, the Occupational Safety and Health Administration may retain up to $750,000 per fiscal year of training institute course tuition fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education grants: Provided, That, notwithstanding 31 U.S.C. 3302, the Secretary of Labor is authorized, during the fiscal year ending September 30, 2002, to collect and retain fees for services provided to Nationally Recognized Testing Laboratories, and may utilize such sums, in accordance with the provisions of 29 U.S.C. 9a, to administer national and international laboratory recognition programs that ensure the safety of equipment and products used by workers in the workplace: Provided further, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: Provided further, That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 with respect to any employer of 10 or fewer employees who is included within a category having an occupational injury lost workday case rate, at the most precise Standard Industrial Classification Code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of that Act (29 U.S.C. 673), except—

(1) to provide, as authorized by such Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;

(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

(3) to take any action authorized by such Act with respect to imminent dangers;

(4) to take any action authorized by such Act with respect to health hazards;

(5) to take any action authorized by such Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of two or more employees, and to take any action pursuant to such investigation authorized by such Act; and

(6) to take any action authorized by such Act with respect to complaints of discrimination against employees for exercising rights under such Act:

Provided further, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees.

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, $256,093,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles; including up to $1,000,000 for mine rescue and recovery activities, which shall be available only to the extent that fiscal year 2002 obligations for these activities exceed $1,000,000; in addition, not to exceed $750,000 may be collected by the National Mine Health and Safety Academy for room, board, tuition, and the sale of training materials, otherwise authorized by law to be collected, to be available for mine safety and health education and training activities, notwithstanding 31 U.S.C. 3302; and, in addition, the Mine Safety and Health Administration may retain up to $1,000,000 from fees collected for the approval and certification of equipment, materials, and explosives for use in mines, and may utilize such sums for such activities; the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private; the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; and any funds available to the department may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, $396,588,000, together with not to exceed $69,132,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund; and $10,280,000 which shall be available for obligation for the period July 1, 2002 through June 30, 2003, for Occupational Employment Statistics.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for Departmental Management, including the hire of three sedans, and including the management or operation, through contracts, grants or other arrangements of Departmental bilateral and multilateral foreign technical assistance, and $37,000,000 for the acquisition of Departmental information technology, architecture, infrastructure, equipment, software and related needs which will be allocated by the Department's Chief Information Officer in accordance with the Department's capital investment management process to assure a sound investment strategy; $361,524,000; together with not to exceed $310,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund: Provided, That no funds made available by this Act may be used by the Solicitor of Labor to participate in a review in any United States court of appeals of any decision made by the Benefits Review Board under section 21 of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 921) where such participation is precluded by the decision of the United States Supreme Court in Director, Office of Workers' Compensation Programs v. Newport News Shipbuilding, 115 S. Ct. 1278 (1995), notwithstanding any provisions to the contrary contained in Rule 15 of the Federal Rules of Appellate Procedure: Provided further, That no funds made available by this Act may be used by the Secretary of Labor to review a decision under the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 901 et seq.) that has been appealed and that has been pending before the Benefits Review Board for more than 12 months: Provided further, That any such decision pending a review by the Benefits Review Board for more than 1 year shall be considered affirmed by the Benefits Review Board on the 1-year anniversary of the filing of the appeal, and shall be considered the final order of the Board for purposes of obtaining a review in the United States courts of appeals: Provided further, That these provisions shall not be applicable to the review or appeal of any decision issued under the Black Lung Benefits Act (30 U.S.C. 901 et seq.).

OFFICE OF DISABILITY EMPLOYMENT POLICY

For necessary expenses of the Office of Disability Employment Policy to provide leadership, develop policy and initiatives, and award grants furthering the objective of eliminating barriers to the training and employment of people with disabilities, $43,263,000, of which not to exceed $2,640,000 shall be for the President's Task Force on the Employment of Adults with Disabilities.

VETERANS EMPLOYMENT AND TRAINING

Not to exceed $186,903,000 may be derived from the Employment Security Administration account in the Unemployment Trust Fund to carry out the provisions of 38 U.S.C. 4100–4110A, 4212, 4214, and 4321–4327, and Public Law 103–353,

and which shall be available for obligation by the States through December 31, 2002. To carry out the Stewart B. McKinney Homeless Assistance Act and section 168 of the Workforce Investment Act of 1998, $26,800,000, of which $7,800,000 shall be available for obligation for the period July 1, 2002, through June 30, 2003.

OFFICE OF INSPECTOR GENERAL

For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $52,182,000, together with not to exceed $4,951,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in this title for the Job Corps shall be used to pay the compensation of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of Executive Level II.

(TRANSFER OF FUNDS)

SEC. 102. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the current fiscal year for the Department of Labor in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: Provided, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

SEC. 103. It is the sense of the Senate that amounts should be appropriated to provide dislocated worker employment and training assistance under the Workforce Investment Act to airport career centers (to be located with the Port Authority of New York and New Jersey) to enable such centers to provide services to workers in the airline and related industries (including ground transportation and other businesses) who have been dislocated as a result of the September 11, 2001 attack on the World Trade Center.

SEC. 104. It is the sense of the Senate that amounts should be appropriated to provide adult employment and training activities to assist individuals with disabilities from New York and New Jersey who require vocational rehabilitative services as a result of the September 11, 2001 attack on the World Trade Center in order to permit such individuals to return to work or maintain employment.

This title may be cited as the ''Department of Labor Appropriations Act, 2002''.

TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

For carrying out titles II, III, VII, VIII, X, XII, XIX, and XXVI of the Public Health Service Act, section 427(a) of the Federal Coal Mine Health and Safety Act, title V and sections 1128E and 1820 of the Social Security Act, the Health Care Quality Improvement Act of 1986, as amended, the Native Hawaiian Health Care Act of 1988, as amended, the Cardiac Arrest Survival Act of 2000, and the Poison Control Center Enhancement and Awareness Act, $5,496,343,000, of which $10,000,000 shall be available for construction and renovation of health care and other facilities, and of which $25,000,000 from general revenues, notwithstanding section 1820(j) of the Social Security Act, shall be available for carrying out the Medicare rural hospital flexibility grants program under section 1820 of such Act: Provided, That the Division of Federal Occupational Health may utilize personal services contracting to employ professional management/administrative and occupational health professionals: Provided further, That of the funds made available under this heading, $250,000 shall be available until expended for facilities renovations at the Gillis W. Long Hansen's Disease Center: Provided further, That in addition to fees authorized by section 427(b) of the Health Care Quality Improvement Act of 1986, fees shall be collected for the full disclosure of information under the Act sufficient to recover the full costs of operating the National Practitioner Data Bank, and shall remain available until expended to carry out that Act: Provided further, That fees collected for the full disclosure of information under the ''Health Care Fraud and Abuse Data Collection Program,'' authorized by section 1128E(d)(2) of the Social Security Act, shall be sufficient to recover the full costs of operating the program, and shall remain available until expended to carry out that Act: Provided further, That no more than $5,000,000 is available for carrying out the provisions of Public Law 104–73: Provided further, That of the funds made available under this heading, $266,000,000 shall be for the program under title X of the Public Health Service Act to provide for voluntary family planning projects: Provided further, That amounts provided to said projects under such title shall not be expended for abortions, that all pregnancy counseling shall be nondirective, and that such amounts shall not be expended for any activity (including the publication or distribution of literature) that in any way tends to promote public support or opposition to any legislative proposal or candidate for public office: Provided further, That $610,000,000 shall be for State AIDS Drug Assistance Programs authorized by section 2616 of the Public Health Service Act: Provided further, That of the amount provided for Rural Health Outreach Grants, $12,500,000 shall be available to improve access to automatic external defibrillators in rural communities.

For special projects of regional and national significance under section 501(a)(2) of the Social Security Act, $30,000,000, which shall become available on October 1, 2002, and shall remain available until September 30, 2003: Provided, That such amount shall not be counted toward compliance with the allocation required in section 502(a)(1) of such Act: Provided further, That such amount shall be used only for making competitive grants to provide abstinence education (as defined in section 510(b)(2) of such Act) to adolescents and for evaluations (including longitudinal evaluations) of activities under the grants and for Federal costs of administering the grants: Provided further, That grants shall be made only to public and private entities which agree that, with respect to an adolescent to whom the entities provide abstinence education under such grant, the entities will not provide to that adolescent any other education regarding sexual conduct, except that, in the case of an entity expressly required by law to provide health information or services the adolescent shall not be precluded from seeking health information or services from the entity in a different setting than the setting in which the abstinence education was provided: Provided further, That the funds expended for such evaluations may not exceed 3.5 percent of such amount.

HEALTH EDUCATION ASSISTANCE LOANS PROGRAM ACCOUNT

Such sums as may be necessary to carry out the purpose of the program, as authorized by title VII of the Public Health Service Act, as amended. For administrative expenses to carry out the guaranteed loan program, including section 709 of the Public Health Service Act, $3,792,000.

VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

For payments from the Vaccine Injury Compensation Program Trust Fund, such sums as may be necessary for claims associated with vaccine-related injury or death with respect to vaccines administered after September 30, 1988, pursuant to subtitle 2 of title XXI of the Public Health Service Act, to remain available until expended: Provided, That for necessary administrative expenses, not to exceed $2,992,000 shall be available from the Trust Fund to the Secretary of Health and Human Services.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

To carry out titles II, III, VII, XI, XV, XVII, XIX and XXVI of the Public Health Service Act, sections 101, 102, 103, 201, 202, 203, 301, and 501 of the Federal Mine Safety and Health Act of 1977, sections 20, 21, and 22 of the Occupational Safety and Health Act, of 1970, title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980; including insurance of official motor vehicles in foreign countries; and hire, maintenance, and operation of aircraft, $4,418,910,000, of which $250,000,000 shall remain available until expended for equipment and construction and renovation of facilities, and in addition, such sums as may be derived from authorized user fees, which shall be credited to this account, of which $52,000,000 shall remain available until expended for the National Pharmaceutical Stockpile, and of which $154,527,000 for international HIV/AIDS programs shall remain available until September 30, 2003: Provided, That $126,978,000 shall be available to carry out the National Center for Health Statistics Surveys: Provided further, That none of the funds made available for injury prevention and control at the Centers for Disease Control and Prevention may be used to advocate or promote gun control: Provided further, That the Director may redirect the total amount made available under authority of Public Law 101–502, section 3, dated November 3, 1990, to activities the Director may so designate: Provided further, That the Congress is to be notified promptly of any such transfer: Provided further, That not to exceed $10,000,000 may be available for making grants under section 1509 of the Public Health Service Act to not more than 15 States: Provided further, That notwithstanding any other provision of law, a single contract or related contracts for development and construction of facilities may be employed which collectively include the full scope of the project: Provided further, That the solicitation and contract shall contain the clause ''availability of funds'' found at 48 CFR 52.232–18.

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cancer, $4,258,516,000.

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, $2,618,966,000.

NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to dental disease, $348,767,000.

NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to diabetes and digestive and kidney disease, $1,501,476,000.

NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

For carrying out section 301 and title IV of the Public Health Service Act with respect to neurological disorders and stroke, $1,352,055,000.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to allergy and infectious diseases, $2,375,836,000.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to general medical sciences, $1,753,465,000.

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

For carrying out section 301 and title IV of the Public Health Service Act with respect to child health and human development, $1,123,692,000.

NATIONAL EYE INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to eye diseases and visual disorders, $614,000,000.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For carrying out sections 301 and 311 and title IV of the Public Health Service Act with respect to environmental health sciences, $585,946,000.

NATIONAL INSTITUTE ON AGING

For carrying out section 301 and title IV of the Public Health Service Act with respect to aging, $909,174,000.

NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to arthritis and musculoskeletal and skin diseases, $460,202,000.

NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS

For carrying out section 301 and title IV of the Public Health Service Act with respect to deafness and other communication disorders, $349,983,000.

NATIONAL INSTITUTE OF NURSING RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to nursing research, $125,659,000.

NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM

For carrying out section 301 and title IV of the Public Health Service Act with respect to alcohol abuse and alcoholism, $390,761,000.

NATIONAL INSTITUTE ON DRUG ABUSE

For carrying out section 301 and title IV of the Public Health Service Act with respect to drug abuse, $902,000,000.

NATIONAL INSTITUTE OF MENTAL HEALTH

For carrying out section 301 and title IV of the Public Health Service Act with respect to mental health, $1,279,383,000.

NATIONAL HUMAN GENOME RESEARCH INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to human genome research, $440,448,000.

NATIONAL INSTITUTE FOR BIOMEDICAL IMAGING AND BIOENGINEERING

For carrying out section 301 and title IV of the Public Health Service Act with respect to biomedical imaging and bioengineering research, $140,000,000.

NATIONAL CENTER FOR RESEARCH RESOURCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to research resources and general research support grants, $1,014,044,000: Provided, That none of these funds shall be used to pay recipients of the general research support grants program any amount for indirect expenses in connection with such grants: Provided further, That $125,000,000 shall be for extramural facilities construction grants.

NATIONAL CENTER FOR COMPLEMENTARY AND ALTERNATIVE MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to complementary and alternative medicine, $110,000,000.

NATIONAL CENTER ON MINORITY HEALTH AND HEALTH DISPARITIES

For carrying out section 301 and title IV of the Public Health Service Act with respect to minority health and health disparities research, $158,421,000.

JOHN E. FOGARTY INTERNATIONAL CENTER

For carrying out the activities at the John E. Fogarty International Center, $57,874,000.

NATIONAL LIBRARY OF MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to health information communications, $281,584,000, of which $4,000,000 shall be available until expended for improvement of information systems: Provided, That in fiscal year 2002, the Library may enter into personal services contracts for the provision of services in facilities owned, operated, or constructed under the jurisdiction of the National Institutes of Health.

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

For carrying out the responsibilities of the Office of the Director, National Institutes of Health, $236,408,000: Provided, That funding shall be available for the purchase of not to exceed 29 passenger motor vehicles for replacement only: Provided further, That the Director may direct up to 1 percent of the total amount made available in this or any other Act to all National Institutes of Health appropriations to activities the Director may so designate: Provided further, That no such appropriation shall be decreased by more than 1 percent by any such transfers and that the Congress is promptly notified of the transfer: Provided further, That the National Institutes of Health is authorized to collect third party payments for the cost of clinical services that are incurred in National Institutes of Health research facilities and that such payments shall be credited to the National Institutes of Health Management Fund: Provided further, That all funds credited to the National Institutes of Health Management Fund shall remain available for one fiscal year after the fiscal year in which they are deposited: Provided further, That up to $500,000 shall be available to carry out section 499 of the Public Health Service Act: Provided further, That, notwithstanding section 499(k)(10) of the Public Health Service Act, funds from the Foundation for the National Institutes of Health may be transferred to the National Institutes of Health.

BUILDINGS AND FACILITIES

For the study of, construction of, and acquisition of equipment for, facilities of or used by the National Institutes of Health, including the acquisition of real property, $306,600,000, to remain available until expended, of which $26,000,000 shall be for the John Edward Porter Neuroscience Research Center: Provided, That notwithstanding any other provision of law, a single contract or related contracts, which collectively include the full scope of the project, may be employed for the development and construction of the first and second phases of the John Edward Porter Neuroscience Research Center: Provided further, That the solicitation and contract shall contain the clause ''availability of funds'' found at 48 CFR 52.232–18.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

For carrying out titles V and XIX of the Public Health Service Act with respect to substance abuse and mental health services, the Protection and Advocacy for Mentally Ill Individuals Act of 1986, and section 301 of the Public Health Service Act with respect to program management, $3,088,456,000: Provided, That $10,000,000 shall be made available to carry out subtitle C of title XXXVI of the Children's Health Act of 2000 (and the amendments made by such subtitle): Provided further, That $5,000,000 shall be made available for mental health providers serving public safety workers affected by disasters of national significance.

AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

HEALTHCARE RESEARCH AND QUALITY

For carrying out titles III and IX of the Public Health Service Act, $291,245,000, together with amounts received from Freedom of Information Act fees, reimbursable and interagency agreements, and the sale of data, which shall be credited to this appropriation and shall remain available until expended.

CENTER FOR MEDICARE AND MEDICAID SERVICES

GRANTS TO STATES FOR MEDICAID

For carrying out, except as otherwise provided, titles XI and XIX of the Social Security Act, $106,821,882,000, to remain available until expended.

For making, after May 31, 2002, payments to States under title XIX of the Social Security Act for the last quarter of fiscal year 2002 for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States or in the case of section 1928 on behalf of States under title XIX of the Social Security Act for the first quarter of fiscal year 2003, $46,601,937,000, to remain available until expended.

Payment under title XIX may be made for any quarter with respect to a State plan or plan amendment in effect during such quarter, if submitted in or prior to such quarter and approved in that or any subsequent quarter.

PAYMENTS TO HEALTH CARE TRUST FUNDS

For payment to the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as provided under section 1844 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, section 278(d) of Public Law 97–248, and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act, $81,994,200,000.

PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII, XIX, and XXI of the Social Security Act, titles XIII and XXVII of the Public Health Service Act, and the Clinical Laboratory Improvement Amendments of 1988, not to exceed $2,464,658,000, to be transferred from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as authorized by section 201(g) of the Social Security Act; together with all funds collected in accordance with section 353 of the Public Health Service Act, section 1857(e)(2) of the Social Security Act, and such sums as may be collected from authorized user fees and the sale of data, which shall remain available until expended, and together with administrative fees collected relative to Medicare overpayment recovery activities, which shall remain available until expended: Provided, That all funds derived in accordance with 31 U.S.C. 9701 from organizations established under title XIII of the Public Health Service Act shall be credited to and available for carrying out the purposes of this appropriation: Provided further, That $18,200,000 appropriated under this heading for the managed care system redesign shall remain available until expended: Provided further, That the Secretary of Health and Human Services is directed to collect fees in fiscal year 2002 from Medicare+Choice organizations pursuant to section 1857(e)(2) of the Social Security Act and from eligible organizations with risk-sharing contracts under section 1876 of that Act pursuant to section 1876(k)(4)(D) of that Act.

HEALTH MAINTENANCE ORGANIZATION LOAN AND LOAN GUARANTEE FUND

For carrying out subsections (d) and (e) of section 1308 of the Public Health Service Act, any amounts received by the Secretary in connection with loans and loan guarantees under title XIII of the Public Health Service Act, to be available without fiscal year limitation for the payment of outstanding obligations. During fiscal year 2002, no commitments for direct loans or loan guarantees shall be made.

ADMINISTRATION FOR CHILDREN AND FAMILIES

PAYMENTS TO STATES FOR CHILD SUPPORT ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

For making payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), $2,447,800,000, to remain available until expended; and for such purposes for the first quarter of fiscal year 2003, $1,100,000,000, to remain available until expended.

For making payments to each State for carrying out the program of Aid to Families with Dependent Children under title IV–A of the Social Security Act before the effective date of the program of Temporary Assistance to Needy Families (TANF) with respect to such State, such sums as may be necessary: Provided, That the sum of the amounts available to a State with respect to expenditures under such title IV–A in fiscal year 1997 under this appropriation and under such title IV–A as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 shall not exceed the limitations under section 116(b) of such Act.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

LOW INCOME HOME ENERGY ASSISTANCE

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, $1,700,000,000.

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, $300,000,000: Provided, That these funds are hereby designated by the Congress to be emergency requirements pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That these funds shall be made available only after submission to the Congress of an official budget request by the President that includes designation of the entire amount of the request as an emergency requirement as defined in such Act.

REFUGEE AND ENTRANT ASSISTANCE

For making payments for refugee and entrant assistance activities authorized by title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980 (Public Law 96–422), $435,224,000 to remain available through September 30, 2004: Provided, That up to $10,000,000 is available to carry out the Trafficking Victims Protection Act of 2000.

For carrying out section 5 of the Torture Victims Relief Act of 1998 (Public Law 105–320), $10,000,000.

PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT

For carrying out sections 658A through 658R of the Omnibus Budget Reconciliation Act of 1981 (The Child Care and Development Block Grant Act of 1990), $2,000,000,000 shall be used to supplement, not supplant state general revenue funds for child care assistance for low-income families: Provided, That $19,120,000 shall be available for child care resource and referral and school-aged child care activities, of which $1,000,000 shall be for the Child Care Aware toll free hotline: Provided further, That, in addition to the amounts required to be reserved by the States under section 658G, $272,672,000 shall be reserved by the States for activities authorized under section 658G, of which $100,000,000 shall be for activities that improve the quality of infant and toddler child care: Provided further, That $10,000,000 shall be for use by the Secretary for child care research, demonstration, and evaluation activities.

SOCIAL SERVICES BLOCK GRANT

For making grants to States pursuant to section 2002 of the Social Security Act, $1,700,000,000: Provided, That notwithstanding paragraph (B) of section 404(d)(2) of such Act, the applicable percent specified under such subparagraph for a State to carry out State programs pursuant to title XX of such Act shall be 5.7 percent.

CHILDREN AND FAMILIES SERVICES PROGRAMS

(INCLUDING RESCISSIONS)

For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Developmental Disabilities Assistance and Bill of Rights Act, the Head Start Act, the Child Abuse Prevention and Treatment Act, sections 310 and 316 of the Family Violence Prevention and Services Act, as amended, the Native American Programs Act of 1974, title II of Public Law 95–266 (adoption opportunities), the Adoption and Safe Families Act of 1997 (Public Law 105–89), sections 1201 and 1211 of the Children's Health Act of 2000, the Abandoned Infants Assistance Act of 1988, the Early Learning Opportunities Act, part B(1) of title IV and sections 413, 429A, 1110, and 1115 of the Social Security Act, and sections 40155, 40211, and 40241 of Public Law 103–322; for making payments under the Community Services Block Grant Act, section 473A of the Social Security Act, and title IV of Public Law 105–285, and for necessary administrative expenses to carry out said Acts and titles I, IV, X, XI, XIV, XVI, and XX of the Social Security Act, the Act of July 5, 1960 (24 U.S.C. ch. 9), the Omnibus Budget Reconciliation Act of 1981, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, section 5 of the Torture Victims Relief Act of 1998 (Public Law 105–320), sections 40155, 40211, and 40241 of Public Law 103–322, sections 310 and 316 of the Family Violence Prevention and Services Act, as amended, and section 126 and titles IV and V of Public Law 100–485, $8,592,496,000, of which $43,000,000, to remain available until September 30, 2003, shall be for grants to States for adoption incentive payments, as authorized by section 473A of title IV of the Social Security Act (42 U.S.C. 670–679) and may be made for adoptions completed in fiscal years 2000 and 2001; of which $765,304,000 shall be for making payments under the Community Services Block Grant Act; and of which $6,600,000,000 shall be for making payments under the Head Start Act, of which $1,400,000,000 shall become available October 1, 2002 and remain available through September 30, 2003: Provided, That to the extent Community Services Block Grant funds are distributed as grant funds by a State to an eligible entity as provided under the Act, and have not been expended by such entity, they shall remain with such entity for carryover into the next fiscal year for expenditure by such entity consistent with program purposes: Provided further, That all eligible entities currently in good standing in the Community Services Block Grant program shall receive an increase in funding proportionate to the increase provided in this Act for the Community Services Block Grant: Provided further, That $105,133,000 shall be for activities authorized by the Runaway and Homeless Youth Act, notwithstanding the allocation requirements of section 388(a) of such Act, of which $33,000,000 is for Maternity Group Homes: Provided further, That $89,000,000 is for a compassion capital fund to provide grants to charitable organizations to emulate model social service programs and to encourage research on the best practices of social service organizations: Provided further, That the Secretary shall establish procedures regarding the disposition of intangible property which permits grant funds, or intangible assets acquired with funds authorized under section 680 of the Community Services Block Grant Act, as amended, to become the sole property of such grantees after a period of not more than 12 years after the end of the grant for purposes and uses consistent with the original grant: Provided further, That funds appropriated for section 680(a)(2) of the Community Services Block Grant Act, as amended, shall be available for financing construction and rehabilitation and loans or investments in private business enterprises owned by community development corporations.

Funds appropriated for fiscal year 2002 under section 429A(e), part B of title IV of the Social Security Act shall be reduced by $6,000,000.

Funds appropriated for fiscal year 2002 under section 413(h)(1) of the Social Security Act shall be reduced by $15,000,000.

PROMOTING SAFE AND STABLE FAMILIES

For carrying out section 430 of the Social Security Act, $305,000,000. In addition, for such purposes, $70,000,000 to carry out such section.

PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

For making payments to States or other non-Federal entities under title IV–E of the Social Security Act, $4,885,200,000.

For making payments to States or other non-Federal entities under title IV–E of the Social Security Act, for the first quarter of fiscal year 2003, $1,754,000,000.

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

For carrying out, to the extent not otherwise provided, the Older Americans Act of 1965, as amended, and section 398 of the Public Health Service Act, $1,209,756,000, of which $5,000,000 shall be available for activities regarding medication management, screening, and education to prevent incorrect medication and adverse drug reactions.

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

For necessary expenses, not otherwise provided, for general departmental management, including hire of six sedans, and for carrying out titles III, XVII, and XX of the Public Health Service Act, and the United States-Mexico Border Health Commission Act, $416,361,000, together with $5,851,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund: Provided, That of the funds made available under this heading for carrying out title XX of the Public Health Service Act, $11,885,000 shall be for activities specified under section 2003(b)(2), of which $10,157,000 shall be for prevention service demonstration grants under section 510(b)(2) of title V of the Social Security Act, as amended, without application of the limitation of section 2010(c) of said title XX: Provided further, That of this amount, $68,700,000 shall be available to support activities to counter potential biological disease, and chemical threats to civilian populations; $50,000,000 is for minority AIDS prevention and treatment activities; and $15,000,000 shall be for an Information Technology Security and Innovation Fund for department-wide activities involving cybersecurity, information technology security, and related innovation projects.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General, including the hire of passenger motor vehicles for investigations, in carrying out the provisions of the Inspector General Act of 1978, as amended, $35,786,000: Provided, That of such amount, necessary sums are available for providing protective services to the Secretary and investigating non-payment of child support cases for which non-payment is a Federal offense under 18 U.S.C. 228, each of which activities is hereby authorized in this and subsequent fiscal years.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, $28,691,000, together with not to exceed $3,314,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust

Fund and the Supplemental Medical Insurance Trust Fund.

POLICY RESEARCH

For carrying out, to the extent not otherwise provided, research studies under section 1110 of the Social Security Act and title III of the Public Health Service Act, $20,500,000.

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

For retirement pay and medical benefits of Public Health Service Commissioned Officers as authorized by law, for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan, for medical care of dependents and retired personnel under the Dependents' Medical Care Act (10 U.S.C. ch. 55), and for payments pursuant to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), such amounts as may be required during the current fiscal year.

GENERAL PROVISIONS

SEC. 201. Funds appropriated in this title shall be available for not to exceed $37,000 for official reception and representation expenses when specifically approved by the Secretary.

SEC. 202. The Secretary shall make available through assignment not more than 60 employees of the Public Health Service to assist in child survival activities and to work in AIDS programs through and with funds provided by the Agency for International Development, the United Nations International Children's Emergency Fund or the World Health Organization.

SEC. 203. None of the funds appropriated under this Act may be used to implement section 399F(b) of the Public Health Service Act or section 1503 of the National Institutes of Health Revitalization Act of 1993, Public Law 103–43.

SEC. 204. None of the funds appropriated in this Act for the National Institutes of Health and the Substance Abuse and Mental Health Services Administration shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of Executive Level I.

SEC. 205. None of the funds appropriated in this Act may be expended pursuant to section 241 of the Public Health Service Act, except for funds specifically provided for in this Act, or for other taps and assessments made by any office located in the Department of Health and Human Services, prior to the Secretary's preparation and submission of a report to the Committee on Appropriations of the Senate and of the House detailing the planned uses of such funds.

SEC. 206. Notwithstanding section 241(a) of the Public Health Service Act, such portion as the Secretary shall determine, but not more than 2 percent, of any amounts appropriated for programs authorized under the PHS Act and other Acts shall be made available for the evaluation (directly, or by grants or contracts) of the implementation and effectiveness of such programs.

(TRANSFER OF FUNDS)

SEC. 207. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the current fiscal year for the Department of Health and Human Services in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: Provided, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

SEC. 208. The Director of the National Institutes of Health, jointly with the Director of the Office of AIDS Research, may transfer up to 3 percent among institutes, centers, and divisions from the total amounts identified by these two Directors as funding for research pertaining to the human immunodeficiency virus: Provided, That the Congress is promptly notified of the transfer.

SEC. 209. Of the amounts made available in this Act for the National Institutes of Health, the amount for research related to the human immunodeficiency virus, as jointly determined by the Director of the National Institutes of Health and the Director of the Office of AIDS Research, shall be made available to the ''Office of AIDS Research'' account. The Director of the Office of AIDS Research shall transfer from such account amounts necessary to carry out section 2353(d)(3) of the Public Health Service Act.

SEC. 210. None of the funds appropriated in this Act may be made available to any entity under title X of the Public Health Service Act unless the applicant for the award certifies to the Secretary that it encourages family participation in the decision of minors to seek family planning services and that it provides counseling to minors on how to resist attempts to coerce minors into engaging in sexual activities.

SEC. 211. None of the funds appropriated by this Act (including funds appropriated to any trust fund) may be used to carry out the Medicare+Choice program if the Secretary denies participation in such program to an otherwise eligible entity (including a Provider Sponsored Organization) because the entity informs the Secretary that it will not provide, pay for, provide coverage of, or provide referrals for abortions: Provided, That the Secretary shall make appropriate prospective adjustments to the capitation payment to such an entity (based on an actuarially sound estimate of the expected costs of providing the service to such entity's enrollees): Provided further, That nothing in this section shall be construed to change the Medicare program's coverage for such services and a Medicare+Choice organization described in this section shall be responsible for informing enrollees where to obtain information about all Medicare covered services.

SEC. 212. Notwithstanding any other provision of law, no provider of services under title X of the Public Health Service Act shall be exempt from any State law requiring notification or the reporting of child abuse, child molestation, sexual abuse, rape, or incest.

SEC. 213. The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101–167) is amended—

(1) in section 599D (8 U.S.C. 1157 note)—

(A) in subsection (b)(3), by striking ''1997, 1998, 1999, 2000, and 2001'' and inserting ''1997, 1998, 1999, 2000, 2001, and 2002''; and

(B) in subsection (e), by striking ''October 1, 2001'' each place it appears and inserting ''October 1, 2002''; and

(2) in section 599E (8 U.S.C. 1255 note) in subsection (b)(2), by striking ''September 30, 2001'' and inserting ''September 30, 2002''.

SEC. 214. (a) Except as provided by subsection (e) none of the funds appropriated by this Act may be used to withhold substance abuse funding from a State pursuant to section 1926 of the Public Health Service Act (42 U.S.C. 300x–26) if such State certifies to the Secretary of Health and Human Services by May 1, 2002 that the State will commit additional State funds, in accordance with subsection (b), to ensure compliance with State laws prohibiting the sale of tobacco products to individuals under 18 years of age.

(b) The amount of funds to be committed by a State under subsection (a) shall be equal to 1 percent of such State's substance abuse block grant allocation for each percentage point by which the State misses the retailer compliance rate goal established by the Secretary of Health and Human Services under section 1926 of such Act.

(c) The State is to maintain State expenditures in fiscal year 2002 for tobacco prevention programs and for compliance activities at a level that is not less than the level of such expenditures maintained by the State for fiscal year 2001, and adding to that level the additional funds for tobacco compliance activities required under subsection (a). The State is to submit a report to the Secretary on all fiscal year 2001 State expenditures and all fiscal year 2002 obligations for tobacco prevention and compliance activities by program activity by July 31, 2002.

(d) The Secretary shall exercise discretion in enforcing the timing of the State obligation of the additional funds required by the certification described in subsection (a) as late as July 31, 2002.

(e) None of the funds appropriated by this Act may be used to withhold substance abuse funding pursuant to section 1926 from a territory that receives less than $1,000,000.

SEC. 215. (a) In order for the Centers for Disease Control and Prevention to carry out international health activities, including HIV/AIDS and other infectious disease, chronic and environmental disease, and other health activities abroad during fiscal year 2002, the Secretary of Health and Human Services is authorized to—

(1) utilize the authorities contained in subsection 2(c) of the State Department Basic Authorities Act of 1956, as amended, and

(2) utilize the authorities contained in 22 U.S.C. sections 291 and 292 and directly or through contract or cooperative agreement to lease, alter or renovate facilities in foreign countries, to carry out programs supported by this appropriation notwithstanding PHS Act section 307.

In exercising the authority set forth in (1) and (2), the Secretary of Health and Human Services shall consult with the Department of State to assure that planned activities are within the legal strictures of the State Department Basic Authorities Act of 1956, as amended, and other applicable parts of U.S.C. Title 22.

SEC. 216. Notwithstanding any other provision of law relating to vacancies in offices for which appointments must be made by the President, including any time limitation on serving in an acting capacity, the Acting Director of the National Institutes of Health as of January 12, 2000, may serve in that position until a new Director of the National Institutes of Health is confirmed by the Senate.

SEC. 217. The following amounts, appropriated in this title, shall be transferred to International Assistance Programs, ''Global Fund to Fight HIV/AIDS, Malaria, and Tuberculosis'', to remain available until expended: from National Institutes of Health, ''National Institute of Allergy and Infectious Diseases'', $25,000,000; from National Institutes of Health, ''Buildings and Facilities'', $70,000,000; and from Departmental Management, ''General Departmental Management'', $5,000,000.

SEC. 218. Of the funds provided to the Office of the General Counsel, not less than $500,000 shall be used to provide legal support for enforcement of the labeling provisions of the Dietary Supplement Health and Education Act of 1994.

SEC. 219. EXPRESSING THE SENSE OF THE SENATE THAT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES PUBLISH A NOTICE REGARDING GOOD MANUFACTURING PRACTICES FOR DIETARY SUPPLEMENTS. (a) FINDINGS.—

(1) Over 100,000,000 Americans regularly use dietary supplements to maintain and improve their health status.

(2) Congress has established a strong regulatory framework to ensure that consumers have access to safe dietary supplement products and information about those products.

(3) Good Manufacturing Practice (GMP) regulations are the primary enforcement tool whereby government inspectors ensure that all food products (including dietary supplements) are manufactured according to rigorous quality control standards, including appropriate labeling, sanitation, purity and records-keeping.

(4) The Dietary Supplement Health and Education Act of 1994 authorized development of Good Manufacturing Practice guidelines for dietary supplements.

(5) The Good Manufacturing practice guidelines will be instrumental in assuring the American public that dietary supplements are properly manufactured and labeled.

(6) Those guidelines have been in development by the Department of Health and Human Services, its operating divisions, and the Office of Management and Budget for over 5 years.

(b) SENSE OF THE SENATE.—The Senate expresses a sense of the Senate that the Department of Health and Human Services or its operating divisions publish a Notice of Proposed Rulemaking with respect to Good Manufacturing Practices for dietary supplements within 15 days of enactment of this Act.

SEC. 220. (a) FINDINGS.—Congress finds that—

(1) according to the Centers for Disease Control and Prevention, over 765,000 people in the United States have been diagnosed with the virus that causes AIDS since 1981, and over 442,000 deaths have occurred in the United States as a result of the disease; and

(2) Federal AIDS prevention funds should be used to provide resources, training, technical assistance, and infrastructure to national, regional, and community-based organizations working to educate the public on the virus that causes AIDS and stopping the spread of the disease.

(b) REPORT.—Not later than 6 months after the date of enactment of this Act, the Inspector General of the Department of Health and Human Services shall conduct an audit of all Federal amounts allocated for AIDS prevention programs and report to Congress with their findings.

SEC. 221. It is the sense of the Senate that the Secretary of Health and Human Services should fund and reimburse hospitals and medical facilities in States that have tested and treated Federal workers that have been exposed to anthrax, and continue to test and treat Federal workers that have been determined by the Centers for Disease Control and Prevention as at risk for exposure to anthrax.

SEC. 222. It is the sense of the Senate that the Secretary of Health and Human Services should ensure that each contract entered into between a State and an entity (including a health insuring organization and a medicaid managed care organization) that is responsible for the provision (directly or through arrangements with providers of services) of medical assistance under a State medicaid plan should provide for—

(1) compliance with mandatory blood lead screening requirements that are consistent with prevailing guidelines of the Centers for Disease Control and Prevention for such screening; and

(2) coverage of lead treatment services including diagnosis, treatment, and follow-up furnished for children with elevated blood lead levels in accordance with prevailing guidelines of the Centers for Disease Control and Prevention.

SEC. 223. It is the sense of the Senate that States should be authorized to use funds provided under the State children's health insurance program under title XXI of the Social Security Act to—

(1) comply with mandatory blood lead screening requirements that are consistent with prevailing guidelines of the Centers for Disease Control and Prevention for such screening; and

(2) provide coverage of lead treatment services including diagnosis, treatment, and follow-up furnished for children with elevated blood lead levels in accordance with prevailing guidelines of the Centers for Disease Control and Prevention.

SEC. 224. It is the sense of the Senate that the Secretary of Health and Human Services should establish a program to improve the blood lead screening rates of States for children under the age of 3 enrolled in the medicaid program under which, using State-specific blood lead screening data, the Secretary would annually pay a State an amount to be determined:

(1) For each 2 year-old child enrolled in the medicaid program in the State who has received the minimum required (for that age) screening blood lead level tests (capillary or venous samples) to determine the presence of elevated blood lead levels, as established by the Centers for Disease Control and Prevention.

(2) For each such child who has received such minimum required tests.

SEC. 225. For the Health Resources and Services Administration, $5,000,000 for grants for education, prevention, and early detection of radiogenic cancers and diseases under section 417C of the Public Health Service Act (42 U.S.C. 285a–9) (as amended by the Radiation Exposure Compensation Act Amendments of 2000), of which $1,000,000 shall be available to enter into a contract with the National Research Council under which the Council shall—

(1) review the most recent scientific information related to radiation exposure and associated cancers or other diseases;

(2) make recommendations to—

(A) reduce the length of radiation exposure requirements for any compensable illnesses under the Radiation Exposure Compensation Act (42 U.S.C. 2210 note); and

(B) include additional illnesses, geographic areas, or classes of individuals with the scope of compensation of such Act; and

(3) not later than June 30, 2003, prepare and submit to the Committee on Appropriations, Committee on Health, Education, Labor, and Pensions, and Committee on the Judiciary of the Senate and the Committee on Appropriations, Committee on Energy and Commerce, and Committee on the Judiciary of the House of Representatives, a report describing the findings made by the Council under paragraphs (1) and (2).

SEC. 226. Effective upon the date of enactment of this Act, $200,000,000 of the amount appropriated under section 403(a)(4)(F) of the Social Security Act (42 U.S.C. 603(a)(4)(F)) is rescinded.

SEC. 227. It is the sense of the Senate that—

(1) the Secretary of Health and Human Services, acting through the Director of NIH and the Director of the National Institute of Mental Health (in this section referred to as the ''Institute''), should expand and intensify research and related activities of the Institute with respect to post-abortion depression and post-abortion psychosis (in this section referred to as ''post-abortion conditions'');

(2) the Director of the Institute should coordinate the activities of the Director under paragraph (1) with similar activities conducted by the other national research institutes and agencies of the National Institutes of Health to the extent that such Institutes and agencies have responsibilities that are related to post-abortion conditions;

(3) in carrying out paragraph (1)—

(A) the Director of the Institute should conduct or support research to expand the understanding of the causes of, and to find a cure for, post-abortion conditions; and

(B) activities under such paragraph should include conducting and supporting the following:

(i) basic research concerning the etiology and causes of the conditions;

(ii) epidemiological studies to address the frequency and natural history of the conditions and the differences among racial and ethnic groups with respect to the conditions;

(iii) the development of improved diagnostic techniques;

(iv) clinical research for the development and evaluation of new treatments, including new biological agents; and

(v) information and education programs for health care professionals and the public; and

(4)(A) the Director of the Institute should conduct a national longitudinal study to determine the incidence and prevalence of cases of post-abortion conditions, and the symptoms, severity, and duration of such cases, toward the goal of more fully identifying the characteristics of such cases and developing diagnostic techniques; and

(B) beginning not later than 3 years after the date of the enactment of this Act, and periodically thereafter for the duration of the study under subparagraph (A), the Director of the Institute should prepare and submit to the Congress reports on the findings of the study.

SEC. 228. Section 582 of the Public Health Service Act (42 U.S.C. 290hh–1(f)) is amended by adding at the end the following:

''(g) SHORT TITLE.—This section may be cited as the 'Donald J. Cohen National Child Traumatic Stress Initiative'.''.

This title may be cited as the ''Department of Health and Human Services Appropriations Act, 2002''.

TITLE III—DEPARTMENT OF EDUCATION

EDUCATION FOR THE DISADVANTAGED

For carrying out title I of the Elementary and Secondary Education Act of 1965 as amended by H.R. 1 as passed by the Senate on June 14, 2001 (''ESEA''); the McKinney-Vento Homeless Assistance Act; and section 418A of the Higher Education Act of 1965, $11,912,900,000, of which $4,129,200,000, shall become available on July 1, 2002, and shall remain available through September 30, 2003, and of which $6,953,300,000 shall become available on October 1, 2002, and shall remain available through September 30, 2003, for academic year 2002–2003: Provided, That $7,172,690,000 shall be available for basic grants under section 1124: Provided further, That up to $3,500,000 of these funds shall be available to the Secretary of Education on October 1, 2001, to obtain updated educational-agency-level census poverty data from the Bureau of the Census: Provided further, That $1,365,031,000 shall be available for concentration grants under section 1124A: Provided further, That $1,000,000,000 shall be available for targeted grants under section 1125: Provided further, That $649,979,000 shall be available for education finance incentive grants under section 1125A: Provided further, That grant awards under sections 1124 and 1124A of title I of the ESEA shall be not less than 95 percent of the amount each State and local educational agency received under this authority for fiscal year 2001: Provided further, That notwithstanding any other provision of law, grant awards under section 1124A of title I of the ESEA shall be made to those local educational agencies that received a concentration grant under the Department of Education Appropriations Act, 2001, but are not eligible to receive such a grant for fiscal year 2002.

IMPACT AID

For carrying out programs of financial assistance to federally affected schools authorized by title VI of the Elementary and Secondary Education Act of 1965, as redesignated and amended by H.R. 1 of the 107th Congress, as passed by the House of Representatives on May 23, 2001, $1,130,500,000, of which $982,500,000 shall be for basic support payments under section 8003(b), $50,000,000 shall be for payments for children with disabilities under section 8003(d), $35,000,000 shall be for construction under section 8007, $55,000,000 shall be for Federal property payments under section 8002, and $8,000,000, to remain available until expended, shall be for facilities maintenance under section 8008.

SCHOOL IMPROVEMENT PROGRAMS

For carrying out school improvement activities authorized by sections 1117A and 1229 and subpart 1 of part F of title I and titles II, IV, V, VI, parts B and C of title VII, and title XI of the Elementary and Secondary Education Act of 1965, as amended by H.R. 1 as passed by the Senate on June 14, 2001 (''ESEA''); and the Civil Rights Act of 1964; $8,723,014,000, of which $1,165,750,000 shall become available on July 1, 2002, and remain available through September 30, 2003, and of which $1,765,000,000 shall become available on October 1, 2002, and shall remain available through September 30, 2003, for academic year 2002–2003: Provided, That $28,000,000 shall be for part A of title XIII of the ESEA as in effect prior to Senate passage of H.R. 1 to continue the operation of the current

Comprehensive Regional Assistance Centers: Provided further, That of the amount made available for subpart 4 of part B of title V of the ESEA, $925,000,000 shall be available, notwithstanding any other provision of law, to State educational agencies and outlying areas under the terms and conditions set forth in section 305 of this Act for grants for school repair and renovation: Provided further, That funds made available to local education agencies under subpart B of part F of title XI shall be used for activities related to the redesign of large high schools: Provided further, That of the funds appropriated for part F of title XI, $15,000,000 shall be available for dropout prevention programs under part H of title I and $100,000,000 shall be available under part C of title IX to enable the Secretary of Education to award grants to develop, implement, and strengthen programs to teach American history (not social studies) as a separate subject within school curricula: Provided further, That of the funds made available to carry out subpart 2 of part A of title IV of the Elementary and Secondary Education Act of 1965, as amended by H.R. 1 as passed by the Senate on June 14, 2001, $9,000,000 shall be made available to enable the Secretary of Education to award grants to enable local educational agencies to address the needs of children affected by terrorist attacks, times of war or other major violent or traumatic crises, including providing mental health services to such children, and $1,000,000 shall be made available to enable the Secretary of Education, in consultation with the Secretary of Health and Human Services, to develop recommendations and models to assist communities in developing evacuation and parental notification plans for schools and other community facilities where children gather: Provided further, That $2,500,000 shall be available to carry out part E of title II, including administrative expenses associated with such part.

INDIAN EDUCATION

For expenses necessary to carry out, to the extent not otherwise provided, title VII, part A of the Elementary and Secondary Education Act of 1965, as amended by H.R. 1 as passed by the Senate on June 14, 2001, $117,000,000.

BILINGUAL AND IMMIGRANT EDUCATION

For section 3202 of part B and section D of title III of the Elementary and Secondary Education Act of 1965, as amended by H.R. 1 as passed by the Senate on June 14, 2001, $616,000,000.

SPECIAL EDUCATION

For carrying out the Individuals with Disabilities Education Act, $8,439,643,000, of which $3,090,452,000 shall become available for obligation on July 1, 2002, and shall remain available through September 30, 2003, and of which $5,072,000,000 shall become available on October 1, 2002, and shall remain available through September 30, 2003, for academic year 2002–2003: Provided, That $9,500,000 shall be for Recording for the Blind and Dyslexic to support the development, production, and circulation of recorded educational materials: Provided further, That $1,500,000 shall be for the recipient of funds provided by Public Law 105–78 under section 687(b)(2)(G) of the Act to provide information on diagnosis, intervention, and teaching strategies for children with disabilities: Provided further, That the amount for section 611(c) of the Act shall be equal to the amount available for that section under Public Law 106–554, increased by the amount of inflation as specified in section 611(f)(1)(B)(ii) of the Act.

REHABILITATION SERVICES AND DISABILITY RESEARCH

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, the Assistive Technology Act of 1998, and the Helen Keller National Center Act, $2,932,617,000, of which $60,000,000 shall remain available through September 30, 2003: Provided, That the funds provided for Title I of the Assistive Technology Act of 1998 (the AT Act) shall be allocated notwithstanding section 105(b)(1) of the AT Act: Provided further, That section 101(f) of the AT Act shall not limit the award of an extension grant to three years: Provided further, That each State shall be provided a minimum of $500,000 and each outlying area $150,000 for activities under section 101 of the AT Act and each State shall be provided a minimum of $100,000 and each outlying area $50,000 for activities under section 102 of the Act: Provided further, That if the funds appropriated for Title I of the AT Act are less than required to fund these minimum allotments, grants provided under sections 101 and 102 of the AT Act shall be the same as their fiscal year 2001 amounts and any amounts in excess of these minimum requirements shall be allocated proportionally to achieve the prescribed minimums: Provided further, That $26,884,000 shall be used to support grants for up to three years to States under title III of the AT Act, of which the Federal share shall not exceed 75 percent in the first year, 50 percent in the second year, and 25 percent in the third year, and that the requirements in section 301(c)(2) and section 302 of that Act shall not apply to such grants.

SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879, as amended (20 U.S.C. 101 et seq.), $14,000,000.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For the National Technical Institute for the Deaf under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $54,976,000, of which $5,376,000 shall be for construction and shall remain available until expended: Provided, That from the total amount available, the Institute may at its discretion use funds for the endowment program as authorized under section 207.

GALLAUDET UNIVERSITY

For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and the partial support of Gallaudet University under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $97,000,000: Provided, That from the total amount available, the University may at its discretion use funds for the endowment program as authorized under section 207.

VOCATIONAL AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, the Carl D. Perkins Vocational and Technical Education Act, the Adult Education and Family Literacy Act, and title VIII–D of the Higher Education Act of 1965, as amended, and Public Law 102–73, $1,818,060,000, of which $1,020,060,000 shall become available on July 1, 2002 and shall remain available through September 30, 2003 and of which $791,000,000 shall become available on October 1, 2002 and shall remain available through September 30, 2003: Provided, That of the amounts made available for the Carl D. Perkins Vocational and Technical Education Act, $7,000,000 shall be for tribally controlled postsecondary vocational and technical institutions under section 117: Provided further, That $10,000,000 shall be for carrying out section 118 of such Act: Provided further, That of the amounts made available for the Carl D. Perkins Vocational and Technical Education Act, $5,000,000 shall be for demonstration activities authorized by section 207: Provided further, That of the amount provided for Adult Education State Grants, $70,000,000 shall be made available for integrated English literacy and civics education services to immigrants and other limited English proficient populations: Provided further, That of the amount reserved for integrated English literacy and civics education, notwithstanding section 211 of the Adult Education and Family Literacy Act, 65 percent shall be allocated to States based on a State's absolute need as determined by calculating each State's share of a 10-year average of the Immigration and Naturalization Service data for immigrants admitted for legal permanent residence for the 10 most recent years, and 35 percent allocated to States that experienced growth as measured by the average of the 3 most recent years for which Immigration and Naturalization Service data for immigrants admitted for legal permanent residence are available, except that no State shall be allocated an amount less than $60,000: Provided further, That of the amounts made available for the Adult Education and Family Literacy Act, $9,500,000 shall be for national leadership activities under section 243 and $6,560,000 shall be for the National Institute for Literacy under section 242: Provided further, That $22,000,000 shall be for Youth Offender Grants, of which $5,000,000 shall be used in accordance with section 601 of Public Law 102–73 as that section was in effect prior to the enactment of Public Law 105–220: Provided further, That of the amounts made available for title I of the Perkins Act, the Secretary may reserve up to 0.54 percent for incentive grants under section 503 of the Workforce Investment Act, without regard to section 111(a)(1)(C) of the Perkins Act: Provided further, That of the amounts made available for the Adult Education and Family Literacy Act, the Secretary may reserve up to 1.72 percent for incentive grants under section 503 of the Workforce Investment Act, without regard to section 211(a)(3) of the Adult Education and Family Literacy Act.

STUDENT FINANCIAL ASSISTANCE

For carrying out subparts 1, 3 and 4 of part A, section 428K, part C and part E of title IV of the Higher Education Act of 1965, as amended, $12,284,100,000, which shall remain available through September 30, 2003.

The maximum Pell Grant for which a student shall be eligible during award year 2002–2003 shall be $4,000: Provided, That notwithstanding section 401(g) of the Act, if the Secretary determines, prior to publication of the payment schedule for such award year, that the amount included within this appropriation for Pell Grant awards in such award year, and any funds available from the fiscal year 2001 appropriation for Pell Grant awards, are insufficient to satisfy fully all such awards for which students are eligible, as calculated under section 401(b) of the Act, the amount paid for each such award shall be reduced by either a fixed or variable percentage, or by a fixed dollar amount, as determined in accordance with a schedule of reductions established by the Secretary for this purpose.

FEDERAL FAMILY EDUCATION LOAN PROGRAM ACCOUNT

For Federal administrative expenses to carry out guaranteed student loans authorized by title IV, part B, of the Higher Education Act of 1965, as amended, $49,636,000.

HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, section 121 and titles II, III, IV, V, VI, and VII of the Higher Education Act of 1965, as amended, title VIII of the Higher Education Amendments of 1998, and the Mutual Educational and Cultural Exchange Act of 1961, $1,826,223,000, of which $5,000,000 for interest subsidies authorized by section 121 of the Higher Education Act of 1965, shall remain available until expended: Provided, That $10,000,000, to remain available through September 30, 2003, shall be available to fund fellowships for academic year 2003–2004 under part A, subpart 1 of title VII of said Act, under the terms and conditions of part A, subpart 1: Provided further, That $1,500,000 is for data collection and evaluation activities for programs under the Higher Education Act of 1965, including such activities needed to comply with the Government Performance and Results Act of 1993: Provided further, That $18,000,000 shall be available for tribally controlled colleges and universities under section 316 of the Higher Education Act of 1965, of

which $6,000,000 shall be used for construction and renovation: Provided further, That the funds provided for title II of the Higher Education Act of 1965 shall be allocated notwithstanding section 210 of the Higher Education Act of 1965: Provided further, That funds for part B of title VII of the Higher Education Act of 1965 may be used, at the discretion of the Secretary of Education, to fund continuation awards under title IV, part A, subpart 8 of such Act.

HOWARD UNIVERSITY

For partial support of Howard University (20 U.S.C. 121 et seq.), $232,474,000, of which not less than $3,600,000 shall be for a matching endowment grant pursuant to the Howard University Endowment Act (Public Law 98–480) and shall remain available until expended.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

For Federal administrative expenses authorized under section 121 of the Higher Education Act of 1965, $762,000 to carry out activities related to existing facility loans entered into under the Higher Education Act of 1965.

HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING PROGRAM ACCOUNT

The total amount of bonds insured pursuant to section 344 of title III, part D of the Higher Education Act of 1965 shall not exceed $357,000,000, and the cost, as defined in section 502 of the Congressional Budget Act of 1974, of such bonds shall not exceed zero.

For administrative expenses to carry out the Historically Black College and University Capital Financing Program entered into pursuant to title III, part D of the Higher Education Act of 1965, as amended, $208,000.

EDUCATION RESEARCH, STATISTICS, AND ASSESSMENT

For carrying out activities authorized by the Educational Research, Development, Dissemination, and Improvement Act of 1994, including part E; the National Education Statistics Act of 1994, including sections 411 and 412; and parts B, D, and E of title XI of the Elementary and Secondary Education Act as amended by H.R. 1 as passed by the Senate on June 14, 2001 (ESEA), $431,567,000: Provided, That $53,000,000 of the amount available for the national education research institutes shall be allocated notwithstanding section 912(m)(1)(B–F) and subparagraphs (B) and (C) of section 931(c)(2) of Public Law 103–227: Provided further, That funds appropriated to support activities conducted under section 411 of the National Education Statistics Act of 1994 may be used to pay for the administration of State assessment: Provided further, That of the funds appropriated under section 11305 of part D of title XI of the ESEA, $1,500,000 shall be used to conduct a violence prevention demonstration program and $500,000 to conduct a native American civic education initiative: Provided further, That $12,000,000 of the funds appropriated under part D of title XI shall be used to support activities conducted under section 11306, consistent with the distribution specified under section 11304(2)(b).

DEPARTMENTAL MANAGEMENT

PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of two passenger motor vehicles, $424,212,000.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, $79,934,000.

OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General, as authorized by section 212 of the Department of Education Organization Act, $38,720,000.

GENERAL PROVISIONS

SEC. 301. No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

SEC. 302. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, or the clustering of schools, or any combination of grade restructuring, pairing or clustering. The prohibition described in this section does not include the establishment of magnet schools.

SEC. 303. No funds appropriated under this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

(TRANSFER OF FUNDS)

SEC. 304. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the Department of Education in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: Provided, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

SEC. 305. (a) From the amount made available for urgent school renovation grants under the heading ''School Improvement Programs'' in accordance with this section, the Secretary of Education shall provide grants to the State and outlying area entities responsible for the financing of education facilities (hereinafter in this section referred to as the ''State entity''), on the basis of the same percentage as the State educational agency received of the funds allocated to States and outlying areas through the Department of Education Appropriations Act, 2001 for carrying out part A, title I of the Elementary and Secondary Education Act of 1965, for awarding grants in accordance with subsection (b) to local educational agencies to enable them to make urgent repairs and renovations to public school facilities.

(b)(1) A State entity shall award urgent school renovation grants to local educational agencies under this section on a competitive basis that includes consideration of each local educational agency applicant's—

(A) relative percentage of children from low-income families;

(B) need for school repairs and renovations;

(C) fiscal capacity; and

(D) plans to maintain the facilities repaired or renovated under the grant.

(2) The Federal share of the cost of each project assisted by funds made available under subsection (a)(2) shall be determined based on the percentage of the local educational agency's attendance that is comprised of children 5 to 17 years of age, inclusive, who are from families with incomes below 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 for the most recent fiscal year for which data satisfactory to the Secretary are available:

If the percentage is:	*Then the Federal share shall be:*
40 percent or greater	*100 percent*
30–39.99 percent	*90 percent*
20–29.99 percent	*80 percent*
10–19.99 percent	*70 percent*
less than 10 percent	*60 percent.*

(3) If, after providing an opportunity to the public and all local educational agencies in the State to comment, consistent with any applicable State and local law specifying how the comments may be received and how the comments may be reviewed by any member of the public, the State entity demonstrates that the amount of the State's allocation exceeds the amount needed to address the needs of the local educational agencies in the State for school repair and renovation under this section—

(A) the State entity shall transfer any excess portion of that allocation to the State educational agency; and

(B) the State educational agency shall allocate 100 percent of those excess funds received under subsection (a) in accordance with section 5312 of the Elementary and Secondary Education Act of 1965 as amended by H.R. 1 as passed the Senate on June 14, 2001 for activities authorized under section 5331 of the Elementary and Secondary Education Act of 1965 as amended by H.R. 1 as passed the Senate on June 14, 2001 to be determined by each such local educational agency as part of a local strategy for improving academic achievement.

(c) If a local educational agency uses funds for urgent school renovation, then the following provisions shall apply—

(1) Urgent school renovation shall be limited to one or more of the following—

(A) school facilities modifications necessary to render school facilities accessible in order to comply with the Americans With Disabilities Act;

(B) school facilities modifications necessary to render school facilities accessible in order to comply with section 504 of the Rehabilitation Act;

(C) asbestos abatement or removal from school facilities;

(D) emergency renovations or repairs to the school facilities only to ensure the health and safety of students and staff; and

(E) security upgrades.

(2) no funds received under this section for urgent school renovation may be used for—

(A) payment of maintenance costs in connection with any projects constructed in whole or part with Federal funds provided under this section; or

(B) stadiums or other facilities primarily used for athletic contests or exhibitions or other events for which admission is charged to the general public.

SEC. 306. (a) FINDINGS.—Congress makes the following findings:

(1) The number of students applying for loans and claiming to attend foreign institutions has risen from 4,594 students in 1993 to over 12,000 students in the 1998–1999 school year.

(2) Since 1995 there have been at least 25 convictions of students who fraudulently claimed they were attending a foreign institution, then cashed the check issued directly to them, and did not attend the foreign institution.

(3) Tighter disbursement controls are necessary to reduce the number of students fraudulently applying for loans under title IV of the Higher Education Act of 1965 and claiming they are going to attend foreign institutions. Funds should not be disbursed for attendance at a foreign institution unless the foreign institution can verify that the student is attending the institution.

(b) STUDY AND REPORT.—

(1) STUDY.—The Comptroller General shall conduct a study regarding—

(A) Federal student loan disbursements to students attending foreign schools; and

(B) fraud, waste, and abuse in the Federal Family Education Loan Program as the fraud,

waste, and abuse relates to students receiving funding in order to attend a foreign school.

(2) REPORT.—The Comptroller General shall report to Congress regarding the results of the study.

(3) REPORT CONTENTS.—The report described in paragraph (2) shall—

(A) include information on whether or not there are standards that a foreign school must meet for an American student to attend and receive a federally guaranteed student loan;

(B) compare the oversight controls for loans dispensed to students attending foreign schools and domestic institutions;

(C) examine the default rates at foreign schools that enroll American students receiving federally guaranteed student loans and determine the number of students that are receiving loans in multiple years; and

(D) make recommendations for legislative changes that are required to ensure the integrity of the Federal Family Education Loan Program.

SEC. 307. The requirement of section 415C(b)(8) of the Higher Education Act of 1965 (20 U.S.C. 1070c-2(b)(8)) shall not apply to a State program during fiscal year 2001 and the State expenditures under the State program for fiscal year 2001 shall be disregarded in calculating the maintenance of effort requirement under that section for each of the fiscal years 2002 through 2004, if the State demonstrates, to the satisfaction of the Secretary of Education, that it—

(1) allocated all of the funds that the State appropriated in fiscal year 2001 for need-based scholarship, grant, and work study assistance to the programs described in subpart 4 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070c et seq.); and

(2) did not participate in the program described in section 415E of the Higher Education Act of 1965 (20 U.S.C. 1070c-3a) in fiscal year 2001.

This title may be cited as the ''Department of Education Appropriations Act, 2002''.

TITLE IV—RELATED AGENCIES

ARMED FORCES RETIREMENT HOME

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the United States Soldiers' and Airmen's Home and the United States Naval Home, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, $71,440,000, of which $9,812,000 shall remain available until expended for construction and renovation of the physical plants at the United States Soldiers' and Airmen's Home and the United States Naval Home: Provided, That, notwithstanding any other provision of law, a single contract or related contracts for development and construction, to include construction of a long-term care facility at the United States Naval Home, may be employed which collectively include the full scope of the project: Provided further, That the solicitation and contract shall contain the clause ''availability of funds'' found at 48 CFR 52.232–18 and 252.232–7007, Limitation of Government Obligations.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

DOMESTIC VOLUNTEER SERVICE PROGRAMS, OPERATING EXPENSES

For expenses necessary for the Corporation for National and Community Service to carry out the provisions of the Domestic Volunteer Service Act of 1973, as amended, $321,276,000: Provided, That none of the funds made available to the Corporation for National and Community Service in this Act for activities authorized by part E of title II of the Domestic Volunteer Service Act of 1973 shall be used to provide stipends or other monetary incentives to volunteers or volunteer leaders whose incomes exceed 125 percent of the national poverty level.

CORPORATION FOR PUBLIC BROADCASTING

For payment to the Corporation for Public Broadcasting, as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 2004, $395,000,000: Provided, That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: Provided further, That none of the funds contained in this paragraph shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex: Provided further, That in addition to the amounts provided above, $25,000,000, for costs related to digital program production, development, and distribution, associated with the transition of public broadcasting to digital broadcasting, to be awarded as determined by the Corporation in consultation with public radio and television licensees or permittees, or their designated representatives.

FEDERAL MEDIATION AND CONCILIATION SERVICE

SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service to carry out the functions vested in it by the Labor Management Relations Act, 1947 (29 U.S.C. 171–180, 182–183), including hire of passenger motor vehicles; for expenses necessary for the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a); and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, Public Law 95–454 (5 U.S.C. ch. 71), $40,482,000, including $1,500,000, to remain available through September 30, 2003, for activities authorized by the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a): Provided, That notwithstanding 31 U.S.C. 3302, fees charged, up to full-cost recovery, for special training activities and other conflict resolution services and technical assistance, including those provided to foreign governments and international organizations, and for arbitration services shall be credited to and merged with this account, and shall remain available until expended: Provided further, That fees for arbitration services shall be available only for education, training, and professional development of the agency workforce: Provided further, That the Director of the Service is authorized to accept and use on behalf of the United States gifts of services and real, personal, or other property in the aid of any projects or functions within the Director's jurisdiction.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission (30 U.S.C. 801 et seq.), $6,939,000.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

OFFICE OF LIBRARY SERVICES: GRANTS AND ADMINISTRATION

For carrying out subtitle B of the Museum and Library Services Act, $168,078,000, of which $11,081,000 shall be for projects authorized by section 262 of such Act, notwithstanding section 221(a)(1)(B).

MEDICARE PAYMENT ADVISORY COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1805 of the Social Security Act, $8,500,000, to be transferred to this appropriation from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

SALARIES AND EXPENSES

For necessary expenses for the National Commission on Libraries and Information Science, established by the Act of July 20, 1970 (Public Law 91–345, as amended), $1,495,000.

NATIONAL COUNCIL ON DISABILITY

SALARIES AND EXPENSES

For expenses necessary for the National Council on Disability as authorized by title IV of the Rehabilitation Act of 1973, as amended, $2,830,000.

NATIONAL EDUCATION GOALS PANEL

For expenses necessary for the National Education Goals Panel, as authorized by title II, part A of the Goals 2000: Educate America Act, $2,000,000.

NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, as amended (29 U.S.C. 141–167), and other laws, $226,438,000: Provided, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935 (29 U.S.C. 152), and as amended by the Labor-Management Relations Act, 1947, as amended, and as defined in section 3(f) of the Act of June 25, 1938 (29 U.S.C. 203), and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 percent of the water stored or supplied thereby is used for farming purposes.

NATIONAL MEDIATION BOARD

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Railway Labor Act, as amended (45 U.S.C. 151–188), including emergency boards appointed by the President, $10,635,000.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Occupational Safety and Health Review Commission (29 U.S.C. 661), $8,964,000.

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, $146,000,000, which shall include amounts becoming available in fiscal year 2002 pursuant to section 224(c)(1)(B) of Public Law 98–76; and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds $146,000,000: Provided, That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.

FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT ACCOUNTS

For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for interest earned on unnegotiated checks, $150,000, to remain available through September 30, 2003, which shall be the maximum amount available for payment pursuant to section 417 of Public Law 98–76.

LIMITATION ON ADMINISTRATION

For necessary expenses for the Railroad Retirement Board for administration of the Railroad Retirement Act and the Railroad Unemployment Insurance Act, $97,700,000, to be derived in such amounts as determined by the Board from the railroad retirement accounts and from moneys credited to the railroad unemployment insurance administration fund.

LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector

General Act of 1978, as amended, not more than $6,480,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account: Provided, That none of the funds made available in any other paragraph of this Act may be transferred to the Office; used to carry out any such transfer; used to provide any office space, equipment, office supplies, communications facilities or services, maintenance services, or administrative services for the Office; used to pay any salary, benefit, or award for any personnel of the Office; used to pay any other operating expense of the Office; or used to reimburse the Office for any service provided, or expense incurred, by the Office: Provided further, That funds made available under the heading in this Act, or subsequent Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, may be used for any audit, investigation, or review of the Medicare program.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance trust funds, as provided under sections 201(m), 217(g), 228(g), and 1131(b)(2) of the Social Security Act, $434,400,000.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, $332,840,000, to remain available until expended.

For making, after July 31 of the current fiscal year, benefit payments to individuals under title IV of the Federal Mine Safety and Health Act of 1977, for costs incurred in the current fiscal year, such amounts as may be necessary.

For making benefit payments under title IV of the Federal Mine Safety and Health Act of 1977 for the first quarter of fiscal year 2003, $108,000,000, to remain available until expended.

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out titles XI and XVI of the Social Security Act, section 401 of Public Law 92–603, section 212 of Public Law 93–66, as amended, and section 405 of Public Law 95–216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, $21,277,412,000, to remain available until expended: Provided, That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury.

In addition, $200,000,000, to remain available until September 30, 2003, for payment to the Social Security trust funds for administrative expenses for continuing disability reviews as authorized by section 103 of Public Law 104–121 and section 10203 of Public Law 105–33. The term ''continuing disability reviews'' means reviews and redeterminations as defined under section 201(g)(1)(A) of the Social Security Act, as amended.

For making, after June 15 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For making benefit payments under title XVI of the Social Security Act for the first quarter of fiscal year 2003, $10,790,000,000, to remain available until expended.

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, including the hire of two passenger motor vehicles, and not to exceed $35,000 for official reception and representation expenses, not more than $7,035,000,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to therein: Provided, That not less than $1,800,000 shall be for the Social Security Advisory Board: Provided further, That unobligated balances at the end of fiscal year 2002 not needed for fiscal year 2002 shall remain available until expended to invest in the Social Security Administration information technology and telecommunications hardware and software infrastructure, including related equipment and non-payroll administrative expenses associated solely with this information technology and telecommunications infrastructure: Provided further, That reimbursement to the trust funds under this heading for expenditures for official time for employees of the Social Security Administration pursuant to section 7131 of title 5, United States Code, and for facilities or support services for labor organizations pursuant to policies, regulations, or procedures referred to in section 7135(b) of such title shall be made by the Secretary of the Treasury, with interest, from amounts in the general fund not otherwise appropriated, as soon as possible after such expenditures are made.

From funds provided under the first paragraph, not less than $200,000,000 shall be available for conducting continuing disability reviews.

In addition to funding already available under this heading, and subject to the same terms and conditions, $433,000,000, to remain available until September 30, 2003, for continuing disability reviews as authorized by section 103 of Public Law 104–121 and section 10203 of Public Law 105–33. The term ''continuing disability reviews'' means reviews and redeterminations as defined under section 201(g)(1)(A) of the Social Security Act, as amended.

In addition, $100,000,000 to be derived from administration fees in excess of $5.00 per supplementary payment collected pursuant to section 1616(d) of the Social Security Act or section 212(b)(3) of Public Law 93–66, which shall remain available until expended. To the extent that the amounts collected pursuant to such section 1616(d) or 212(b)(3) in fiscal year 2002 exceed $100,000,000, the amounts shall be available in fiscal year 2003 only to the extent provided in advance in appropriations Acts.

From funds previously appropriated for this purpose, any unobligated balances at the end of fiscal year 2001 shall be available to continue Federal-State partnerships which will evaluate means to promote Medicare buy-in programs targeted to elderly and disabled individuals under titles XVIII and XIX of the Social Security Act.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $19,000,000, together with not to exceed $56,000,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

In addition, an amount not to exceed 3 percent of the total provided in this appropriation may be transferred from the ''Limitation on Administrative Expenses'', Social Security Administration, to be merged with this account, to be available for the time and purposes for which this account is available: Provided, That notice of such transfers shall be transmitted promptly to the Committees on Appropriations of the House and Senate.

UNITED STATES INSTITUTE OF PEACE

OPERATING EXPENSES

For necessary expenses of the United States Institute of Peace as authorized in the United States Institute of Peace Act, $15,207,000.

TITLE V—GENERAL PROVISIONS

SEC. 501. The Secretaries of Labor, Health and Human Services, and Education are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act: Provided, That such transferred balances are used for the same purpose, and for the same periods of time, for which they were originally appropriated.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. (a) No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or video presentation designed to support or defeat legislation pending before the Congress or any State legislature, except in presentation to the Congress or any State legislature itself.

(b) No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress or any State legislature.

SEC. 504. The Secretaries of Labor and Education are authorized to make available not to exceed $20,000 and $15,000, respectively, from funds available for salaries and expenses under titles I and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed $2,500 from the funds available for ''Salaries and expenses, Federal Mediation and Conciliation Service''; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed $2,500 from funds available for ''Salaries and expenses, National Mediation Board''.

SEC. 505. Notwithstanding any other provision of this Act, no funds appropriated under this Act shall be used to carry out any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug unless the Secretary of Health and Human Services determines that such programs are effective in preventing the spread of HIV and do not encourage the use of illegal drugs.

SEC. 506. (a) It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 507. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds included in this Act, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state: (1) the percentage of the total costs of the program or project which will be financed with Federal money; (2) the dollar amount of Federal funds for the project or program; and (3) percentage and dollar amount of the total costs of the project or program that will be financed by nongovernmental sources.

SEC. 508. (a) None of the funds appropriated under this Act, and none of the funds in any

trust fund to which funds are appropriated under this Act, shall be expended for any abortion.

(b) None of the funds appropriated under this Act, and none of the funds in any trust fund to which funds are appropriated under this Act, shall be expended for health benefits coverage that includes coverage of abortion.

(c) The term ''health benefits coverage'' means the package of services covered by a managed care provider or organization pursuant to a contract or other arrangement.

SEC. 509. (a) The limitations established in the preceding section shall not apply to an abortion—

(1) if the pregnancy is the result of an act of rape or incest; or

(2) in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed.

(b) Nothing in the preceding section shall be construed as prohibiting the expenditure by a State, locality, entity, or private person of State, local, or private funds (other than a State's or locality's contribution of Medicaid matching funds).

(c) Nothing in the preceding section shall be construed as restricting the ability of any managed care provider from offering abortion coverage or the ability of a State or locality to contract separately with such a provider for such coverage with State funds (other than a State's or locality's contribution of Medicaid matching funds).

SEC. 510. (a) None of the funds made available in this Act may be used for—

(1) the creation of a human embryo or embryos for research purposes; or

(2) research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death greater than that allowed for research on fetuses in utero under 45 CFR 46.208(a)(2) and section 498(b) of the Public Health Service Act (42 U.S.C. 289g(b)).

(b) For purposes of this section, the term ''human embryo or embryos'' includes any organism, not protected as a human subject under 45 CFR 46 as of the date of the enactment of this Act, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes or human diploid cells.

SEC. 511. (a) None of the funds made available in this Act may be used for any activity that promotes the legalization of any drug or other substance included in schedule I of the schedules of controlled substances established by section 202 of the Controlled Substances Act (21 U.S.C. 812).

(b) The limitation in subsection (a) shall not apply when there is significant medical evidence of a therapeutic advantage to the use of such drug or other substance or that federally sponsored clinical trials are being conducted to determine therapeutic advantage.

SEC. 512. None of the funds made available in this Act may be obligated or expended to enter into or renew a contract with an entity if—

(1) such entity is otherwise a contractor with the United States and is subject to the requirement in section 4212(d) of title 38, United States Code, regarding submission of an annual report to the Secretary of Labor concerning employment of certain veterans; and

(2) such entity has not submitted a report as required by that section for the most recent year for which such requirement was applicable to such entity.

SEC. 513. None of the funds made available in this Act may be used to promulgate or adopt any final standard under section 1173(b) of the Social Security Act (42 U.S.C. 1320d–2(b)) providing for, or providing for the assignment of, a unique health identifier for an individual (except in an individual's capacity as an employer or a health care provider), until legislation is enacted specifically approving the standard.

SEC. 514. None of the funds in this Act for the Departments of Labor, Health and Human Services, and Education may be used to make a grant unless the House and Senate Committees on Appropriations are notified not less than three full business days before any discretionary grant awards or cooperative agreement, totaling $500,000 or more is announced by these departments from any discretionary grant program other than emergency relief programs: Provided, That no notification shall involve funds that are not available for obligation.

SEC. 515. Section 102 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 500 note) is amended by adding at the end the following:

''(f) STATE CONTRIBUTIONS.—

''(1) SUPPLEMENT, NOT SUPPLANT.—

''(A) IN GENERAL.—Effective October 1, 2002, the portion of the funds made available to a State to carry out this section for a fiscal year that exceeds the baseline funding for the State shall be used to supplement and not supplant State (including local) public funds expended to provide free public education.

''(B) DEFINITIONS.—In this paragraph:

''(i) BASELINE FUNDING.—The term 'baseline funding', used with respect to a State, means the funds made available to the State to carry out this section for fiscal year 2000, increased or decreased by the same percentage as the percentage by which the Consumer Price Index for All Urban Consumers (United States city average), published by the Secretary of Labor, has increased or decreased by June of the preceding fiscal year from such Index for June 2000.

''(ii) FREE PUBLIC EDUCATION.—The term 'free public education' has the meaning given the term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

''(2) MAINTENANCE OF EFFORT.—

''(A) IN GENERAL.—Effective October 1, 2002, a State may receive funds under this section for a fiscal year only if the Secretary of Education finds that the aggregate expenditure of the State with respect to the provision of free public education by such State for the preceding fiscal year was not less than 100 percent of the baseline expenditure for the State.

''(B) USE OF FUNDS.—If a State fails to receive funds under this section for a fiscal year in accordance with subparagraph (A), the Secretary of the Treasury shall use the funds to make payments to the other States, in proportion to the amounts already received by the other States under this section for the fiscal year.

''(C) WAIVER.—The Secretary of the Treasury may waive the requirements of this paragraph if the Secretary determines that such a waiver would be equitable due to—

''(i) exceptional or uncontrollable circumstances such as a natural disaster; or

''(ii) a precipitous decline in the financial resources of the State.

''(D) DEFINITIONS.—In this paragraph:

''(i) AGGREGATE EXPENDITURE.—The term 'aggregate expenditure', used with respect to a State, shall not include any funds received by the State under this Act.

''(ii) BASELINE EXPENDITURE.—The term 'baseline expenditure', used with respect to a State, means the aggregate expenditure of the State with respect to the provision of free public education by such State for fiscal year 2000, increased or decreased by the same percentage as the percentage by which the Consumer Price Index for All Urban Consumers (United States city average), published by the Secretary of Labor, has increased or decreased by June of the preceding fiscal year from such Index for June 2000.

''(iii) FREE PUBLIC EDUCATION.—The term 'free public education' has the meaning given the term in paragraph (1).''.

SEC. 516. (a) FINDINGS.—The Senate finds the following:

(1) The Low-Income Home Energy Assistance Program (referred to in this section as ''LIHEAP'') is the primary Federal program available to help low-income households, the elderly, and individuals with disabilities pay their home energy bills.

(2) Congress provided $300,000,000 in emergency funding for LIHEAP in the Supplemental Appropriations Act, 2001 because regular appropriations were insufficient to help States offset the increase in high utility bills during the winter of 2000–2001.

(3) Congress expected that half of the emergency funding would be made available for targeted assistance to States with the most critical needs, and half would be given to help States address unmet energy assistance needs resulting from the extraordinary price increases in home heating fuels and residential natural gas, experienced during the winter of 2000–2001.

(4) In the winter of 2000–2001, there was a 30 percent increase in households receiving LIHEAP assistance in large part due to the high price of home energy and severe weather.

(5) In the winter of 2000–2001, the LIHEAP program was only able to serve 17 percent of the 29,000,000 households eligible for LIHEAP assistance.

(6) In the winter of 2000–2001—

(A) heating oil prices were 36 percent higher than in the winter of 1999–2000, and residential natural gas cost 42 percent more per cubic foot than in the winter of 1999–2000; and

(B) the weather was 10 percent colder than in the winter of 1999–2000.

(7) In the winter of 2000–2001, record cold weather and high home energy bills took a financial toll on low-income families and the elderly who spend, on average, 19.5 percent of their annual income on energy bills, as compared to 3.7 percent for all other households.

(8) Families in the United States need emergency LIHEAP funding to pay home energy bills from the winter of 2000–2001 and restore heat as the succeeding winter approaches.

(9) More citizens will need LIHEAP assistance in fiscal year 2002 due to the recent increase in unemployment and the slowing economy.

(10) States are being forced to draw down fiscal year 2002 LIHEAP funds in order to address unmet needs from fiscal year 2001 and help low-income households pay overdue home energy bills.

(11) Emergency LIHEAP funding will provide States with critical resources to help provide assistance to residents.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the President should immediately release the $300,000,000 in emergency funding for LIHEAP provided by the Supplemental Appropriations Act, 2001.

SEC. 517. (a) Section 10 of the Native Hawaiian Health Care Improvement Act (42 U.S.C. 11709) is amended—

(1) in subsection (a) in the matter preceding paragraph (1), by striking ''Kamehameha School/Bishop Estate'' and inserting ''Papa Ola Lokahi''; and

(2) in subsection (b)(1)(C), by striking ''Kamehameha School/Bishop Estate'' and inserting ''Papa Ola Lokahi''.

(b) Section 338K(a) of the Public Health Service Act (42 U.S.C. 254s(a)) is amended by striking ''Kamehameha School/Bishop Estate'' and inserting ''Papa Ola Lokahi''.

SEC. 518. (a) REPORT.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to the Committee on Finance and the Committee on Health, Education, Labor, and Pensions of the Senate and to the Committee on Energy and Commerce and the Committee on Ways and Means of the House of Representatives on the matters described in subsection (b) with respect to the administrative simplification requirements of the Health Insurance Portability and Accountability Act of 1996

(Public Law 104–191; 110 Stat. 2021) and programs administered by State and local units of government.

(b) MATTERS STUDIES.—For purposes of subsection (a), the matters described in this subsection include the following:

(1) An assessment of Federal programs administered by State and local units of government, including local educational agencies, explicitly required to implement the administrative simplification requirements under provisions of the Health Insurance Portability and Accountability Act of 1996.

(2) An assessment of other Federal and non-Federal programs administered by State and local units of government, including local educational agencies, that will be required to implement the administrative simplification requirements of the Health Insurance Portability and Accountability Act of 1996 in order to exchange electronic health data with private sector providers and insurers.

(3) An analysis of the costs that will be incurred by State and local units of government, including local educational agencies, to implement the administrative simplification requirements of the Health Insurance Portability and Accountability Act of 1996 in programs described in paragraph (1) or (2).

(4) An analysis of Federal resources available to units of State and local government, including local educational agencies, for implementing the administrative simplification requirements of the Health Insurance Portability and Accountability Act of 1996 in programs described in paragraph (1) or (2).

(5) An assessment of guidance provided to State and local units of government, including local educational agencies, by the Centers for Medicare and Medicaid Services and the Department of Health and Human Services on the implementation of the administrative simplification requirements of the Health Insurance Portability and Accountability Act of 1996 in programs described in paragraph (1) or (2).

(6) An assessment of the coordination between the Centers for Medicare and Medicaid Services, the Department of Health and Human Services, and other Federal agencies on the implementation of the administrative simplification requirements of the Health Insurance Portability and Accountability Act of 1996 in Federal programs administered by State and local units of government, including local educational agencies, in programs described in paragraph (1) or (2).

(c) DEFINITION.—In this section, the term ''administrative simplification requirements'' means all standards for transactions, data elements for such transactions, unique health identifiers, code sets, security, and privacy issued pursuant to sections 262 and 264 of the Health Insurance Portability and Accountability Act of 1996.

SEC. 519. (a) DEFINITION.—In this section the term ''qualified magistrate judge'' means any person who—

(1) retired as a magistrate judge before November 15, 1988; and

(2) on the date of filing an election under subsection (b)—

(A) is serving as a recalled magistrate judge on a full-time basis under section 636(h) of title 28, United States Code; and

(B) has completed at least 5 years of full-time recall service.

(b) ELECTION OF ANNUITY.—The Director of the Administrative Office of the United States Courts may accept the election of a qualified magistrate judge to—

(1) receive an annuity under section 377 of title 28, United States Code; and

(2) come within the purview of section 376 of such title.

(c) CREDIT FOR SERVICE.—Full-time recall service performed by a qualified magistrate judge shall be credited for service in calculating an annuity elected under this section.

(d) REGULATIONS.—The Director of the Administrative Office of the United States Courts may promulgate regulations to carry out this section.

SEC. 520. Nothing in section 134 of H.R. 2217 shall be construed to overturn or otherwise effect the decision of the U.S. Court of Appeals for the Tenth Circuit in the case of Sac and Fox Nation v. Norton, 240 F.3d 1250 (10th Cir.2001), or to permit gaming under the Indian Gaming Regulatory Act on lands described in section 123 of Public Law 106–291 or any lands contiguous to such lands that have or have not been taken into trust by the Secretary of the Interior.

SEC. 521. Amounts made available under this Act for the administrative and related expenses for departmental management for the Department of Labor, the Department of Health and Human Services, and the Department of Education, shall be reduced on a pro rata basis by $98,500,000: Provided, That this provision shall not apply to the Food and Drug Administration and the Indian Health Service: Provided further, That not later than 15 days after the enactment of this Act, the Director of the Office of Management and Budget shall report to the Senate Committee on Appropriations the accounts subject to the pro rata reductions and the amount to be reduced in each account.

TITLE VI—EXTENSION OF MARK-TO-MARKET PROGRAM FOR MULTIFAMILY ASSISTED HOUSING

SEC. 601. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the ''Mark-to-Market Extension Act of 2001''.

(b) TABLE OF CONTENTS.—The table of contents for this title is as follows:

TITLE VI—EXTENSION OF MARK-TO-MARKET PROGRAM FOR MULTIFAMILY ASSISTED HOUSING

Sec. 601. Short title and table of contents.
Sec. 602. Purposes.
Sec. 603. Effective date.

Subtitle A—Multifamily Housing Mortgage and Assistance Restructuring and Section 8 Contract Renewal

Sec. 611. Definitions.
Sec. 612. Mark-to-market program amendments.
Sec. 613. Consistency of rent levels under enhanced voucher assistance and rent restructurings.
Sec. 614. Eligible inclusions for renewal rents of partially assisted buildings.
Sec. 615. Eligibility of restructuring projects for miscellaneous housing insurance.
Sec. 616. Technical corrections.

Subtitle B—Office of Multifamily Housing Assistance Restructuring

Sec. 621. Reauthorization of Office and extension of program.
Sec. 622. Appointment of Director.
Sec. 623. Vacancy in position of Director.
Sec. 624. Oversight by Federal Housing Commissioner.
Sec. 625. Limitation on subsequent employment.

Subtitle C—Miscellaneous Housing Program Amendments

Sec. 631. Extension of CDBG public services cap exception.
Sec. 632. Use of section 8 enhanced vouchers for prepayments.
Sec. 633. Prepayment and refinancing of loans for section 202 supportive housing.
Sec. 634. Technical correction.

SEC. 602. PURPOSES.

The purposes of this title are—

(1) to continue the progress of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (referred to in this section as ''that Act'');

(2) to ensure that properties that undergo mortgage restructurings pursuant to that Act are rehabilitated to a standard that allows the properties to meet their long-term affordability requirements;

(3) to ensure that, for properties that undergo mortgage restructurings pursuant to that Act, reserves are set at adequate levels to allow the properties to meet their long-term affordability requirements;

(4) to ensure that properties that undergo mortgage restructurings pursuant to that Act are operated efficiently, and that operating expenses are sufficient to ensure the long-term financial and physical integrity of the properties;

(5) to ensure that properties that undergo rent restructurings have adequate resources to maintain the properties in good condition;

(6) to ensure that the Office of Multifamily Housing Assistance Restructuring of the Department of Housing and Urban Development continues to focus on the portfolio of properties eligible for restructuring under that Act;

(7) to ensure that the Department of Housing and Urban Development carefully tracks the condition of those properties on an ongoing basis;

(8) to ensure that tenant groups, nonprofit organizations, and public entities continue to have the resources for building the capacity of tenant organizations in furtherance of the purposes of subtitle A of that Act; and

(9) to encourage the Office of Multifamily Housing Assistance Restructuring to continue to provide participating administrative entities, including public participating administrative entities, with the flexibility to respond to specific problems that individual cases may present, while ensuring consistent outcomes around the country.

SEC. 603. EFFECTIVE DATE.

Except as provided in sections 616(a)(2), 633(b), and 634(b), this title and the amendments made by this title shall take effect or are deemed to have taken effect, as appropriate, on the earlier of—

(1) the date of the enactment of this title; or

(2) September 30, 2001.

Subtitle A—Multifamily Housing Mortgage and Assistance Restructuring and Section 8 Contract Renewal

SEC. 611. DEFINITIONS.

Section 512 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by adding at the end the following new paragraph:

''(19) OFFICE.—The term 'Office' means the Office of Multifamily Housing Assistance Restructuring established under section 571.''.

SEC. 612. MARK-TO-MARKET PROGRAM AMENDMENTS.

(a) FUNDING FOR TENANT AND NONPROFIT PARTICIPATION.—Section 514(f)(3)(A) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended—

(1) by striking ''Secretary may provide not more than $10,000,000 annually in funding'' and inserting ''Secretary shall make available not more than $10,000,000 annually in funding, which amount shall be in addition to any amounts made available under this subparagraph and carried over from previous years,''; and

(2) by striking ''entities), and for tenant services,'' and inserting ''entities), for tenant services, and for tenant groups, nonprofit organizations, and public entities described in section 517(a)(5),''.

(b) EXCEPTION RENTS.—Section 514(g)(2)(A) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by striking ''restructured mortgages in any fiscal year'' and inserting ''portfolio restructuring agreements''.

(c) NOTICE TO DISPLACED TENANTS.—Section 516(d) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by striking ''Subject to'' and inserting the following:

''(1) NOTICE TO CERTAIN RESIDENTS.—The Office shall notify any tenant that is residing in a

project or receiving assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) at the time of rejection under this section, of such rejection, except that the Office may delegate the responsibility to provide notice under this paragraph to the participating administrative entity.

''(2) ASSISTANCE AND MOVING EXPENSES.—Subject to''.

(d) RESTRUCTURING PLANS FOR TRANSFERS OF PREPAYMENT PROJECTS.—The Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended—

(1) in section 524(e), by adding at the end the following new paragraph:

''(3) MORTGAGE RESTRUCTURING AND RENTAL ASSISTANCE SUFFICIENCY PLANS.—Notwithstanding paragraph (1), the owner of the project may request, and the Secretary may consider, mortgage restructuring and rental assistance sufficiency plans to facilitate sales or transfers of properties under this subtitle, subject to an approved plan of action under the Emergency Low Income Housing Preservation Act of 1987 (12 U.S.C. 1715l note) or the Low-Income Housing Preservation and Resident Homeownership Act of 1990 (12 U.S.C. 4101 et seq.), which plans shall result in a sale or transfer of those properties.''; and

(2) in the last sentence of section 512(2), by inserting '', but does include a project described in section 524(e)(3)'' after ''section 524(e)''.

(e) ADDITION OF SIGNIFICANT FEATURES.—Section 517 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended—

(1) by striking subsection (c) (except that the striking of such subsection may not be construed to have any effect on the provisions of law amended by such subsection, as such subsection was in effect before the date of the enactment of this Act);

(2) in subsection (b)—

(A) in paragraph (7), by striking ''(7)'' and inserting ''(1)''; and

(B) by adding at the end the following new paragraph:

''(2) ADDITION OF SIGNIFICANT FEATURES.—

''(A) AUTHORITY.—An approved mortgage restructuring and rental assistance sufficiency plan may require the improvement of the project by the addition of significant features that are not necessary for rehabilitation to the standard provided under paragraph (1), such as air conditioning, an elevator, and additional community space. The Secretary shall establish guidelines regarding the inclusion of requirements regarding such additional significant features under such plans.

''(B) FUNDING.—Significant features added pursuant to an approved mortgage restructuring and rental assistance sufficiency plan may be paid from the funding sources specified in the first sentence of paragraph (1)(A).

''(C) LIMITATION ON OWNER CONTRIBUTION.—An owner of a project may not be required to contribute from non-project resources, toward the cost of any additional significant features required pursuant to this paragraph, more than 25 percent of the amount of any assistance received for the inclusion of such features.

''(D) APPLICABILITY.—This paragraph shall apply to all eligible multifamily housing projects, except projects for which the Secretary and the project owner executed a mortgage restructuring and rental assistance sufficiency plan on or before the date of the enactment of the Mark-to-Market Extension Act of 2001.''; and

(3) by inserting after paragraph (6) of subsection (b) the following:

''(c) REHABILITATION NEEDS AND ADDITION OF SIGNIFICANT FEATURES.—''.

(f) LOOK-BACK PROJECTS.—Section 512(2) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by adding after the period at the end of the last sentence the following: ''Notwithstanding any other provision of this title, the Secretary may treat a project as an eligible multifamily housing project for purposes of this title if (I) the project is assisted pursuant to a contract for project-based assistance under section 8 of the United States Housing Act of 1937 renewed under section 524 of this Act, (II) the owner consents to such treatment, and (III) the project met the requirements of the first sentence of this paragraph for eligibility as an eligible multifamily housing project before the initial renewal of the contract under section 524.''.

(g) SECOND MORTGAGES.—Section 517(a) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended—

(1) in paragraph (1)(B), by striking ''no more than the'' and inserting the following: ''not more than the greater of—

''(i) the full or partial payment of claim made under this subtitle; or

''(ii) the''; and

(2) in paragraph (5), by inserting ''of the second mortgage, assign the second mortgage to the acquiring organization or agency,'' after ''terms''.

(h) EXEMPTIONS FROM RESTRUCTURING.—Section 514(h)(2) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by inserting before the semicolon the following: '', or refinanced pursuant to section 811 of the American Homeownership and Economic Opportunity Act of 2000 (12 U.S.C. 1701q note)''.

SEC. 613. CONSISTENCY OF RENT LEVELS UNDER ENHANCED VOUCHER ASSISTANCE AND RENT RESTRUCTURINGS.

Subtitle A of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by adding at the end the following new section:

''SEC. 525. CONSISTENCY OF RENT LEVELS UNDER ENHANCED VOUCHER ASSISTANCE AND RENT RESTRUCTURINGS.

''(a) IN GENERAL.—The Secretary shall examine the standards and procedures for determining and establishing the rent standards described under subsection (b). Pursuant to such examination, the Secretary shall establish procedures and guidelines that are designed to ensure that the amounts determined by the various rent standards for the same dwelling units are reasonably consistent and reflect rents for comparable unassisted units in the same area as such dwelling units.

''(b) RENT STANDARDS.—The rent standards described in this subsection are as follows:

''(1) ENHANCED VOUCHERS.—The payment standard for enhanced voucher assistance under section 8(t) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)).

''(2) MARK-TO-MARKET.—The rents derived from comparable properties, for purposes of section 514(g) of this Act.

''(3) CONTRACT RENEWAL.—The comparable market rents for the market area, for purposes of section 524(a)(4) of this Act.''.

SEC. 614. ELIGIBLE INCLUSIONS FOR RENEWAL RENTS OF PARTIALLY ASSISTED BUILDINGS.

Section 524(a)(4)(C) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by adding after the period at the end the following: ''Notwithstanding any other provision of law, the Secretary shall include in such budget-based cost increases costs relating to the project as a whole (including costs incurred with respect to units not covered by the contract for assistance), but only (I) if inclusion of such costs is requested by the owner or purchaser of the project, (II) if inclusion of such costs will permit capital repairs to the project or acquisition of the project by a nonprofit organization, and (III) to the extent that inclusion of such costs (or a portion thereof) complies with the requirement under clause (ii).''.

SEC. 615. ELIGIBILITY OF RESTRUCTURING PROJECTS FOR MISCELLANEOUS HOUSING INSURANCE.

Section 223(a)(7) of the National Housing Act (12 U.S.C. 1715n(a)(7)) is amended—

(1) by striking ''under this Act: Provided, That the principal'' and inserting the following: ''under this Act, or an existing mortgage held by the Secretary that is subject to a mortgage restructuring and rental assistance sufficiency plan pursuant to the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note), provided that—

''(A) the principal'';

(2) by striking ''except that (A)'' and inserting ''except that (i)'';

(3) by striking ''(B)'' and inserting ''(ii)'';

(4) by striking ''(C)'' and inserting ''(iii)'';

(5) by striking ''(D)'' and inserting ''(iv)'';

(6) by striking '': Provided further, That a mortgage'' and inserting the following ''; and

''(B) a mortgage'';

(7) by striking ''or'' at the end; and

(8) by adding at the end the following new subparagraph:

''(C) a mortgage that is subject to a mortgage restructuring and rental assistance sufficiency plan pursuant to the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) and is refinanced under this paragraph may have a term of not more than 30 years; or''.

SEC. 616. TECHNICAL CORRECTIONS.

(a) EXEMPTIONS FROM RESTRUCTURING.—

(1) IN GENERAL.—Section 514(h) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended to read as if the amendment made by section 531(c) of Public Law 106–74 (113 Stat. 1116) were made to ''Section 514(h)(1)'' instead of ''Section 514(h)''.

(2) RETROACTIVE EFFECT.—The amendment made by paragraph (1) of this subsection is deemed to have taken effect on the date of the enactment of Public Law 106–74 (113 Stat. 1109).

(b) OTHER.—The Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended—

(1) in section 511(a)(12), by striking ''this Act'' and inserting ''this title'';

(2) in section 513, by striking ''this Act'' each place such term appears in subsections (a)(2)(I) and (b)(3) and inserting ''this title'';

(3) in section 514(f)(3)(B), by inserting ''Housing'' after ''Multifamily'';

(4) in section 515(c)(1)(B), by inserting ''or'' after the semicolon;

(5) in section 517(b)—

(A) in each of paragraphs (1) through (6), by capitalizing the first letter of the first word that follows the paragraph heading;

(B) in each of paragraphs (1) through (5), by striking the semicolon at the end and inserting a period; and

(C) in paragraph (6), by striking ''; and'' at the end and inserting a period;

(6) in section 520(b), by striking ''Banking and''; and

(7) in section 573(d)(2), by striking ''Banking and''.

Subtitle B—Office of Multifamily Housing Assistance Restructuring

SEC. 621. REAUTHORIZATION OF OFFICE AND EXTENSION OF PROGRAM.

Section 579 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended—

(1) by striking subsection (a) and inserting the following new subsection:

''(a) REPEALS.—

''(1) MARK-TO-MARKET PROGRAM.—Subtitle A (except for section 524) is repealed effective October 1, 2006.

''(2) OMHAR.—Subtitle D (except for this section) is repealed effective October 1, 2004.'';

(2) in subsection (b), by striking ''October 1, 2001'' and inserting ''October 1, 2006'';

(3) in subsection (c), by striking ''upon September 30, 2001'' and inserting ''at the end of September 30, 2004''; and

(4) by striking subsection (d) and inserting the following new subsection:

''(d) TRANSFER OF AUTHORITY.—Effective upon the repeal of subtitle D under subsection (a)(2) of this section, all authority and responsibilities to administer the program under subtitle A are transferred to the Secretary.''.

SEC. 622. APPOINTMENT OF DIRECTOR.

(a) IN GENERAL.—Section 572 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by striking subsection (a) and inserting the following new subsection:

''(a) APPOINTMENT.—The Office shall be under the management of a Director, who shall be appointed by the President from among individuals who are citizens of the United States and have a demonstrated understanding of financing and mortgage restructuring for affordable multifamily housing.''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply to the first Director of the Office of Multifamily Housing Assistance Restructuring of the Department of Housing and Urban Development appointed after the date of the enactment of this Act, and any such Director appointed thereafter.

SEC. 623. VACANCY IN POSITION OF DIRECTOR.

(a) IN GENERAL.—Section 572 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by striking subsection (b) and inserting the following new subsection:

''(b) VACANCY.—A vacancy in the position of Director shall be filled by appointment in the manner provided under subsection (a). The President shall make such an appointment not later than 60 days after such position first becomes vacant.''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply to any vacancy in the position of Director of the Office of Multifamily Housing Assistance Restructuring of the Department of Housing and Urban Development which occurs or exists after the date of the enactment of this Act.

SEC. 624. OVERSIGHT BY FEDERAL HOUSING COMMISSIONER.

(a) IN GENERAL.—Section 578 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended to read as follows:

''SEC. 578. OVERSIGHT BY FEDERAL HOUSING COMMISSIONER.

''All authority and responsibilities assigned under this subtitle to the Secretary shall be carried out through the Assistant Secretary of the Department of Housing and Urban Development who is the Federal Housing Commissioner.''.

(b) REPORT.—The second sentence of section 573(b) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by striking ''Secretary'' and inserting ''Assistant Secretary of the Department of Housing and Urban Development who is the Federal Housing Commissioner''.

SEC. 625. LIMITATION ON SUBSEQUENT EMPLOYMENT.

Section 576 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by striking ''2-year period'' and inserting ''1-year period''.

Subtitle C—Miscellaneous Housing Program Amendments

SEC. 631. EXTENSION OF CDBG PUBLIC SERVICES CAP EXCEPTION.

Section 105(a)(8) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)(8)) is amended by striking ''through 2001'' and inserting ''through 2003''.

SEC. 632. USE OF SECTION 8 ENHANCED VOUCHERS FOR PREPAYMENTS.

Section 8(t)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)(2)) is amended by inserting after ''insurance contract for the mortgage for such housing project'' the following: ''(including any such mortgage prepayment during fiscal year 1996 or a fiscal year thereafter or any insurance contract voluntary termination during fiscal year 1996 or a fiscal year thereafter)''.

SEC. 633. PREPAYMENT AND REFINANCING OF LOANS FOR SECTION 202 SUPPORTIVE HOUSING.

(a) IN GENERAL.—Section 811 of the American Homeownership and Economic Opportunity Act of 2000 (12 U.S.C. 1701q note) is amended by striking subsection (e).

(b) EFFECTIVENESS UPON DATE OF ENACTMENT.—The amendment made by subsection (a) of this section shall take effect upon the date of the enactment of this Act and the provisions of section 811 of the American Homeownership and Economic Opportunity Act of 2000 (12 U.S.C. 1701q note), as amended by subsection (a) of this section, shall apply as so amended upon such date of enactment, notwithstanding—

(1) any authority of the Secretary of Housing and Urban Development to issue regulations to implement or carry out the amendments made by subsection (a) of this section or the provisions of section 811 of the American Homeownership and Economic Opportunity Act of 2000 (12 U.S.C. 1701q note); or

(2) any failure of the Secretary of Housing and Urban Development to issue any such regulations authorized.

SEC. 634. TECHNICAL CORRECTION.

(a) IN GENERAL.—Section 101(a) of Public Law 100–77 (42 U.S.C. 11301 note) is amended to read as if the amendment made by section 1 of Public Law 106–400 (114 Stat. 1675) were made to ''Section 101'' instead of ''Section 1''.

(b) RETROACTIVE EFFECT.—The amendment made by subsection (a) of this section is deemed to have taken effect immediately after the enactment of Public Law 106–400 (114 Stat. 1675).

TITLE VII—MENTAL HEALTH EQUITY

SEC. 701. SHORT TITLE.

This title may be cited as the ''Mental Health Equitable Treatment Act of 2001''.

SEC. 702. AMENDMENT TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

(a) IN GENERAL.—Section 712 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185a) is amended to read as follows:

''SEC. 712. MENTAL HEALTH PARITY.

''(a) IN GENERAL.—In the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides both medical and surgical benefits and mental health benefits, such plan or coverage shall not impose any treatment limitations or financial requirements with respect to the coverage of benefits for mental illnesses unless comparable treatment limitations or financial requirements are imposed on medical and surgical benefits.

''(b) CONSTRUCTION.—

''(1) IN GENERAL.—Nothing in this section shall be construed as requiring a group health plan (or health insurance coverage offered in connection with such a plan) to provide any mental health benefits.

''(2) MEDICAL MANAGEMENT OF MENTAL HEALTH BENEFITS.—Consistent with subsection (a), nothing in this section shall be construed to prevent the medical management of mental health benefits, including through concurrent and retrospective utilization review and utilization management practices, preauthorization, and the application of medical necessity and appropriateness criteria applicable to behavioral health and the contracting and use of a network of participating providers.

''(3) NO REQUIREMENT OF SPECIFIC SERVICES.—Nothing in this section shall be construed as requiring a group health plan (or health insurance coverage offered in connection with such a plan) to provide coverage for specific mental health services, except to the extent that the failure to cover such services would result in a disparity between the coverage of mental health and medical and surgical benefits.

''(c) SMALL EMPLOYER EXEMPTION.—

''(1) IN GENERAL.—This section shall not apply to any group health plan (and group health insurance coverage offered in connection with a group health plan) for any plan year of any employer who employed an average of at least 2 but not more than 50 employees on business days during the preceding calendar year.

''(2) APPLICATION OF CERTAIN RULES IN DETERMINATION OF EMPLOYER SIZE.—For purposes of this subsection—

''(A) APPLICATION OF AGGREGATION RULE FOR EMPLOYERS.—Rules similar to the rules under subsections (b), (c), (m), and (o) of section 414 of the Internal Revenue Code of 1986 shall apply for purposes of treating persons as a single employer.

''(B) EMPLOYERS NOT IN EXISTENCE IN PRECEDING YEAR.—In the case of an employer which was not in existence throughout the preceding calendar year, the determination of whether such employer is a small employer shall be based on the average number of employees that it is reasonably expected such employer will employ on business days in the current calendar year.

''(C) PREDECESSORS.—Any reference in this paragraph to an employer shall include a reference to any predecessor of such employer.

''(d) SEPARATE APPLICATION TO EACH OPTION OFFERED.—In the case of a group health plan that offers a participant or beneficiary two or more benefit package options under the plan, the requirements of this section shall be applied separately with respect to each such option.

''(e) IN-NETWORK AND OUT-OF-NETWORK RULES.—In the case of a plan or coverage option that provides in-network mental health benefits, out-of-network mental health benefits may be provided using treatment limitations or financial requirements that are not comparable to the limitations and requirements applied to medical and surgical benefits if the plan or coverage provides such in-network mental health benefits in accordance with subsection (a) and provides reasonable access to in-network providers and facilities.

''(f) DEFINITIONS.—For purposes of this section—

''(1) FINANCIAL REQUIREMENTS.—The term 'financial requirements' includes deductibles, co-insurance, co-payments, other cost sharing, and limitations on the total amount that may be paid by a participant or beneficiary with respect to benefits under the plan or health insurance coverage and shall include the application of annual and lifetime limits.

''(2) MEDICAL OR SURGICAL BENEFITS.—The term 'medical or surgical benefits' means benefits with respect to medical or surgical services, as defined under the terms of the plan or coverage (as the case may be), but does not include mental health benefits.

''(3) MENTAL HEALTH BENEFITS.—The term 'mental health benefits' means benefits with respect to services, as defined under the terms and conditions of the plan or coverage (as the case may be), for all categories of mental health conditions listed in the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition (DSM IV–TR), or the most recent edition if different than the Fourth Edition, if such services are included as part of an authorized treatment plan that is in accordance with standard protocols and such services meet the plan or issuer's medical necessity criteria. Such term does not include benefits with respect to the treatment of substance abuse or chemical dependency.

''(4) TREATMENT LIMITATIONS.—The term 'treatment limitations' means limitations on the frequency of treatment, number of visits or days of coverage, or other similar limits on the duration or scope of treatment under the plan or coverage.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1,

2003 and shall apply with respect to plan years beginning on or after such date.

SEC. 703. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT RELATING TO THE GROUP MARKET.

(a) IN GENERAL.—Section 2705 of the Public Health Service Act (42 U.S.C. 300gg–5) is amended to read as follows:

"SEC. 2705. MENTAL HEALTH PARITY.

''(a) IN GENERAL.—In the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides both medical and surgical benefits and mental health benefits, such plan or coverage shall not impose any treatment limitations or financial requirements with respect to the coverage of benefits for mental illnesses unless comparable treatment limitations or financial requirements are imposed on medical and surgical benefits.

''(b) CONSTRUCTION.—

''(1) IN GENERAL.—Nothing in this section shall be construed as requiring a group health plan (or health insurance coverage offered in connection with such a plan) to provide any mental health benefits.

''(2) MEDICAL MANAGEMENT OF MENTAL HEALTH BENEFITS.—Consistent with subsection (a), nothing in this section shall be construed to prevent the medical management of mental health benefits, including through concurrent and retrospective utilization review and utilization management practices, preauthorization, and the application of medical necessity and appropriateness criteria applicable to behavioral health and the contracting and use of a network of participating providers.

''(3) NO REQUIREMENT OF SPECIFIC SERVICES.—Nothing in this section shall be construed as requiring a group health plan (or health insurance coverage offered in connection with such a plan) to provide coverage for specific mental health services, except to the extent that the failure to cover such services would result in a disparity between the coverage of mental health and medical and surgical benefits.

''(c) SMALL EMPLOYER EXEMPTION.—

''(1) IN GENERAL.—This section shall not apply to any group health plan (and group health insurance coverage offered in connection with a group health plan) for any plan year of any employer who employed an average of at least 2 but not more than 50 employees on business days during the preceding calendar year.

''(2) APPLICATION OF CERTAIN RULES IN DETERMINATION OF EMPLOYER SIZE.—For purposes of this subsection—

''(A) APPLICATION OF AGGREGATION RULE FOR EMPLOYERS.—Rules similar to the rules under subsections (b), (c), (m), and (o) of section 414 of the Internal Revenue Code of 1986 shall apply for purposes of treating persons as a single employer.

''(B) EMPLOYERS NOT IN EXISTENCE IN PRECEDING YEAR.—In the case of an employer which was not in existence throughout the preceding calendar year, the determination of whether such employer is a small employer shall be based on the average number of employees that it is reasonably expected such employer will employ on business days in the current calendar year.

''(C) PREDECESSORS.—Any reference in this paragraph to an employer shall include a reference to any predecessor of such employer.

''(d) SEPARATE APPLICATION TO EACH OPTION OFFERED.—In the case of a group health plan that offers a participant or beneficiary two or more benefit package options under the plan, the requirements of this section shall be applied separately with respect to each such option.

''(e) IN-NETWORK AND OUT-OF-NETWORK RULES.—In the case of a plan or coverage option that provides in-network mental health benefits, out-of-network mental health benefits may be provided using treatment limitations or financial requirements that are not comparable to the limitations and requirements applied to medical and surgical benefits if the plan or coverage provides such in-network mental health benefits in accordance with subsection (a) and provides reasonable access to in-network providers and facilities.

''(f) DEFINITIONS.—For purposes of this section—

''(1) FINANCIAL REQUIREMENTS.—The term 'financial requirements' includes deductibles, co-insurance, co-payments, other cost sharing, and limitations on the total amount that may be paid by a participant, beneficiary or enrollee with respect to benefits under the plan or health insurance coverage and shall include the application of annual and lifetime limits.

''(2) MEDICAL OR SURGICAL BENEFITS.—The term 'medical or surgical benefits' means benefits with respect to medical or surgical services, as defined under the terms of the plan or coverage (as the case may be), but does not include mental health benefits.

''(3) MENTAL HEALTH BENEFITS.—The term 'mental health benefits' means benefits with respect to services, as defined under the terms and conditions of the plan or coverage (as the case may be), for all categories of mental health conditions listed in the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition (DSM IV–TR), or the most recent edition if different than the Fourth Edition, if such services are included as part of an authorized treatment plan that is in accordance with standard protocols and such services meet the plan or issuer's medical necessity criteria. Such term does not include benefits with respect to the treatment of substance abuse or chemical dependency.

''(4) TREATMENT LIMITATIONS.—The term 'treatment limitations' means limitations on the frequency of treatment, number of visits or days of coverage, or other similar limits on the duration or scope of treatment under the plan or coverage.''.

(b) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on January 1, 2003 and shall apply with respect to plan years beginning on or after such date.

SEC. 704. PREEMPTION.

Nothing in the amendments made by this title shall be construed to preempt any provision of State law, with respect to health insurance coverage offered by a health insurance issuer in connection with a group health plan, that provides protections to enrollees that are greater than the protections provided under such amendments. Nothing in the amendments made by this title shall be construed to affect or modify section 514 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1144).

SEC. 705. GENERAL ACCOUNTING OFFICE STUDY.

(a) STUDY.—The Comptroller General shall conduct a study that evaluates the effect of the implementation of the amendments made by this title on the cost of health insurance coverage, access to health insurance coverage (including the availability of in-network providers), the quality of health care, and other issues as determined appropriate by the Comptroller General.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall prepare and submit to the appropriate committees of Congress a report containing the results of the study conducted under subsection (a).

SEC. 706. NO IMPACT ON SOCIAL SECURITY TRUST FUND.

(a) IN GENERAL.—Nothing in this title (or an amendment made by this title) shall be construed to alter or amend the Social Security Act (or any regulation promulgated under that Act).

(b) TRANSFERS.—

(1) ESTIMATE OF SECRETARY.—The Secretary of the Treasury shall annually estimate the impact that the enactment of this title has on the income and balances of the trust funds established under section 201 of the Social Security Act (42 U.S.C. 401).

(2) TRANSFER OF FUNDS.—If, under paragraph (1), the Secretary of the Treasury estimates that the enactment of this title has a negative impact on the income and balances of the trust funds established under section 201 of the Social Security Act (42 U.S.C. 401), the Secretary shall transfer, not less frequently than quarterly, from the general revenues of the Federal Government an amount sufficient so as to ensure that the income and balances of such trust funds are not reduced as a result of the enactment of such title.

SEC. 707. CONGRESSIONAL BUDGET ACT.

Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105–217, the provisions of this title that would have been estimated by the Office of Management and Budget as changing direct spending or receipts under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 were it included in an Act other than an appropriations Act shall be treated as direct spending or receipts legislation, as appropriate, under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985, and by the Chairman of the Senate Budget Committee, as appropriate, under the Congressional Budget Act.

TITLE VIII—INFORMATION ON PASSENGERS AND CARGO

SEC. 801. MANDATORY ADVANCED ELECTRONIC INFORMATION FOR AIR CARGO AND PASSENGERS ENTERING THE UNITED STATES.

(a) AIR CARGO INFORMATION.—

(1) IN GENERAL.—Section 431(b) of the Tariff Act of 1930 (19 U.S.C. 1431(b)) is amended—

(A) by striking ''(b) PRODUCTION OF MANIFEST.—Any manifest'' and inserting the following:

''(b) PRODUCTION OF MANIFEST.—

''(1) IN GENERAL.—Any manifest'';

(B) by indenting the margin of paragraph (1), as so designated, two ems; and

(C) by adding at the end the following new paragraph:

''(2) ADDITIONAL INFORMATION.—

''(A) IN GENERAL.—In addition to any other requirement under this section, every air carrier required to make entry or obtain clearance under the customs laws of the United States, the pilot, the master, operator, or owner of such carrier (or the authorized agent of such owner or operator) shall provide by electronic transmission cargo manifest information specified in subparagraph (B) in advance of such entry or clearance in such manner, time, and form as the Secretary shall prescribe. The Secretary may exclude any class of air carrier for which the Secretary concludes the requirements of this subparagraph are not necessary.

''(B) INFORMATION REQUIRED.—The information specified in this subparagraph is as follows:

''(i) The port of arrival or departure, whichever is applicable.

''(ii) The carrier code, prefix code, or, both.

''(iii) The flight or trip number.

''(iv) The date of scheduled arrival or date of scheduled departure, whichever is applicable.

''(v) The request for permit to proceed to the destination, if applicable.

''(vi) The numbers and quantities from the master and house air waybill or bills of lading.

''(vii) The first port of lading of the cargo.

''(viii) A description and weight of the cargo.

''(ix) The shippers name and address from all air waybills or bills of lading.

''(x) The consignee name and address from all air waybills or bills of lading.

''(xi) Notice that actual boarded quantities are not equal to air waybill or bills of lading quantities.

''(xii) Transfer or transit information.

''(xiii) Warehouse or other location of the cargo.

''(xiv) Such other information as the Secretary, by regulation, determines is reasonably necessary to ensure aviation transportation

safety pursuant to the laws enforced or administered by the Customs Service.

''(3) AVAILABILITY OF INFORMATION.—Information provided under paragraph (2) may be shared with other departments and agencies of the Federal Government, including the Department of Transportation and the law enforcement agencies of the Federal Government, for purposes of protecting the national security of the United States.''.

(2) CONFORMING AMENDMENTS.—Subparagraphs (A) and (C) of section 431(d)(1) of such Act are each amended by inserting before the semicolon ''or subsection (b)(2)''.

(b) PASSENGER INFORMATION.—Part II of title IV of the Tariff Act of 1930 is amended by inserting after section 431 the following new section:

''SEC. 432. PASSENGER AND CREW MANIFEST INFORMATION REQUIRED FOR AIR CARRIERS.

''(a) IN GENERAL.—For every person arriving or departing on an air carrier required to make entry or obtain clearance under the customs laws of the United States, the pilot, the master, operator, or owner of such carrier (or the authorized agent of such owner or operator) shall provide, by electronic transmission, manifest information specified in subsection (b) in advance of such entry or clearance in such manner, time, and form as the Secretary shall prescribe.

''(b) INFORMATION.—The information specified in this subsection with respect to a person is—

''(1) full name;

''(2) date of birth and citizenship;

''(3) sex;

''(4) passport number and country of issuance;

''(5) United States visa number or resident alien card number, as applicable;

''(6) passenger name record; and

''(7) such other information as the Secretary, by regulation, determines is reasonably necessary to ensure aviation transportation safety pursuant to the laws enforced or administered by the Customs Service.

''(c) AVAILABILITY OF INFORMATION.—Information provided under this section may be shared with other departments and agencies of the Federal Government, including the Department of Transportation and the law enforcement agencies of the Federal Government, for purposes of protecting the national security of the United States.''.

(c) DEFINITION.—Section 401 of the Tariff Act of 1930 (19 U.S.C. 1401) is amended by adding at the end the following new subsection:

''(t) AIR CARRIER.—The term 'air carrier' means an air carrier transporting goods or passengers for payment or other consideration, including money or services rendered.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect 45 days after the date of enactment of this Act.

This Act may be cited as the ''Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2002''.

The PRESIDING OFFICER. Under the previous order, the President will be notified of the Senate's action, and the Chair appoints Mr. HARKIN, Mr. HOLLINGS, Mr. INOUYE, Mr. REID, Mr. KOHL, Mrs. MURRAY, Ms. LANDRIEU, Mr. BYRD, Mr. SPECTER, Mr. COCHRAN, Mr. GREGG, Mr. CRAIG, Mrs. HUTCHISON, Mr. STEVENS, and Mr. DEWINE, conferees on the part of the Senate.

EXECUTIVE SESSION

NOMINATION OF M. CHRISTINA ARMIJO, OF NEW MEXICO, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW MEXICO

The PRESIDING OFFICER. Under the previous order, the Senate will go into executive session to consider Calendar No. 512, which the clerk will report.

The legislative clerk read the nomination of M. Christina Armijo, of New Mexico, to be United States District Judge for the District of New Mexico.

Mr. LEAHY. Mr. President, I urge all Senators to vote for Ms. Armijo.

I also thank both Senator DOMENICI and Senator BINGAMAN for working with the committee and with the President to help complete her confirmation. In fact, when she is confirmed, we will have confirmed as many district judges since July as we confirmed in the entire first year of the first Bush administration.

I thank the Senators for working together. It made our job much easier. Both Senators strongly support her.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The question is, Will the Senate advise and consent to the nomination of M. Christina Armijo, of New Mexico, to be United States District Judge for the District of New Mexico? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

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

[Rollcall Vote No. 325 Ex.]

YEAS—100

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

The nomination was confirmed.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

The Senator from Nevada is recognized.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that at 5:30 p.m. today the Senate proceed to executive session to consider Executive Calendars Nos. 513 and 514; that there be 5 minutes for debate equally divided between the chairman and ranking member; that upon the use or yielding back of that time, the Senate vote on the confirmation of each of these nominations; that upon disposition of the nominations the President be immediately notified of the Senate's action, and the Senate return to legislative session.

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

YEAS AND NAYS

Mr. REID. Mr. President, as in executive session, I ask unanimous consent that it be in order to request the yeas and nays on the two nominations with one show of seconds.

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

Mr. REID. Mr. President, prior to moving to the bill—we have the managers here on the DC bill—there has been conversation with the minority. The two managers have spoken, and we have every hope of finishing this bill early tomorrow. There are at least two amendments at this time. There has been a tentative agreement on time for those amendments, and it appears that we can start them early in the morning and finish them shortly thereafter. Hopefully, there would be nothing more.

At the appropriate time, we will have a unanimous consent in relation to the whole bill.

Mr. President, I ask for the yeas and nays on the nominations.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2002

The PRESIDING OFFICER. Under the previous order, the committee is discharged from the consideration of H.R. 2944, and the Senate will proceed to its consideration. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2944) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2002, and for other purposes.

The PRESIDING OFFICER. Under the previous order, the Senate-reported language is adopted as the substitute.

(The amendment (No. 2106) is printed in today's RECORD under ''Amendments Submitted and Proposed.'')

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Ms. LANDRIEU. Mr. President, as has been agreed to, I am pleased to bring the District of Columbia appropriations bill to the floor with my colleague and partner, the Senator from Ohio, Mr. DEWINE. We will speak this afternoon as we bring this bill to the floor and then entertain any amendments which should be limited on this bill.

I say it is fine work the two of us have done with our committee members to try to reconcile some of the differences in this bill and to bring forward a bill we can support in a bipartisan fashion. I thank the Senator from Ohio for his great work and his diligence, particularly in some very important areas in this legislation that we lay out.

Also, I recognize the staff who has been very helpful to us in preparing this important piece of legislation. They will be with us in the Chamber today.

Mr. President, this total budget before us for the District of Columbia, our Nation's Capital, and one of the premier cities, if not the premier city in our Nation, is $7.1 billion. I think it is important to note for the purposes of what we are going to be discussing this afternoon that $5.3 billion of this money is raised through the local tax base, local levies, local ordinances governing tax collections and fees paid by the residents of the District and those tourists and citizens who visit the District.

We also have within this budget $1.7 billion in Federal grants, which includes all of the Federal programs that all of our cities and States participate in so readily, not the least of which is Medicaid, which is a very familiar program to many.

In addition, the area that we have concentrated our work on mostly is the $400 million included in this District of Columbia appropriations budget for criminal justice, prisons, and courts; under a recent statute the Federal Government has taken on the responsibility to hopefully do a better job—a system that was in some disarray with some unfortunate mismanagement, and to relieve the District of that financial responsibility, helping them to get back on good financial footing. So that is the general outline of the moneys in this bill. I will come back to them in some detail.

In opening, let me say—and I know Senator DEWINE shares the same hope with me—we can lead in a new way with this bill, in a new time, a momentous time for our country and for the Nation's Capital since the unwarranted and unexpected and tragic attacks of September 11. Some of the terms that have been used to describe the relationships between Congress and the District have been old ones such as ''partisanship'' and ''bickering,'' a battleground for competing ideologies that might have been better fought on a broader theater or on a broader battleground.

Sometimes I think our District has been treated as a national guinea pig instead of the Nation's Capital. I hope, as we bring the bill to the floor this year, we can use new words to describe this partnership—instead of ''partisanship,'' ''partnership''—words such as ''trust'' and ''respect,'' respect for local decisionmaking, which I think is so important in this relationship with the District.

Instead of a battleground, I hope we can find common ground to build on some of the principles and issues that are important not only to the District but to our country.

I would like to think this bill represents a thrust toward economic vitality. The ranking member and I believe very strongly in job creation in the District, along with the Mayor and City Council, obviously, and we want to do what we can to make sure there is vitality.

In addition, words such as accountability, transparency, excellence in management, excellence in the education system, and investments in strengthening the health care system of the District are issues about which our committee feels very strongly.

I commend the work of the Mayor and the City Council, and so many others, particularly the Chief Financial Officer and others on the financial front who have helped to lead the District to a sound financial footing.

It is important to note that this is the first budget we will be considering as a Congress in 5 years that is post-control board. The control board that was in effect and helped bring the District back to relatively strong financial health, even in a time of crisis and challenge, came to an end on September 30. This is the first budget to come forward without the control board being in place.

As the control board has moved off the scene, what has moved front and center are the authorities and responsibilities of the Chief Financial Officer. So many of the charges to keep the District in good financial stead will now lie with the Chief Financial Officer, and it is my hope that throughout this year and the coming years we will be able to strengthen that office and the systems within the DC government to make sure it is clear who is accountable for what and that there is transparency and accountability, because without strong finances the District will never be able to reach all of its many worthy goals, some of which I have just outlined.

I wanted to note that before I get into my prepared remarks.

The second principle that is embedded in this mark that I present is the elimination of some of the time-worn restrictions on the ways the District can spend some of its local funding. In our States, we all have cities and jurisdictions that want to be and should be autonomous in terms of the ordinances they propose and on what they choose to spend their money.

Too often, in my opinion, Congress has stepped in to try to micromanage, supersede, mandate, and attach too many strings to the way in which this city wanted to spend its own resources. Again, it is its own tax dollars spent by its own elected board. I have tried in appropriate ways to eliminate in this mark many of those riders or measures that were placed not because of the issues to which they pertain, but because of the principle.

I want this mark to suggest that we are entering an era, hopefully, of mutual respect and partnership, trust and respect of local decisionmaking. I would expect that for the city of New Orleans, for the city of Baton Rouge, and for the city of Lafayette. Senator DEWINE, I am sure, expects that for the city of Cleveland. We should have no less of a level of appreciation for the District of Columbia.

The third principle of this bill is a significant investment in child welfare. This has been one of the mayor's top priorities. It has been, I believe, the citizens' top priority as, unfortunately, 200 children in the last 10 years have lost their lives at the hands of people who supposedly love them, supposedly were caring for them. They have been murdered, tortured, and abused because the system in DC is not strong enough. This bill represents an extremely significant investment in that respect.

Counting what the city is putting up and what the Senator from Ohio and I have determined is an appropriate investment reaches almost $40 million in new money to create and to strengthen the court system creating a new family court that will be complementary to this effort in hopes to correct this terrible situation and reverse this trend. I can state this is one of the best provisions in this bill.

In addition, particularly due to 9–11, the $16 million for security investments for the District is to help the District establish better management and security plans, and I will go into that in more detail.

The other principles are investments in education, the environment, and children's health. Investments are an important part of any growth plan for a city or for a State. We can tighten budgets, we can have fiscal discipline, we can try to keep those budgets in balance, but the smart money goes to those cities that are making long-term strategic investments.

We can never overinvest if we spend it wisely in education or the physical environment, such as bringing back the Anacostia River, the Navy Yard, which

is an important developmental opportunity for the District, and in children's health, which Senator DEWINE has led.

To restate, the tragic events of September 11 have reminded us all of the safety, security, and financial strength of the District, our Nation's Capital, and how it serves as a vital symbol of our national resolve. This bill, as I said, serves the needs of the District's police, fire, public health, and emergency management services—the people who are on the front lines today, who were on the front lines on September 11, and who will be there when we have another attack. We hope we do not have another attack, but we are prepared for one and getting better prepared every day.

Given the strategic importance of maintaining stability in the Nation's Capital, the Appropriations Committee decided to maintain the original funding for the IMF conference that was canceled. Instead of canceling the funding, we reoriented that funding to be used for these important security needs.

In the days after the attack, local officials and the media began to detail some of the shortfalls in the present emergency protocol. Specifically, articles in the Washington Post highlighted the need for coordination and improvement. I thank Senator MIKULSKI and Senator SARBANES for their input on this subject, as well as Delegate NORTON, who is in the Chamber, along with the Mayor and others as we worked out a security plan that is robust, a security plan that has redundancy built into it, a security plan that will work for the residents of the District, for the thousands of people from the region who visit daily to work and enjoy the sites, and the millions of people who travel throughout the year to celebrate in the Nation's Capital.

I expect Mayor Williams and his staff to give attention to this real and immediate concern. I thank them for the work they are doing, and I look forward to working with them diligently in the months ahead.

Fiscal year 2002 will be an important year for the District. Overall, the District has moved from a negative accumulated fund balance of $518 million in fiscal year 1996 to a positive fund balance of $464 million. That is almost a swing of $1 billion in 5 years. That took a lot of hard work and a lot of dedication. There was a lot of anguish and a lot of disagreement about how that should happen, but it did happen. The District is in a positive financial posture due to a lot of hard work, and we want to keep it that way with appropriate mechanisms, even with the Control Board moving out of its area of responsibility. The city met all the requirements under the 1005 Financial Responsibility and Management Assistance Act and is no longer under the general supervision of the Control Board.

The Chief Financial Officer will begin to fulfill many of the financial management functions previously performed by the board. The termination of several significant receiverships, particularly in child welfare, indicates a stronger, more effective, local government.

With each success, the District gains more independence. This bill maintains Congress' commitment to ensure that District officials have the tools they need to continue to serve DC and those who visit the capital.

While this is often a challenging role for the Federal Government to make, it is an important one. It is imperative Congress work with the city so the foundation of resources are in place to ensure this independence will result in success. To accomplish this, the Appropriations Committee has worked diligently to forge a partnership for progress between Congress and DC local elected leaders. Determined to be a supportive partner of the city's agenda, we have done our best to construct a Federal budget that supplements but not supplants the city's efforts to fulfill its promise to enrich the lives of the citizens in the District.

The bill before us is now evidence the committee shares the city's vision for quality education, a clean environment, improved child and family welfare, and continued financial strength. In each of these key areas, we have worked with local officials to determine the best course of action for all concerned.

Over the past 10 years, the District of Columbia has struggled to review and reform its child welfare system. I am certain my colleague from Ohio will speak in more detail about this because he has been such an extraordinary leader in this particular area.

First, under the guidance of a court-appointed receiver and now under the direction of a newly-appointed Child and Family Services Agency, this committee would be hard-pressed to find a greater priority than the well-being and safety of the children of the District. For this reason, as I said earlier, we have included a significant increase in the funding of a family court reform effort, the Child and Family Services Agency, and Court-Appointed Special Advocates, CASA.

The ranking member and I believe strongly that investing more money without reforms, without accountability, without principles such as one family/one judge, without principles such as people should choose to do this job because they want to, not because they are forced to, that lawyers should take these cases because they want to, not because they are forced to, and the principles that volunteers in courtrooms looking out for the interests of the child will make a difference in that child's life and in that family's life, are crucial to the underpinnings of the reform.

I will be pleased to work with colleagues on both sides of the aisle and in both Houses of Congress toward that end.

In addition, we have made note of the progress made by many DC public schools. In particular, the committee has included language and funding intended to serve as a catalyst for the ever-growing DC charter school movement. However, I am concerned about the current financial and management challenges of the schools and hope to work with the city on this front more specifically.

Let me say as an aside, before I get into my conclusion about schools, we all represent hundreds and thousands of schools in our own particular States and each one of us in our own way has worked with our mayors and our superintendents and our Governors to help reform and uplift and to build a stronger school system. In my mind, never has it been more important than in the post-September 11 attacks to think about what our school systems mean to our democracy.

Let me be as clear as I can possibly be on this subject. Pretty good is just not good enough. Schools that do all right is just not going to cut it or make it happen in the world that we face today. In these challenges, where it is important for us to understand our country well, to understand other countries well, other cultures and other religions, it is important for people to be well educated and well trained and well read and well versed on history and art and philosophy. It is important for our children to have the finest education.

Why? So they can become the kind of citizens that not only can govern in this Nation but literally lead the world. The world looks to America for leadership. They do not look necessarily to the elected officials of our country for leadership, although we are the voice of the people, but as the people of the United States that must lead. People can lead better when they are well educated and well prepared, well read about the actual character and conditions of this world.

I hope we really appreciate how important it is for not only the schools in the District of Columbia to work at a higher and more excellent level but how important it is for all of our schools. I am willing to take on some battles there because we have to think outside of the box, in a new way. We are going to do that in a bipartisan way, in an appropriate way, to help strengthen the schools for every child in this District, in our Nation's Capital, which is host to people from many places around the world, to provide a quality education, a wonderful education, not with just a pretty good teacher, not with a good teacher but with a great teacher, a well-motivated and well-trained teacher, to give children the kind of education in partnership with their parents, to provide that education for the children to create better schools, a stronger community, a stronger Nation and citizens that can truly lead the world in the decades ahead.

Finally, I am proud to say this bill includes funding to support education, public health, economic development projects. As the mayor and I have both said, a community with clean parks, beautiful waterways and safe streets is one in which people are proud to live. So if the schools are excellent, they serve as an economic catalyst for businesses that want to stay in the District and grow. When there are clean parks and places where children can play, when the waterways are clean enough to recreate and to swim in, and when the streets are safe, that is what makes a great community all the more great, and that is what our hope is for this District and for all of the cities that we represent in this great Nation.

I want to say particularly how impressed I am with the work of Mayor Williams, who has worked tirelessly on this and many other fronts. This is home for the Federal Government and its employees. It seems only right that we should do our fair share to see the District remains the beautiful place it is.

Amendments may be offered to this bill to restrict the District's ability to use its own locally collected tax revenues to operate specific programs hundreds of cities across this country operate. I hope those amendments will not be offered, but if they are, we will debate them with a limited time and move on so we can get this important bill passed and signed by the President.

In many parts of the country, some of these issues are controversial. Throughout the entire country, the issue of the direction of local funds is something that is universally, I believe, supported.

Let me conclude by thanking my ranking member and by saying I am proud to offer this mark, which puts the District in financial balance with a financial surplus, that outlines some of the strong principles of education, investments in health and in the environment which will make this city even stronger. With the emphasis on security and investments we have made, I think this mark will serve this city well for the next many years and in the decades to come.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, I thank Senator LANDRIEU for her comments but, more importantly, for the great work she has done over the last few months. It has been a great pleasure to work with the Senator from Louisiana. Her dedication to her job, her dedication to children in the District of Columbia, comes out every single day I meet with her and every time we talk about these issues. This bill is truly a reflection of that dedication.

Senator LANDRIEU and I have really been partners in our efforts to ensure that the children who come into contact with the court system in the District of Columbia are placed in a safe and a stable environment.

The bill before us today will go a long way toward ending the suffering of innocent children by providing resources to strengthen the District's family court system. Today, as Senator Landrieu has outlined, we are providing $140.2 million for the DC court system, an increase of approximately $35 million over last year's enacted level. The majority of these funds will be dedicated to improving the family courts so case workers can adequately address the individual needs of the children and the families who come into contact with the court system. These funds will help implement the reforms outlined in the family court bill that Senator LANDRIEU and I have introduced. These reforms will help the District hire, train, and equip additional staff and construct additional courtrooms.

It is not a question of money. That is why we have, as Senator LANDRIEU outlined and talked about a moment ago, introduced the family court bill, a bill I hope we will have within a short period of time for debate and for passage.

We are fulfilling today part of our commitment to the children of the District of Columbia. We need the reforms outlined in our DC family court bill, and we need the money contained in this bill to implement those reforms.

The family court bill we will take up later has a fundamental principle. And, that is that we have judges who, every single day, spend 100 percent of their time worrying about the children in the District of Columbia. ''Family court'' means exactly what the title indicates: The judges deal with family problems. They deal with children every single day. We need these judges to do this full time—we don't want them to be spending their time on felony trials or other civil cases. We need them to develop the expertise in family law. Teachers tell me it takes 4 or 5 years before an eager new teacher becomes a seasoned, experienced, and excellent teacher. The same is true with a judge. Our bill provides that longevity, that experience, that training, to focus on our children.

Our family court bill also has the basic principle: One judge, one family—again, this is so the children are not moved from judge to judge to judge. There needs to be an institutional memory with that family. If that judge knows whom he is dealing with, knows what has happened in the past, that judge can better deal with that family. That is the family court bill. It is not before us today, but it will be before the Senate, we hope, in the next few weeks.

I don't have to remind anyone in this Chamber or anyone who reads the newspaper about what a mess the District of Columbia child welfare system has been and still is today. There are a lot of good people working very hard to change that. I believe we have to do our part. The bill before the Senate is a downpayment—a downpayment—on that job and that obligation.

Next, this bill contains $147.3 million for the court services and offender supervision agency, an increase of $34.7 million over last year's level. With these funds, the District will have the resources to provide drug treatment services to over 2,700 offenders in the District of Columbia criminal justice system, an increase in treatment slots of about 54 percent over last year. Initially, funds will be used to repair and renovate the District drug facilities. Some of the money will be used to hire additional drug treatment counselors.

This increase, which meets the President's request, is particularly important because 80 percent of the individuals in the District of Columbia criminal justice system have a substance abuse problem. This is not unique to the District of Columbia. I saw it when I was a county prosecuting attorney. I saw it when I was lieutenant governor in Ohio. One of my responsibilities was to oversee the Ohio criminal justice system. Roughly that 80 percent of the people in Ohio prisons and our jails had substance abuse problems. That is true for the District of Columbia, as well.

Spending money on treatment of people behind bars may not be the most popular thing to do, but it does make sense. It is cost effective. It is the right thing to do. The sad truth is we already pay to house, feed, and clothe the prisoners. Doesn't it make sense, while we have their attention, while they cannot leave, that we work to try to give them some drug treatment while they are in prison or jail? Almost every single prisoner will someday walk out the door and return to society. It makes good sense to spend money for drug treatment. We do this and provide a significant increase in the funding of this bill.

Third, the bill includes $16 million to provide security protection for those living and working in the District of Columbia. The September 11 Pentagon tragedy and the tragedy in New York and Pennsylvania clearly demonstrated the need in every district in this country to have an integrated emergency management system in place. It certainly demonstrated that need in the District of Columbia. This funding will pay for a coordinated emergency plan for the District of Columbia in national security situations including, of course, terrorist threats, protests, natural disasters, or other unanticipated events.

As a condition of receiving these funds, in this bill, we are requiring that the District develop and submit to Congress a comprehensive plan to improve security measures and procedures in the District of Columbia.

Fourth, the bill includes funding for the local Federal Police Mobile Wireless Interoperability Project to provide equipment to facilitate direct communication to between the D.C. Metropolitan Police, the U.S. Secret Service, the U.S. Park Police, and the U.S. Capitol Police. We were pushing this prior

to the September 11 attacks. The recent tragedy highlighted how important it is that the District's law enforcement teams are able to communicate effectively. It is important in every city in this country, but in this city we have a unique problem. Our unique problem is we have so many different agencies that have authority: The D.C. Metropolitan Police, the U.S. Secret Service, the U.S. Park Police, and the U.S. Capitol Police. This effort will coincide with the integrated emergency planning to help enhance the District's overall response to security threats.

Briefly, I will mention three other important initiatives included in this bill. I am pleased the bill includes funds for the Green Door Mental Health Clinic to expand the facility. Our friend and colleague from New Mexico, Senator DOMENICI, has been a very strong advocate and supporter of this program. I thank him for his strong support and his dedication. The Green Door is a community program for people with severe and persistent mental illness. The Green Door program serves about 300 people. Of the people it serves, 70 percent are African American. Of those 300 people, about 75 percent are schizophrenic.

In a separate, but equally important provision of the bill, we have included funds to assist the D.C. Safe Kids Coalition to expand their permanent child safety seat fitting station programs. These stations are vital to help reduce motor vehicle-related deaths and injuries—the leading cause of injury-related deaths among children age 14 and under. Funds will help the District distribute additional child safety seats to low-income families.

The Safe Kids Coalition is a group I worked with in Ohio. I have seen their great work in Ohio. I have seen their great work in the District of Columbia. I have seen it across our country. They are literally saving lives every single day. They are doing things that matter. The small amount of money we have included in this bill, I believe, will help them save the lives of children in the District of Columbia.

Finally, this bill provides funding to the Children's National Medical Center to help renovate its facilities, update its equipment, and provide private areas for families. Each year, the children's hospital in the District of Columbia provides care to approximately 200,000 infants, toddlers, youngsters, teenagers, from every State in the Union. Kids from all over the country are treated here. Kids travel here, their families travel here. This children's hospital really has a national focus.

The Center conducts Federal research for the National Institutes of Health and supports pediatric specialists who are nationally and world renowned. We are very fortunate to have the children's hospital here in the District of Columbia, the Children's National Medical Center. We do serve children, not just in the District, but throughout the world.

Anyone who has a child has probably at one time or the other taken that child to a children's hospital. My wife, Fran, and I have had that experience on several occasions. Each time we go into that setting as very apprehensive, worried parents, I can tell you it is a great relief to deal with professionals who know what they are doing, who know children are not just miniature adults, that they are different and they have to be dealt with differently. That is something with which I think we need to help the District of Columbia and help private agencies that are helping the National Children's Medical Center to improve its facilities, to improve its research to better help with our children. So we have provided money in this bill to do that.

Let me again thank my colleague, Senator LANDRIEU, for her great work. It has been a pleasure to work with her. As she has indicated, we do have maybe two or three amendments that we will, I think, dispose of tomorrow. I anticipate it will not take us very long to debate these issues. There were a couple of issues we just could not get resolved in the committee. They will be resolved within an hour or two tomorrow, and I hope we will then be able to move, by about mid-day, to final passage of this bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, we will be open for amendments under the time agreement in just a few moments. I thought I would add a couple of closing remarks. We may have amendments presented tonight. We are anticipating probably those amendments will be presented in the morning.

I wanted, for the record, to also thank not only my distinguished colleague from Ohio and ranking member but also the other members of our committee for their fine work. I thank the Senator from Illinois, Mr. DICK DURBIN, the Senator from Texas, Mrs. HUTCHISON, and the Senator from Rhode Island, Mr. REED, for their work and dedication to helping us bring this bill to the floor, working on all these issues in great detail, conducting meetings, conducting phone conversations, conferences, meeting with House Members to resolve many of these issues and to work with the local officials in such a respectful, progressive, and forward-looking way.

I also thank my colleague and counterpart in the House, Congressman KNOLLENBERG from Michigan, for his fine work as a chair on the House side, and also the Congressman from Philadelphia, Mr. FATTAH, for his work on these important issues.

I want to mention a couple of important projects. Senator DEWINE mentioned a few. I see some other Senators are coming to the floor—Senator SESSIONS and others—but I would like to take a moment to mention a few other projects that are in this bill.

One is an investment of a half-million dollars that I think will help us begin to build up for the city—and with the partnership of the Federal Government and with the city government and related agencies and, most important, with the families of the District—a partnership to help us build and develop, over time, hopefully some of the finest recreation sports fields and facilities in the Nation.

As Senator DEWINE said, as a parent of eight children—I am a parent of two and actually am a soccer mom on weekends here in the District, and in Louisiana to some extent also—I am visiting and spending a lot of time with soccer moms and soccer dads. I played a little baseball in my day. I know, growing up in New Orleans, how important sports and athletics are to the development of our family. I watched how important that was for many other families. I think here in the District there are some wonderful opportunities of which we are not fully taking advantage.

I shared this with the mayor. He expressed not only his commitment but enthusiasm. The city council and its members and leaders in the city, expressed their enthusiasm for working with Congress in partnership to help create better opportunities for our children in every neighborhood and every area of the city to participate in organized sports and to have opportunities for soccer fields, baseball diamonds, and basketball courts. In this particular bill we have a study to be conducted for possible locations—close, in this region—that could help us build the kind of facilities that are now available in jurisdictions just right outside of the District, in Maryland and Virginia.

Bond issues have been passed. Great corporate partnerships have come together. So if you live in Maryland or live in Virginia, the chances are on the weekend you can get to a soccer field that is actually well maintained and well manicured and kids and parents can have so much fun and enjoy the beautiful scenery and great opportunity that sports bring to teach children lessons and bring families together.

Unfortunately, we do not have those kinds of extensive facilities in the District. It is one of my goals to work with the many different organizations in the city, and the elected officials, to help build a foundation.

In addition, I understand the District itself would like to host the Olympics in 2012, which is a wonderful goal. It is going to be quite a challenge. Building these sports facilities is not only great for improving the quality of life and helping give children and families the kind of experience we all hope for in the communities in which we grow up, but it is also a great economic opportunity for the District to position itself as a potential contender for the Olympics. So I am very keen and very passionate and committed to this particular area.

In addition, I thank Senator DEWINE for his work with Children's Hospital

and for the investments he has made in creating the children and family court system. Let me take a minute on that particular subject.

We hope every child in this country and the world will stay in the family to which they were born. I think it is what God intended. It is what we hope for and work for every day. But there are facts, tragedies, and circumstances where children cannot stay with their biological parents. There are some tragedies that have occurred in this District and in places around the Nation. We are hoping to build a bipartisan consensus in this country, and I might say in the world, on the simple notion that all children deserve a family to call their own. Children should not be raised in hospitals, left to grow up alone on the streets, to comfort themselves when they are sick, to put themselves in bed, and get themselves up in the morning at ages at which you could not believe they could be capable of doing that.

It is incumbent upon our Government, working with the private sector and nonprofit organizations, to make sure every child has a family. We want them to stay with their biological families if at all possible; but if not, to not leave them alone or in a situation that is not permanent, and move them to adoption.

So investing in a new court system, starting up a family court, is a great step toward that goal of helping children to be connected to at least one loving, responsible adult.

I am proud to say that adoptions in the District are up, but we still have too many children in foster care.

I can't give this speech nearly as well as the mayor himself, who came out of foster care at the age of 4. He was basically declared to be mentally unfit at that age. His emotional capacity was questioned. His adoptive mother, Ms. Williams, gave a beautiful testimony. She said she looked at this child and could see something very special in his eyes and decided to take him into her family. She raised him, and the rest is history. He went on to a fine university and is now mayor of this great city.

I hope people can see hope in the mayor of this city, in him and his adoptive family, and what can happen when the system works well—to connect the child who needed a mother and father, a mother and father who wanted a child, and to see how this community and Nation will benefit when that system works.

This bill is committed to laying a foundation to help this system work for the District and hopefully serve as a model for the Nation.

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

Ms. LANDRIEU. Yes, of course.

Mr. REID. Mr. President, I have been listening to the Senator's opening remarks, and especially to what she just stated, and her humility. She can speak with great authority about adoption. The Senator and her husband, Frank, have two beautiful children, Mary Shannon and Connor. I remember going to her office, and Mary Shannon was there on the floor, having recently come into her life and all of ours.

I am sure that Mayor Williams can give a very dramatic speech. Senator LANDRIEU speaks from experience, and she speaks volumes. As chairman of the subcommittee, she is focusing on that which needed to be focused for a long time in the District of Columbia. I think that says a lot.

I want everyone within the sound of her voice to understand that she speaks about something which is not read in a book. They adopted two beautiful children. They are very happy and very fortunate children.

Ms. LANDRIEU. Mr. President, I thank the Senator. I appreciate those remarks. Frank and I are blessed. As adoptive parents, we can't believe that we are so blessed to have an opportunity to take children into our home. People think you are doing them a great favor, but actually they do a great favor by just being the beautiful children that they are.

As the Senator said, I am an advocate because I have seen the benefit of not only adoptive children but as an adoptive family. I have seen the benefits of birth families and birth mothers who have made such a selfless decision. Given all of the desires expressed, and the needs of the parties, the least our government can do is to invest some money and some time to put in structure and accountability so these matches can be made. Our whole society benefits.

I am proud that this is in this bill.

I hope this bill will be the beginning of new investments in the District public school system, particularly giving more choices for parents in the District for charter schools, for magnet schools, and for more public school choice, by helping to return ownership of the schools to the communities and to the parents, by breaking down some of the systematic barriers that fight against excellence and greatness, which keeps us thinking that mediocrity is what we strive for when that is not the case. We strive for excellence. We strive for greatness in our schools. We have to keep pushing forward, thinking in different ways and helping us stabilize the middle class as it grows in the District, both black and white and people of all races. We cannot stabilize the middle class without an excellent school system. I want to work with members of local government to help do that.

I reserve the remainder of my time.

Mr. CONRAD. Mr. President, I rise to offer for the RECORD the Budget Committee's official scoring for S. 1543, the District of Columbia Appropriations Act for Fiscal Year 2002.

The Senate bill provides $408 million in discretionary budget authority, which will result in new outlays in 2002 of $368 million. When outlays from prior-year budget authority are taken into account, discretionary outlays for the Senate bill total $416 million in 2002. The Senate bill is at its section 302(b) allocation for both budget authority and outlays. The bill does not provide any emergency-designated funding. In addition, the bill approves the District government's budget for 2002, including granting it the authority to spend $7.154 billion of local funds.

The Congress is far behind in passing the 13 regular appropriations bills for 2002. Much of this delay is the result of the extraordinary events of this year. I am hopeful that the bipartisan agreement reached between the President and congressional appropriations on the 2002 budget earlier this month will result in a quick completion of the 2002 appropriations. It is particularly important that the Senate act expeditiously to pass this bill, which not only provides a limited amount of federal funding to the District, but also, through the enactment of its budget, allows the city to obligate and spend its own local revenues.

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

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

S. 1543, DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2002, SPENDING COMPARISONS—SENATE-REPORTED BILL

[In millions of dollars]

	General purpose	Mandatory	Total
Senate-reported bill:			
Budget Authority	408	0	408
Outlays	416	0	416
Senate 302(b) allocation:[1]			
Budget Authority	408	0	408
Outlays	416	0	416
House-passed bill:			
Budget Authority	398	0	398
Outlays	408	0	408
President's request:			
Budget Authority	342	0	342
Outlays	362	0	362
SENATE-REPORTED BILL COMPARED TO:			
Senate 302(b) allocation:[1]			
Budget Authority	0	0	0
Outlays	0	0	0
House-passed bill:			
Budget Authority	10	0	10
Outlays	8	0	8
President's request:			
Budget Authority	66	0	66
Outlays	54	0	54

[1] For enforcement purposes, the budget committee compares the Senate-reported bill to the Senate 302(b) allocation.

Notes.—Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I thank the President. I express my appreciation for the good work of the Senator from Louisiana on the issues that she described. I appreciate her commitment to education and to the improvement of education.

THE NOMINATION OF KARON OWEN BOWDRE

Mr. SESSIONS. Mr. President, in just a few minutes we will be voting on a Federal judge nominee for the Federal District Court of the Northern District

of Alabama, Karon Owen Bowdre. Senator SHELBY and I are pleased that President Bush chose to nominate her. Her nomination moved through the committee and will be up for a vote in just a few minutes.

Karon Bowdre is a first-rate judicial nominee. Karon Bowdre has been a student, a legal practitioner, and a professor of law. She graduated cum laude from the Cumberland School of Law, where she served as associate editor of the Cumberland Law Review. Cumberland may be the largest school in Alabama. It is an excellent law school.

After graduating from law school Mrs. Bowdre served as a law clerk for the Honorable J. Foy Guin, Jr. in the Federal District of Northern Alabama, the court to which she has been nominated. She is very familiar with the Federal district court, having clerked and practiced there.

Judge Guin, a wonderful Federal judge, has taken senior status. He was number one in his class at the University of Alabama School of Law. His father was an excellent practitioner. I had the honor of practicing in his law firm immediately after his going on the bench in Birmingham. Mrs. Bowdre has a good background. She clerked for the Federal judge in the very district that she will be serving. Prior to becoming a full-time professor, Mrs. Bowdre spent several years as associate and partner, practicing law at the well-respected law firm of Rives & Peterson in Birmingham, our State's largest city. Rives & Peterson is an outstanding firm and her serving as partner in that firm is proof of her legal ability.

During a substantial part of that practice, she litigated a number of cases in the Federal court system. For the last 11 years, Mrs. Bowdre has been teaching students about the rule of law. As a professor and director of the Legal Research and Writing Program at the Cumberland School of Law, she has authored numerous articles on insurance law and legal ethics. She has established a reputation as a professor who insists on quality work from students, and high ideals and high ethics.

In addition, she has been called to testify as a legal expert on insurance issues and has been involved in lecturing at Continuing Legal Education seminars.

Mrs. Bowdre knows how to deal with lawyers, with witnesses, and with parties. These experiences have no doubt prepared her for service on the Federal bench.

Her reputation as a lawyer and as a scholar has earned her broad support in the community. I would like to quote a letter submitted by perhaps one of the most successful plaintiff lawyers in Alabama, Jere Beasley. Even though Mrs. Bowdre, as an insurance defense attorney, was generally arguing the opposite position of Mr. Beasley, he had this to say on her behalf.

> I have known Karon for a number of years and believe that she will be an outstanding U.S. District Judge. She will have wide acceptance from lawyers . . . regardless of whether they represent plaintiffs or defendants. While my practice is one that represents plaintiffs only, I am convinced that Karon will be fair and competent to all concerned and that is all that any lawyer should ask of a judge. She is highly qualified and, in my opinion, will do an outstanding job.

Her integrity, experience, and commitment to the rule of law are outstanding.

I commend Chairman LEAHY for placing her on the Senate Judiciary Committee agenda last month and for moving the nomination. I recommend her to my colleagues in the Senate without reservation.

I served for almost 15 years—12 years as U.S. Attorney and 2½ as Assistant U.S. Attorney in the Federal court. Those 15 years of practice full-time in Federal court gave me a basis to appreciate the value of a good Federal judge. When you go to court every day and you are there before a Federal judge who has a lifetime appointment, they can afford to be irritable, if they so choose, and there is nothing you can do about it. This knowledge makes you realize the importance of good Federal judges.

I am confident that Mrs. Bowdre will be the kind of judge that will serve the litigants and lawyers well that appear before her. Day after day and hour after hour she will give her best service to the country, and she will give her honest and best rulings in case after case that comes before her. You can't ask for more than that.

She has integrity, outstanding legal ability, and broad experience. She will be an outstanding Federal judge. I am honored to have submitted her name. I am confident she will be confirmed in a few minutes.

I yield the floor.

The PRESIDING OFFICER (Ms. STABENOW). The Senator from North Dakota.

AVIATION SECURITY

Mr. DORGAN. Madam President, I congratulate the Senator from Louisiana and the ranking Senator from Ohio for their work on the District of Columbia Appropriations Act. I am pleased to support it, pleased as a member of the Appropriations Committee to support it.

I intend to support the judge my colleague from Alabama just described. That judge has a commendable record of public service. I am pleased to support the President's nomination.

I rise to comment about something that is not in the appropriations bill. Then I will speak on an amendment I intend to offer. First, on the issue of aviation security, I believe we are or probably have appointed conferees from the Commerce Committee on the issue of writing an aviation security bill in conference between the House and Senate. I will be one of those conferees.

It is a shame we have had to wait this long. We passed a bill dealing with aviation security 100-to-0 in the Senate. It wasn't a great controversy, just judging by the margin of the vote—100-to-0—people here believing that we needed to improve security of the country's airlines.

We need to give people a feeling of security that when they board an airplane their fellow passengers have been properly screened, that we have made certain there is not a risk that we are going to have additional hijackings. The airport security bill was very important. We passed it 100-to-0. The House of Representatives dragged their feet and waited and waited and didn't act.

Finally, they acted. They passed a piece of legislation that is deficient. Their concern was that the Senate bill would have ''federalized'' workers at airports who are screening baggage and other related activities dealing with security.

Let me describe a couple of things about security. Yesterday I was in Chicago. I came back by commercial air from Chicago to Washington, DC. As I picked up the newspaper in the Chicago airport, I read about the events of the previous day, Sunday, at O'Hare Airport. Most people have now heard of that circumstance on Sunday, but let me describe it for a moment. It is not an isolated instance.

A fellow named Subash Bahadar Gurung, age 27, was arrested Sunday in Chicago on charges that the night before he tried to bring knives, chemical spray, and a stun gun onto an airplane.

Here is the frightening part of all this: This fellow, who according to news reports is in this country illegally, got through the initial screening with the X-ray machine and reached the gate to board his airplane. At the screening they discovered he had two knives. They confiscated the knives, then let him go to the gate.

At the gate, he went through an expanded screening and they opened everything he had and discovered he had seven additional knives, a can of mace, and a stun gun. I don't know if the guy is a terrorist, but I do know he is stupid. Nine knives, mace, and a stun gun, showing up at the airport?

There is something else that is wrong: He got all the way to the gate with seven of his knives, a stun gun, and a can of mace.

The Secretary of Transportation had a lot to say about that yesterday. But the point is this: We don't have a security system in place that gives people confidence. Just ask yourself: If someone can get through O'Hare Airport, one of our largest airports, can get through the screening process with seven knives and a stun gun and a can of mace, what kind of confidence does that give people who are traveling?

Let me give you a couple of other suggested incidents that ought to give us cause for concern. In Westchester County Airport in New York last Friday, a woman was arrested on charges of criminal possession of a weapon

when she had a palm-size .22-caliber handgun that showed up on an x-ray of her luggage. So they caught her at the screen.

She said: Well, this gun belonged to a boyfriend and besides, it hadn't shown up on an earlier flight.

That gives you a lot of security, doesn't it, a real feeling of security?

She said: It is my boyfriend's gun, but it didn't show up on the previous flight when I went through.

We can go to Tuesday, a Mississippi man in New Orleans was able to get through the security checkpoint with a loaded gun in his carry-on bag, and he was allowed to board a plane at Louis Armstrong International Airport. He got on the plane with this loaded gun. He said he didn't realize the handgun was in his briefcase. He discovered it in the middle of the flight and immediately handed it over to a flight attendant. He said it was a pure accident.

The question is, How do you get through a checkpoint, a screening process, with a loaded handgun in your briefcase?

Let me describe the company that was screening at O'Hare Airport in Chicago this past weekend. Argenbright apparently is the largest company that employs screeners around the country. They employ screeners at more than 33 airports in the United States. In fact, I believe they are an international company that provides services around the world.

They were fined $1.5 million in October of last year and placed on 3 years probation for making false statements to the FAA concerning training, testing, and background checks. In other words, they were hiring people with criminal backgrounds, not training them properly, doing a lot of things, and lying to the FAA about it, certifying that in fact things were just great, when in fact they were not. They were fined $1.5 million and put on probation.

Then last month, they were found in violation of their probation for continued violations regarding their screening services.

Last weekend, they were still on the job, the same company. Filing fraudulent statements with the FAA, fined $1.5 million, put on probation, found in violation of probation, and still working? Would that happen to people, real people, do you think? I don't think so. They would lose their job. But not big companies.

Last weekend, this company and its employees allowed a guy to get through a screening with nine knives—caught two of them, missed seven—a stun gun and a can of mace. Talk about incompetence; talk about a story that once again undermines people's confidence in flying on commercial airlines, this is it.

The question is, Is there an emergency in this Congress to do the right thing: to pass an aviation security bill and do it the right way, and do the right thing? You bet your life there is.

What happened was, we saw that process get hijacked in the House of Representatives by two Congressmen from Texas. Why? Because they said they didn't want these people to be Federal employees. I don't care whose employees they are. All I care about is accountability. I care about making something work. I care about getting something done the right way.

I say to those people who always denigrate public employees: Why don't you say that to the families of the firemen who were climbing up on the 25th and the 35th and the 45th floors as the World Trade Center was burning and about to come tumbling down on these brave men and women who served on the firefighters force and the law enforcement forces who were in those buildings and lost their lives, say to them that public service doesn't count. Say to them that somehow being a public employee is a second class citizen. Say it to them or their families.

The fact is, we have an obligation to do this right. Security is a responsibility—in this case, at our airports—of ours, of the Government.

We passed a piece of legislation here that was Hollings-McCain, Democrat and Republican, a bipartisan piece of legislation that was supported by 100 Senators and passed 100-to-0. Then we run into this brick wall—people who object to everything all of their lives. They get up in the morning cranky and can't find anything right about anything, and they come up with legislation that doesn't solve a problem. It is just the same old approach that will put us back in the same old rut.

So as we tackle this question of airport security, aviation security, as one member of the conference, I will insist on doing the right thing right now, not next week or the week after. The American people have a right to expect we will do the right thing, the responsible thing, that will improve security at this country's airports.

Madam President, I will mention one other issue, and it deals with aviation security. Every day, we have aircraft coming into this country from overseas, commercial airliners that are landing as I speak at some airport in the United States, carrying passengers who are guests of ours. They are given a visa to visit our country. They are guests of our country. We have allowed them to become guests through the visa process. We have said: You are given a visa and you may come to the United States.

On most of those flights, the carrier—the airline sending these guests to the United States—sends us an advance list of their names. It is called the APIS, advance passenger information system. Do you know why they do that? Since 1988, they have been doing that in order that we might check a list of the foreigners coming to the United States against our list at the FBI, Customs Bureau, and 21 other Federal agencies, to determine, are these people known or suspected terrorists, violent criminals, and others who should not be allowed into our country? Are they? Well, we get the list and we check it against all of these data bases. It has been a very successful thing to do.

The problem is we don't get all of the names. We get 85 percent of the names; 15 percent of the names we don't get. We don't get the names from airlines from Pakistan and Saudi Arabia, and we didn't get them from Kuwait until last week. From Egypt we don't get names, and from Jordan, and I could go on.

The result is that since the day the President signed the counterterrorism bill on October 26, 178,000 people have landed in this country without having their names submitted for preclearance to our database at the FBI, Customs, and other law enforcement agencies. That is an approach that would allow us to weed out suspected terrorists and others.

The Customs Commissioner testified before a committee I chair, and he said this should be made mandatory. I said: I agree, it should be; let's ask the airlines not complying to do so. So I offered an amendment during the counterterrorism bill when it was debated in the Senate, and the Senate agreed to it unanimously. That was that. That bill then went to conference, and some people in conference from the other side said: Gee, I don't know, this is about our committee jurisdiction; it didn't go through our committee, therefore we reject it.

They kicked it out of conference. So when President Bush signed that bill, this provision wasn't there. It means that the counterterrorism bill, where this was when it left the Senate, did not have a central provision that is necessary for us to prescreen passengers coming into this country, especially from countries such as, yes, Pakistan, Egypt, Jordan, Saudi Arabia, Kuwait, and others.

Somebody said: When you raise these issues about certain countries, aren't you profiling? The answer clearly is no. We are only interested in profiling terrorists or suspected terrorists, or those who associate with them, because we don't want them to come in as guests of our country. So we do profile people who are either known terrorists or who associate with terrorists because we want to keep them out of this country.

Is that selfish? No. That is self-protection. We have every right to decide we don't want a guest in this country who is going to try to injure this country. So I included that amendment in the counterterrorism bill. It got knocked out in conference. I don't like to use this language, but I said: Of all the boneheaded things for people to do—to assert committee jurisdiction on an issue of national importance such as this.

But on the last appropriation bill we passed, earlier today, I offered this amendment last week. The Senate just passed it again. I intend to put it on

this appropriations bill. I am going to offer it on every piece of legislation until we get people to think more about national security on the other side than they are thinking about committee jurisdiction, and until they understand airplanes should not land in this country unless they have complied with the APIS system, which has been in place since 1988.

Since September 11, we ought to understand the obligation we have to be careful about screening those who are guests in our country. You cannot provide security in this country unless you provide security for our borders. Part of our border security is to deal with those roughly 70 million, 80 million people a year who come into this country on commercial airlines as guests, coming from foreign countries. So I intend to offer that amendment again today. I will offer it to any other legislation we have on the floor. I know people will say that is blue slip, or it is this, or it is that. It is none of that. That is all nonsense.

Mr. BURNS. Will the Senator yield?

Mr. DORGAN. Yes.

Mr. BURNS. I ask the Senator, we passed the airport security law in this body and we changed the authority—moving the authority from the Department of Transportation to the Department of Justice. That was my amendment. I contended at that time that we really don't have a problem with the laws; we have trouble with enforcing the law. I would be interested in seeing what the Senator's thoughts are on keeping the bright line of authority to the Attorney General rather than leaving it with the Department of Transportation.

Mr. DORGAN. This particular issue happens to be the Department of Customs with respect to advance passenger information. They run all of these names against the Justice Department list, the FBI list, and 21 different Federal agencies that keep lists of undesirable people coming into the country. That is a separate issue in conference. I think the Senator from Montana is probably one of the conferees on the aviation security bill. I am going to be one as well. We can talk about all of those issues.

All I really care about—going back to the issue of aviation security—is that we get the job done. The one thing that is clear to me is companies that have been fined for defrauding the Government—in effect, companies that have been put on probation and violate their probation, that hire screeners who leave the company to fry hamburgers because they get more money to do it, and to let somebody come through with nine knives, a stun gun, and a can of mace—those are companies I don't want screening baggage. I want somebody on whom I can rely. All I care about is accountability and results.

Mr. BURNS. We know there are areas of responsibility. Who best can have access and be a model for us, without expending a lot of money or building a new bureaucracy? We know we have to have passenger lists and we need intelligence. Who best to do that other than the Department of Justice? We need security at the check-in area and also the gate area. Who best, other than the Justice Department, knows how to secure Federal buildings, Federal courts, moving Federal prisoners—all of these things they already do? Some they do themselves and some they contract out to companies that have a very good reputation with them.

I think the conference ought to get underway right away. I am supportive of the Senator's views on that and say we ought to be in the business of protecting the American public as best we know how, instead of writing a law and putting it into the hands of the administrative rule writers, who sometimes write rules for their own benefit and not for the protection of the people.

Mr. DORGAN. In closing, the issue is not so much the jurisdiction of which agency. In fact, we do have a law enforcement function and security functions at DOT. Some say maybe it should be the FAA. But the fact is, the big dispute, the thing that held up forever was that the House of Representatives didn't want to have people who were public employees, Federal employees. So that was the big thing over in the House of Representatives.

I do not think it was in the Senate. We passed the bill in the Senate 100–0 largely because we believed if we had good training and accountability, if we hired good people and had guidelines for them to follow, then we would be able to provide security in our country's airports.

One thing is very clear from all of these reports: We do not have good security with the current system. This system needs changing. This system does not work, and all we need to do is look at O'Hare in Chicago last Saturday and look at the papers on Sunday and Monday and understand how bad the system is and why we have to get at this job now, this week, and get it done.

I yield the floor.

EXECUTIVE SESSION

NOMINATIONS OF KARON O. BOWDRE TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ALABAMA AND STEPHEN P. FRIOT TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF OKLAHOMA

The PRESIDING OFFICER. The hour of 5:30 p.m. having arrived, under the previous order, the Senate will now proceed to executive session to consider two nominations, which the clerk will report.

The legislative clerk read the nominations of Karon O. Bowdre, of Alabama, to be United States District, and Stephen P. Friot, of Oklahoma, to be United States District Judge for the Western District of Oklahoma.

The PRESIDING OFFICER. There are now 5 minutes evenly divided between the chairman and the ranking member. Who yields time? If no one yields time, time will be charged equally to both sides.

Ms. LANDRIEU. Madam President, I suggest the absence of a quorum and ask unanimous consent that the time be charged equally.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

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

The PRESIDING OFFICER. The nomination of Karon O. Bowdre is before the Senate.

Mr. REID. Madam President, I ask unanimous consent that all time that has not been used be yielded back and that we vote on the nomination.

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

The question is, Will the Senate advise and consent to the nomination of Karon O. Bowdre, of Alabama, to be United States District Judge for the Northern District of Alabama? The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. REID. I announce that the Senator from New Jersey (Mr. TORRICELLI) is necessarily absent.

Mr. NICKLES. I announce that the Senator from Virginia (Mr. ALLEN) is necessarily absent.

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

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 326 Ex.]

YEAS—98

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

Snowe	Thomas	Warner
Specter	Thompson	Wellstone
Stabenow	Thurmond	Wyden
Stevens	Voinovich	

NOT VOTING—2

Allen	Torricelli

The nomination was confirmed.

VOTE ON NOMINATION OF STEPHEN P. FRIOT

The PRESIDING OFFICER. The question now is on the confirmation of the nomination of Stephen P. Friot to be United States District Judge for the Western District of Oklahoma.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from New Jersey (Mr. TORRICELLI) is necessarily absent.

Mr. NICKLES. I announce that the Senator from Virginia (Mr. ALLEN) is necessarily absent.

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 327 Ex.]

YEAS—98

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

NOT VOTING—2

Allen	Torricelli

The nomination was confirmed.

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

The motion to lay on the table was agreed to.

Mr. NICKLES. Mr. President, I am pleased that the Senate today has confirmed Stephen P. Friot, an outstanding individual and a superb attorney, to be U.S. District Court Judge for Oklahoma's Western District.

President Bush could not have chosen a finer individual to serve our country as a district court judge. Steve Friot is exceptionally well qualified and will prove to be a great asset to the judicial system in Oklahoma and our country.

Steve graduated from the University of Oklahoma School of Law in 1972 and upon his graduation went to work for the firm that now bears his name, Spradling, Alpern, Friot & Gum. While focusing his practice on corporate, tort defense and aviation litigation, Steve has shown a strong commitment to equal justice for all. He has continually strived to include pro bono cases in his practice.

Steve has been actively involved in the Oklahoma legal community. He has been very active in the Oklahoma Bar Association serving several times as a member of the Association's House of Delegates. He has also served as chairman of the association's committees on Legal Specialization and Administration of Justice. Steve served as president of the Oklahoma County Bar Association and is the current president of the Ruth Bader Ginsburg American Inn of Court. He is described by colleagues as being a ''competent, honorable individual who possesses the judicial temperament and intellect we all want on the Federal bench.'' His colleagues know him as an extremely hard worker with the highest ethical standards.

Steve's commitment to his community is hardly limited to the legal profession. He has been very active in the Boy Scouts of America where he currently serves as Assistant Scoutmaster for Troop 4. Steve has also worked diligently for the Central Oklahoma Habitat for Humanity where he currently serves as vice chairman of the board of directors. In 1995, Gov. Frank Keating appointed Steve to serve on the Board of Trustees of the Oklahoma Housing Financing Authority. Steve currently serves as vice chairman of the board which assures that the agency is serving Oklahomans in need of affordable housing.

Steve and his wife Nancy, a dedicated kindergarten teacher, have been married for more than 25 years. They are particularly proud of their son Andy whose early involvement in the Boy Scouts encouraged Steve's commitment to that organization. Andy is in the Air Force ROTC at Le Moyne College in Syracuse, NY. His dedication to his country is in no doubt a reflection of his parents who have shown a strong sense of community with a commitment to serving the public good in Oklahoma.

I congratulate Steve and his family on his having earned the position for which President Bush has selected him. I thank Chairman LEAHY and Senator HATCH, the ranking member of the Judiciary Committee, for their work on Steve Friot's nomination. I applaud the Senate for confirming him. He will make an outstanding judge who will work diligently to administer justice in the Western District of Oklahoma.

Mr. HATCH. Mr. President, the Senate has had both the honor and the pleasure of considering the nominations of several extremely well-qualified individuals to serve as Federal judges.

Although I was unable to be here due to an unavoidable scheduling conflict, I am pleased that last night the Senate confirmed Larry R. Hicks to be a Federal district judge for the District of Nevada. He earned a bachelor's degree from the University of Nevada at Reno and a law degree from the University of Colorado School of Law before going to work in 1968 as a Deputy District Attorney in Washoe county, NV. Three years later, he became the Chief Criminal Deputy District Attorney. In 1975, Mr. Hicks was elected the District Attorney for Washoe County, where he gained extensive experience in litigating murder, robbery, and other major felony trials. He remained in that position until 1979. Since that time, Mr. Hicks has been a partner in a private law firm in Reno. He has been chairman of the firm's litigation section since 1985. Mr. Hicks has also served as a settlement judge since 1998 for the Nevada Supreme Court. He has compiled an excellent track record, having successfully achieved settlement in all but 5 of the 40 cases assigned to him.

I am also please that Christina Armijo was confirmed today to be a Federal district judge for the District of New Mexico. She earned both her Bachelor of Arts degree and her Juris Doctor degree from the University of New Mexico. After 3 years of practicing law for Sandoval County Legal Services, she started her own private practice in her hometown of Las Vegas, NM. Her practice consisted not only of general civil and administrative law, but also included long-term contracts to defend felony criminal cases as a public defender, litigate child abuse cases on behalf of New Mexico, and serve as a Due Process Hearing Officer for the state Department of Education. After 18 years of private practice, Judge Armijo was appointed to serve on the New Mexico Court of Appeals in early 1996. She was elected to a full 8-year term later that year. In her almost 6 years on the bench, none of her decisions has been reversed.

We now have the opportunity to consider the nomination of Karon Owen Bowdre to be a Federal district judge for the Northern District of Alabama. She received her bachelor's degree cum laude from Samford University and graduated cum laude from the Cumberland School of Law in 1981, where she was associate editor of the Cumberland Law Review and a member of the Moot Court Board. After graduation from law school, Professor Bowdre served as judicial law clerk in the United States District Court for the Northern District of Alabama and then practiced with a private law firm in Birmingham, AL. She handled numerous trials in State and Federal court, primarily involving insurance, product liability, medical malpractice, fraud and bad faith, and discrimination cases. Since 1990, Professor Bowdre has taught at the Cumberland School of Law at Samford University.

We are also considering the nomination of Stephen P. Friot to serve on the Federal bench in the Western District

of Oklahoma. While attending the University of Oklahoma College of Law, Mr. Friot was a member of the Order of the Barrister, and was the recipient of the Law Day Moot Court Award and the United States Law Week Award. Upon graduation in 1972, he joined a private law firm, and has spent the past 29 years practicing civil trial and appellate law in Oklahoma City. In the last 10 years, Mr. Friot has tried cases involving employment law, product liability, aviation product liability, title insurance, slander of title, interference with contract rights, ground water pollution, real property covenants, insurance marketing practices, partnership law, and healthcare law. He has been listed as one of the ''Best Lawyers in America'' for Business Litigation since 1989.

I have every confidence that these nominees will serve the United States with honor and distinction. I want to thank Senator LEAHY for moving their nominations, and Senator SCHUMER for chairing their confirmation hearing. I fully support the nominations of these candidates, and urge my colleagues to do so as well.

I must note, however, that one nominee for the Federal appellate court, Edith Brown Clement, had her hearing before these nominees, on October 4, and was voted out of committee on the same date as these nominees. She is exceedingly well-qualified for the Fifth Circuit, having served as a Federal district court judge for the past decade. I look forward to the Senate's prompt consideration of her nomination as well.

I must also note that at least one committee member submitted written questions to these nominees on October 30, a mere 2 days before the committee was scheduled to consider their nominations. Another committee member waited until November 1 to submit questions to one of these nominees. This was nearly one month after the nominee's October 4 confirmation hearing, and despite the fact that it was announced at her hearing that the record would remain open for only 1 week. I am concerned that the practice of submitting additional questions to nominees long after their confirmation hearings is becoming a tool to delay consideration of their nominations. I urge my colleagues to give these nominees a fair shot at confirmation by submitting their questions in a timely fashion.

I would also like to respond to remarks made yesterday regarding the Senate's pace of confirming judges. The short answer is that the confirmation of 16 judges when there are 102 vacancies in the Federal judiciary is nothing to brag about. And despite the fact that the Senate has confirmed only 4 Federal appellate court judges this year, the Judiciary Committee refuses to hold any more hearings on appellate court nominees. This pace pales in comparison when you consider that we held hearings on 14 appellate nominees in 1998, 12 appellate nominees in 1995, and 10 appellate nominees in 1999.

Another point that was made yesterday was the number of nominees whose paperwork was not complete. By my count, the ABA has not submitted ratings on 11 pending nominees. Five of these nominations have been pending for more than 8 weeks. Another has been pending more than 6 weeks. This is despite the ABA's pledge to submit its ratings within 35 days at the least. It seems to me that even if the Democratic members of the Judiciary Committee are willing to give the ABA a preferential role in evaluating judicial nominees, even where the Constitution does not, they should not allow the ABA to hold judges hostage by failing to submit timely ratings.

In sum, we need to take a hard look at the number of judges we have confirmed in light of the astronomical number of vacancies on the Federal judiciary, and judge our progress on confirmations by that standard. The fact remains that the pace of vacancies has exceeded the pace of judicial confirmations. We in the Senate must do our part to address the real and serious vacancy crisis that threatens to clog our nation's Federal courts and deny the administration of justice to American citizens. We can only do this by speeding up the pace of confirmations before the end of this session.

Mr. LEAHY. Mr. President, today the Senate confirmed M. Christina Armijo of New Mexico to be a United States District Judge for the District of New Mexico. We now have the opportunity to act on the nominations of two additional judicial nominees. When we vote to confirm Karon Bowdre of Alabama and Stephen Friot of Oklahoma, the Senate will have confirmed 16 judges since July 20 of this year. When we confirm these District Court nominees, the Senate will have confirmed more District Court judges this year than were confirmed in the entire first year of the first Bush administration in 1989.

In addition to our work on the antiterrorism legislation since September 11, the Senate Judiciary Committee has persevered in the wake of the terrible events of September 11 and will by tomorrow have held 5 hearings for 21 judicial nominees.

Within 2 days of the terrible events of September 11, I chaired a confirmation hearing for the two judicial nominees who were able to drive to Washington while interstate air travel was still disrupted.

At our committee meeting on October 4, 2001, we reported those two judicial nominees and held another confirmation hearing on five judicial nominees that same day.

On October 18, 2001, in spite of the closure of Senate office buildings in the wake of the receipt of a letter containing anthrax spores and Senate staff and employees testing positive for anthrax exposure, the Committee proceeded with its previously scheduled business meeting under extraordinary circumstances in the United States Capitol and reported four judicial nominees favorably to the Senate. On that same day, despite the unavailability of the Judiciary Committee hearing room and the closure of Senators' offices, we proceeded with another confirmation hearing for an additional five judicial nominees.

Two weeks ago, while the Senate Republicans were shutting down the Senate with a filibuster preventing action on the bill that funds our nation's foreign policy initiatives and provides funds to help build the international coalition against terrorism, the Judiciary Committee nonetheless proceeded with yet another hearing for four more judicial nominees on October 25, 2001, our third hearing involving judicial nominees in October.

Tomorrow morning we are holding another hearing for five more judicial nominations.

The facts are that since the committee was assigned its members on July 10, 2001, the committee will have held nine hearing involving 28 judicial nominees. By tonight the Senate will have already confirmed 16 judges, including four to the Courts of Appeals. These numbers show that there have been more hearings for more nominees, more confirmations of more judges to the District Courts, and more confirmations of more judges to the Courts of Appeals this year than by the same date in either the first year of the first Bush administration or the first year of the Clinton administration. The facts are that the Judiciary Committee and the Senate are ahead of the confirmation pace for judicial nominees in the first year of the first Bush administration or the first year of the Clinton administration.

I know that Karon Bowdre has the strong support of the senior Senator from Alabama who came to introduce her at her hearing. I am told that Senator SESSIONS came to the floor earlier today to speak in support of this nomination. I recall that the senior Senator from Oklahoma came to the hearing to speak in favor of Stephen Friot and that he has the support of Senator INHOFE, as well.

Both these nominees were among those District Court nominations sent to the Senate just before the August recess. They had to be returned to the White House without action when the Republican leader objected to retaining them here over the recess. They were nominated in early September and the Committee received their ABA peer review ratings in early October. They were then scheduled to participate in a hearing on October 18, considered by the committee at last week's business meeting and are being confirmed today, November 6, which is approximately 1 month after receiving the ABA ratings.

I congratulate the nominees and their families on these confirmations.

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.

UNANIMOUS CONSENT AGREEMENT—H.R. 2944

Mr. REID. Mr. President, I ask unanimous consent that when the Senate resumes consideration of H.R. 2944, the D.C. appropriations bill, tomorrow at 10 a.m., Wednesday November 7, after the bill is reported, Senator ALLEN be recognized to offer an amendment regarding needle exchange; that there be 60 minutes for debate prior to a vote in relation to the amendment, with the time equally divided and controlled in the usual form; that no amendment be in order to the amendment prior to a vote in relation to the amendment; that upon the use or yielding back of the time, the Senate vote in relation to the amendment; that upon the disposition of the Allen amendment, Senator HUTCHISON be recognized to offer an amendment relating to attorneys fees; that there be 60 minutes for debate with respect to the amendment; that no second-degree amendment be in order; that upon the use of 15 minutes each for proponents and opponents of the Hutchison of Texas amendment, the amendment be set aside until 2:30 p.m. the same day, with the remaining 30 minutes of debate equally divided; that upon the use or yielding back of the time, the Senate proceed to vote in relation to the Hutchison amendment, with no further intervening action.

I further ask unanimous consent that upon the use of 30 minutes of debate on the Hutchison amendment, there then be a period of morning business until 2:30 p.m., with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the majority and Republican leaders or their designees.

We have a very important briefing by one of the President's Cabinet Members tomorrow afternoon. That is the reason for the extended morning business time.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. SESSIONS. Mr. President, I ask unanimous consent to proceed in morning business.

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

(The remarks of Mr. SESSIONS pertaining to the introduction of S. 1641 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. DASCHLE. Mr. President, I ask unanimous consent that there now be a period for morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

Mr. BAUCUS. Mr. President, I would like to take this opportunity to explain my absence during yesterday's roll call vote on the nomination of Larry Hicks to be U.S. District Judge of the Nevada District. I do not dissent on Mr. Hick's nomination and if I had been present, I would have voted aye.

Unfortunately I was absent during yesterday's rollcall vote because my attendance was necessary at a meeting to discuss the economic future of my home State of Montana. I discussed the State of Montana's timber industry with Plum Creek Timber Co., the largest wood products business in Montana. To be specific, we discussed what tools are necessary to ensure that business in Montana survives our Nation's current economic downturn.

The future of a specific industry in my State brings me to a larger point, the economic state of rural America after September 11, 2001. Much attention has been paid, as it should, to the economic effect of the terrorist attacks on our major centers of commerce. Primarily America's largest cities and the coasts. However, the impact has been felt equally as hard in rural America where the economy was already slowing.

In addition to the wood products industry, agricultural commodities which are the lifeblood of Montana and rural America are hurting worse then ever before. The past 3 years have been disastrous due to drought. Now Montana's farmers are faced with sharply escalating operating costs due to higher energy and fertilizer prices. According to the most recent projections provided by the U.S. Department of Agriculture, total farm expenses are expected to rise again this year, right on the heels of a $10 billion increase last year.

As costs spiral out of control, farm income has not kept pace. Last year net farm business income was at a decade low according to USDA. Unless Government assistance is continued, net farm income in 2001 is projected to be even lower.

The downturn in rural America is especially calamitous because prolonged economic depression often means extinction for these rural communities. A few bad years forces everyone out of business, not just those that sell commodities for a living. The very people and places that make up the fabric of the American economy are forced to seek opportunity elsewhere. This is a price that I am not willing to pay.

As we consider economic recovery measures we cannot forget rural America. We must not let the immediate damage that we see every night on the evening news blind us to the crisis that is happening in rural communities across America. We simply do not have a choice. The cost is simply too high.

LOCAL LAW ENFORCEMENT ACT OF 2001

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

I would like to describe a terrible crime that occurred May 30, 1993, in Concord, CA. A gay man was sprayed with mace and threatened with a golf club by a neighbor who used an anti-gay slur. The assailant, Gilbert Lucero, 37, was arrested on assault charges.

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.

ADDITIONAL STATEMENTS

IN RECOGNITION OF THE GOLDEN ANNIVERSARY OF THE JEWISH BOOK FAIR

• Mr. LEVIN. Mr. President, I ask that the Senate join me today in congratulating the Jewish Community Center of Metropolitan Detroit on the occasion of the golden anniversary of the Jewish Book Fair. Since 1951, the book fair has nourished the literary appetite of the metropolitan Detroit community.

Along with the Book Fair, the Jewish Community Center of Metropolitan Detroit has enriched Jewish life and supported Jewish unity in and around the Detroit area for 75 years. The Community Center also strives to enhance life in the general community and welcomes all those in southeast Michigan to take advantage of the Center's facilities and programs.

The Jewish Community Center's Annual Book Fair is the largest and oldest in the country, and its programs

are offered free of charge to the public. This November, 40 authors of national and international acclaim will come to the week long fair. Participants at this year's fair will include a diverse range of authors from noted attorney Robert Shapiro, to the author of the Scooby Doo Mysteries, James Gelsey, to Dr. Ruth Westheimer. In addition, the fair will offer the largest selection of books by Jewish authors and of Jewish content available in the Detroit area. The organizers of the fair expect over 20,000 visitors.

The Jewish Community Center has long enriched the lives of those residing throughout southeast Michigan. This year's book fair will surely continue this worthy legacy. I trust that my Senate colleagues will join me in recognizing The Jewish Community Center of Metropolitan Detroit on the Occasion of the 50th Annual Book Fair.●

RAMAPO COLLEGE

● Mr. CORZINE. Mr. President, I honor today Ramapo College and welcome its new president, Dr. Rodney Smith.

As those of us in New Jersey have known for many years, Ramapo's real strength lies not just in its academics, but also in its emphasis on global and hands-on learning. In recent years, this fine institution has also become nationally recognized as one of the top liberal arts colleges in the northeast, offering degrees in fields as diverse as the arts and humanities, and the sciences and business. Ramapo's reach extends far beyond its Mahwah, NJ, location. The strength of Ramapo's academic reputation attracts students seeking a varied and quality education—students from not only every county within my home State of New Jersey, but also from neighboring states, across the country and around the world.

On November 14, 2001, Dr. Smith will offer his first State of the College to the students, faculty and friends of Ramapo College. Accepting this prestigious post as Ramapo's third president, Dr. Smith joins the college at an exciting time in its history. With enrollment and applications continuing to rise, the college continues to grow, both in the number of programs it offers and the number of students it serves.

An accomplished author and educator, Dr. Smith joins Ramapo College from Hampton University, where he served in several capacities, most recently as Vice President for Planning and Dean of the Graduate College. Prior to his tenure at Hampton university, Dr. Smith held positions at a number of esteemed institutions, including Harvard University. As we enter into a new century and mark the beginning of the College's fourth decade, Ramapo can be confident in Dr. Smith's ability to lead, guiding one of New Jersey's premier colleges in its present course of providing progressive programs and a concerned and committed faculty.

Mr. President, I am pleased to invite my colleagues to join me in celebrating Dr. Smith's distinguished career and his future endeavors at Ramapo College.●

HONORING JULIA CHILD

● Mr. KERRY. Mr. President, it is a special honor for me to celebrate one of Massachusetts' most famous citizens and one of America's most famous chefs, Mrs. Julia Child. For over 40 years she has brightened our lives with recipes, books, and television shows that have broadened our palettes as well as our understanding of the world and on November 7 her peers will gather to honor her invaluable contributions to her craft. I am proud to join so many of Greater Boston's restaurants in celebrating this remarkable career at this and the many other events planned to recognize a uniquely American journey.

Over the past four decades, Julia revolutionized the way America cooks and eats, expanding and elevating the sophistication of the American appetite. Her influence can be seen in the bookstores of the country, where dining and cooking sections have grown to compete with history and commerce, and on the television, where cooking shows have proliferated and now present and celebrate traditions from all over the world.

Julia is widely credited with exposing the American kitchen to the tastes, practices and history of international cooking, with specific focus on France. Her television shows, all of which were peppered with spontaneity, the occasional gaffe and her radiant personality, made cooking fun and accessible. She loved the basic mechanics of the kitchen, the how and why behind each step. Somehow, in its entirety, her career struck that elusive balance between removing the mystery of international cuisine while still celebrating its mystique.

For those who know Julia, who understand the steel and the intellect of this magnificent woman, it will come as no surprise that she made substantive contributions to American life even before she found fame in America's kitchens. After graduating Smith College and volunteering at the Red Cross, she joined the CIA's precursor, the Office of Strategic Services, OSS, and served throughout the World War II. When the OSS announced the need for volunteers to staff offices overseas, Julia was thrilled by the prospect of serving her country in a higher capacity. Her work in America's first intelligence agency took her to Ceylon, now Sri Lanka, India and China. Like so much else in her pioneering career, Julia was one of the first women to contribute to the war's intelligence effort in such an active position, earning promotions and accolades in what was very much a male-dominated agency.

After the war, Julia and her husband, Paul, moved to Paris where he joined the U.S. Information Service. It was in the famed gourmet restaurants along the Seine that Julia developed her insatiable love of French cuisine. Inspired by the simple yet majestic culinary creations found across the Atlantic, French cooking soon became Julia's obsession. Determined as ever, she entered the prestigious Corden Bleu cooking school, again as the lone woman. Just six years out of culinary school, Julia and three fellow expatriates founded the ''L'ecole des Trois Gourmandes,'' a school of the culinary arts in Paris. Ten years after her first taste of souffle Julia published with two other chefs what is still the most thorough and comprehensive French cooking manual brought to the States, ''Mastering the Art of French Cooking, Volume I.'' In this book, which has since become a classic, Julia made the complex and unpronounceable cuisine accessible and appealing to mainstream America, forever changing how America approaches cooking, dining and entertaining.

After the publication of Volume I, Julia returned to America and commenced one of the most fruitful television careers in history. ''The French Chef,'' a show that began with Julia using her own hot plate and frying pan in a news studio at WGBH in Boston, became one of the longest running television shows in history. As a deeper testament to her commitment to the public good, Child donated her whole salary to public broadcasting in order to help fund future public television endeavors.

Julia donned the apron in seven other television cooking shows, including Dinner at Julia's and The Master Chef Series. She has won several Emmy Awards and just last year was elected to the French Legion of Honor, an extremely prestigious honor awarded by the French Government. Characteristically, Julia has used her success to forge many philanthropic efforts and broaden global understanding, including the American Institute of Wine and Food and the Julia Child Circle.

This month Julia is moving to California after devoting more than four decades to her profession. She has changed forever the way we will cook and eat in America, she upheld the highest standards of professionalism and generosity throughout her career, and wrote an indelible chapter in the progress of women in our society.

Her cheer and wit will be greatly missed on our television sets but the knowledge and insight she served will remain in our kitchens for a long time to come. I honor her to say, and I wish her the best of luck as she begins this new chapter in her life by borrowing the phrase that she not only concluded every show with, but also added into the popular American lexicon—Bon Apetit!●

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–4533. A communication from the Chief of the Regulations Branch, United States Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Customs Preclearance in Foreign Countries'' (T.D. 01–81) received on November 5, 2001; to the Committee on Finance.

EC–4534. A communication from the Deputy Secretary of the Division of Enforcement, United States Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Debt Collection—Amendments to Collection Rules and Adoption of Wage Garnishment Rules'' (RIN3235–AI34) received on November 5, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–4535. A communication from the Deputy Secretary of the Division of Market Regulation, United States Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Final Rule Amendments to the Books and Records Requirements for Brokers and Dealers Under the Securities Exchange Act of 1934 [17 CFR 240.17a–3 and 240.17a–4] [see Exchange Act Release No. 44992, October 26, 2001]'' (RIN3535–AH04) received on November 5, 2001; to the Committee on Banking, Housing, and Urban Affairs.

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. HUTCHINSON (for himself and Mr. GREGG):

S. 1635. A bill to ensure the prompt research, development, manufacture, and distribution of new life-saving drugs, biologics, and medical devices that prevent or mitigate the consequences of a chemical or biological bioterrorist attack, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BAUCUS:

S. 1636. A bill to authorize the negotiation of a Free Trade Agreement with Taiwan, and to provide for expedited congressional consideration of such an agreement; to the Committee on Finance.

By Mrs. CLINTON (for herself and Mr. SCHUMER):

S. 1637. A bill to waive certain limitations in the case of use of the emergency fund authorized by section 125 of title 23, United States Code, to pay the costs of projects in response to the attack on the World Trade Center in New York City that occurred on September 11, 2001; to the Committee on Environment and Public Works.

By Mr. BOND:

S. 1638. A bill to authorize the Secretary of the Interior to study the suitability and feasibility of designating the French Colonial Heritage Area in the State of Missouri as a unit of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. VOINOVICH (for himself and Mr. THOMPSON):

S. 1639. A bill to provide Federal managers with tools and flexibility in areas such as personnel, budgeting, property management and disposal, and for other purposes; to the Committee on Governmental Affairs.

By Mr. CLELAND:

S. 1640. A bill to suspend temporarily the duty on certain steam turbines and generators for power generation; to the Committee on Finance.

By Mr. SESSIONS (for himself and Mr. NICKLES):

S. 1641. A bill to impose additional requirements to ensure greater use of the advance payment of the earned income credit and to extend such advanced payment to all taxpayers eligible for the credit; to the Committee on Finance.

By Mr. ENZI:

S. 1642. A bill to open certain withdrawn land in Big Horn County Wyoming, to locatable mineral development for bentonite mining; to the Committee on Energy and Natural Resources.

ADDITIONAL COSPONSORS

S. 540

At the request of Mr. DEWINE, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 540, a bill to amend the Internal Revenue Code of 1986 to allow as a deduction in determining adjusted gross income the deduction for expenses in connection with services as a member of a reserve component of the Armed Forces of the United States, to allow employers a credit against income tax with respect to employees who participate in the military reserve components, and to allow a comparable credit for participating reserve component self-employed individuals, and for other purposes.

S. 990

At the request of Mr. SMITH of New Hampshire, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 990, a bill to amend the Pittman-Robertson Wildlife Restoration Act to improve the provisions relating to wildlife conservation and restoration programs, and for other purposes.

S. 1434

At the request of Mr. SPECTER, the names of the Senator from Indiana (Mr. BAYH), the Senator from Oklahoma (Mr. NICKLES), the Senator from Alabama (Mr. SESSIONS), and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of S. 1434, a bill to authorize the President to award posthumously the Congressional Gold Medal to the passengers and crew of United Airlines flight 93 in the aftermath of the terrorist attack on the United States on September 11, 2001.

S. 1493

At the request of Mr. BOND, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1493, a bill to forgive interest payments for a 2-year period on certain disaster loans to small business concerns in the aftermath of the terrorist attacks perpetrated against the United States on September 11, 2001, to amend the Internal Revenue Code of 1986 to provide tax relief for small business concerns, and for other purposes.

S. 1499

At the request of Mr. KERRY, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1499, a bill to provide assistance to small business concerns adversely impacted by the terrorist attacks perpetrated against the United States on September 11, 2001, and for other purposes.

S. 1593

At the request of Mr. JEFFORDS, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 1593, a bill to authorize the Administrator of the Environmental Protection Agency to establish a grant program to support research projects on critical infrastructure protection for water supply systems, and for other purposes.

S. 1597

At the request of Mr. KERRY, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 1597, a bill to amend the Public Health Service Act to establish programs to alleviate the nursing profession shortage, and for other purposes.

S. 1600

At the request of Mr. DAYTON, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1600, a bill to amend the Internal Revenue Code of 1986 to allow medicare beneficiaries a refundable credit against income tax for the purchase of outpatient prescription drugs.

S.J. RES. 12

At the request of Mr. SMITH of New Hampshire, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S.J. Res. 12, a joint resolution granting the consent of Congress to the International Emergency Management Assistance Memorandum of Understanding.

AMENDMENT NO. 2039

At the request of Mrs. CLINTON, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of amendment No. 2039 intended to be proposed to H.R. 3061, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

AMENDMENT NO. 2044

At the request of Mr. DASCHLE, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of amendment No. 2044 proposed to H.R. 3061, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HUTCHINSON (for himself and Mr. GREGG):

S. 1635. A bill to ensure the prompt research, development, manufacture, and distribution of new life-saving drugs, biologics, and medical devices that prevent or mitigate the consequences of a chemical or biological bioterrorist attack, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

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

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

S. 1635

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 ''Pathogen Research, Emergency Preparedness and Response Efforts Act of 2001'' or the ''PREPARE Act''.

SEC. 2. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.

The Public Health Service Act (42 U.S.C. 201 et seq.) is amended by adding at the end the following:

''TITLE XXVIII—DEVELOPING NEW COUNTERMEASURES AND PROTECTING EXISTING COUNTERMEASURES AGAINST BIOTERRORISM

''SEC. 2801. DEVELOPMENT OF DRUGS, BIOLOGICAL PRODUCTS, AND MEDICAL DEVICES TO COMBAT BIOTERRORISM.

''(a) IDENTIFICATION OF CHEMICAL OR BIOLOGICAL AGENTS OR TOXINS.—

''(1) IN GENERAL.—The Secretary, in consultation with the Secretary of Defense and the Attorney General, shall identify chemical or biological agents or toxins that may be identified, prevented, or treated through—

''(A) the development of new covered products;

''(B) the development of new uses, including pediatric uses, for approved covered products; or

''(C) the manufacture or distribution of covered products that would otherwise not be manufactured or distributed in sufficient quantities.

''(2) PUBLICATION AND AVAILABILITY.—Not later than 180 days after the date of enactment of this title, and annually thereafter, the Secretary shall publish in the Federal Register, or otherwise make available to manufacturers or potential manufacturers of covered products, a list of the chemical or biological agents and toxins identified under paragraph (1) for which the Secretary desires to encourage the development of, or new uses for, covered products or the manufacture or distribution of such covered products.

''(b) CONSULTATION.—In carrying out this section, the Secretary shall consult with experts in the pharmaceutical, biotechnology, and medical device industries, academic medical centers, and research institutions, including those with pediatric expertise.

''(c) LIMITED ANTITRUST EXEMPTION.—

''(1) COUNTERMEASURES DEVELOPMENT MEETINGS.—

''(A) SCHEDULING COUNTERMEASURES DEVELOPMENT MEETINGS.—The antitrust laws shall not apply to meetings or consultations conducted by the Secretary with parties involved in the development of countermeasures for the purpose of the development, manufacture, distribution, and sale of countermeasures that are prioritized under section 2841(c), consistent with the purposes of this title. The Secretary shall give notice to the Assistant Attorney General of Antitrust of meetings scheduled pursuant to this subsection.

''(B) MEETING CONDITIONS.—Any meeting under subparagraph (A)—

''(i) shall be chaired by the Secretary;

''(ii) shall be open to parties involved in the development of countermeasures, as determined by the Secretary;

''(iii) shall be open to the Attorney General and the Federal Trade Commission;

''(iv) shall be limited to discussions involving the development, manufacture, distribution, or sale of countermeasures that are prioritized under section 2841(c); and

''(v) shall be conducted in such manner as to ensure that national security, confidential, and proprietary information is not disclosed outside the meeting.

''(C) MINUTES.—The Secretary shall ensure that minutes of the meeting are maintained.

''(2) APPLYING FOR LIMITED EXEMPTION.—

''(A) FILING PROCEDURES.—As a result of meetings in paragraph (1), the Secretary and participating parties may file a written request with the Attorney General for a limited exemption from the antitrust laws to allow appropriate parties to enter into agreements or engage in conduct relating to the development, manufacture, distribution, or sale of countermeasures prioritized under section 2841(c). Any such request shall set forth the intended purpose of the agreement, including an explanation as to why a cooperative effort among potential competitors is necessary to achieve the objective of the agreement. The request shall state with specificity the substance of the agreement, the methods that will be utilized to achieve the objectives of the agreement, and other relevant information relating to the development and production of countermeasures that are prioritized under section 2841(c).

''(B) GRANT OF EXEMPTION.—The Attorney General, in consultation with the Chairman of the Federal Trade Commission shall grant, deny, grant in part and deny in part, or propose modifications to any request made pursuant to subparagraph (A) for exemption from the antitrust laws. In making the determination to grant, deny, grant in part and deny in part, or propose modifications to any such request, the Attorney General shall consider among other things: whether such agreement would promote the purposes of this Act, whether the exemption from the antitrust laws would promote the public interest, and the competitive impact to areas not directly related to the development and production of countermeasures prioritized under section 2841(c). The Attorney General shall make a determination on a request filed pursuant to subparagraph (A) within 60 days.

''(C) SUNSET.—The authority of the Attorney General to grant a limited antitrust exemption under this section expires at the end of the 2-year period beginning on the date of enactment of the Pathogen Research, Emergency Preparedness and Response Efforts Act of 2001.

''SEC. 2802. CONTRACTS FOR DEVELOPMENT OF COVERED PRODUCTS.

''(a) AUTHORITY.—The Secretary may enter into contracts, cooperative research and development agreements pursuant to section 11(a) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710(a)), material transfer agreements, or other agreements, or agree to the amendment or modification of existing or future contracts or agreements, for the development, manufacture or distribution of covered products for uses or new uses identified by the Secretary pursuant to section 2801(b). A contract or agreement entered into, or amended or modified, under this subsection may address 1 or more aspects of the development, manufacture, or distribution of 1 or more uses of 1 or more covered products. Such contracts or agreements may set forth guaranteed minimum quantities of products and negotiated unit prices.

''(b) TIMING OF CONTRACT.—Notwithstanding any other provision of law, the Secretary may enter into a contract or agreement under subsection (a) even prior to the development, approval, or clearance of the covered product that is the subject of the contract or agreement. Such contract or agreement may provide for the termination of the contract or agreement for the convenience of the Federal Government if the contractor fails to develop the covered product involved.

''(c) PAYMENTS.—Payments under a contract or agreement under subsection (a) may be made from—

''(1) funds obligated for the performance of the contract or agreement involved;

''(2) funds available for the development, manufacture, distribution, or purchase of covered products for uses referred to in section 2801(b); or

''(3) any other funds available to the Secretary.

''(d) CONTRACTS.—In administering the provisions of this section, the Secretary may enter into contracts in advance of appropriations and incur obligations without regard to provisions of law relating to contracts, including sections 1341, 1342, 1349, 1350, and 1351, and subchapter II of chapter 15, of title 31, United States Code.

''SEC. 2803. INDEMNIFICATION.

''The Secretary shall, in any contract or agreement for the manufacture, development, distribution, or the purchase of a covered product intended for a use identified by the Secretary pursuant to section 2801(b), indemnify and hold harmless the contractor consistent with the following principles:

''(1) USES COVERED.—Indemnification only extends to uses of the covered product pursuant to a contract entered into by the Secretary under section 2802.

''(2) ENTITIES COVERED.—The Secretary may indemnify contractors, subcontractors, distributors, persons who administer covered products, or other parties as determined appropriate by the Secretary pursuant to contracts entered into under section 2802.

''(3) LIMITS.—No indemnification shall be provided for intentional torts by the contractor or torts by the contractor involving gross negligence or recklessness.

''SEC. 2804. HIGH QUALITY PRODUCTION.

''The Secretary may, with the agreement of the manufacturer of a drug, biological product, or medical device that is approved, licensed, or cleared (or awaiting approval, licensure or clearance) under section 505, 510, 513, or 515 of the Federal Food, Drug, and Cosmetic Act, or section 351 of this Act, and is a covered product, provide intensive assistance, including on-site assistance, when necessary, in order to facilitate prompt compliance with good manufacturing practice regulations under sections 210, 211, 225, 226, 600, 601, 606, or 820 of title 21, Code of Federal Regulations, in the manufacturing, processing, packing, or holding of the drug, biological product, or medical device.

''SEC. 2805. SECURITY FOR RESEARCH AND PRODUCTION.

''(a) IN GENERAL.—The Secretary, in consultation with the Attorney General and the Secretary of Defense, may award grants, contracts, or enter into cooperative agreements, and provide technical or nonmonetary assistance, to provide security to facilities that conduct research, development, production, distribution, and storage of covered products.

''(b) BEST PRACTICES.—The Secretary shall develop guidelines and best practices to enable entities eligible for funding under this section to secure their facilities against potential bioterrorist attack.

"SEC. 2806. MOBILITY OF STOCKPILE.

''(a) SPECIAL EVENTS.—In managing the National Pharmaceutical Stockpile, the Secretary, in consultation with State and local government officials, shall take into consideration the timing and location of special events, including designated national security events.

''(b) LOCATION OF CERTAIN STOCKS.—In carrying out subsection (a), the Secretary shall ensure that medical supplies from the National Pharmaceutical Stockpile are located in appropriate proximity to the site of the special event.

"SEC. 2807. DEFINITIONS.

''In this title:

''(1) ANTITRUST LAWS.—The term 'antitrust laws'—

''(A) has the meaning given such term in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(a)), except that such term includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent such section 5 applies to unfair methods of competition; and

''(B) includes any State law similar to the laws referred to in subparagraph (A).

''(2) BIOLOGICAL AGENTS OR TOXINS.—The term 'biological agents or toxins' has the meaning given in section 178 of title 18, United States Code.

''(3) COVERED PRODUCTS.—The term 'covered products' includes drugs, biological products including vaccines, and medical devices including in vitro diagnostics, that may be developed or produced to identify, prevent, or treat disease or harm in humans, including children and other vulnerable populations, resulting from an attack or threatened attack using chemical or biological agents or toxins.

''(4) DEVELOPMENT.—The term 'development' includes the identification of suitable compounds or biological materials, the conduct of preclinical and clinical studies, the preparation of an application for marketing approval or clearance, the conduct of post-market or post-approval studies, and any other actions related to preparation of a covered product.''.

SEC. 2. EXPEDITING FDA REVIEW AND APPROVAL.

(a) AMENDMENT.—Section 506 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356) is amended by adding at the end the following:

''(e) CHEMICAL OR BIOLOGICAL AGENTS OR TOXINS.—

''(1) IN GENERAL.—The Secretary may designate an unapproved covered product identified pursuant to section 2801(b) of the Public Health Service Act as a fast-track product pursuant to this section. Such a designation may be made prior to the submission of—

''(A) a request for designation by the sponsor; or

''(B) an application for the investigation of the drug under section 505(i) or section 351(a)(3) of the Public Health Service Act.''.

''(2) USE OF ANIMAL TRIALS.—An application for a drug for which approval is sought on the basis of evidence of effectiveness that is derived from animal studies under the last sentence of section 505(d) or section 351(a)(1) of the Public Health Service Act may be designated as a fast track product for purposes of this section.''.

(b) REVIEW.—The Secretary shall grant priority review to a submission for a covered product, unless the sponsor has filed an application for review of the product under section 506.

SEC. 3. USE OF ANIMAL TRIALS IN THE APPROVAL OF COVERED PRODUCTS.

(a) NEW DRUGS.—Section 505(d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(d)) is amended by adding at the end the following: ''In the case of drugs for use against a potentially lethal or permanently disabling toxic chemical or biological agent or toxin, when adequate and well-controlled studies in humans cannot ethically be conducted because the studies would involve administering such an agent or toxin to healthy human volunteers without a proven treatment, and when adequate field trials assessing the use of the drug (in situations such as after accidental or hostile exposure to the substance) have not been feasible, the Secretary may grant approval, including approval for pediatric populations, based on evidence derived from appropriate studies in animals or other information. The Secretary may use existing authority under section 506 or other relevant provisions to order post-marketing approval studies. Drugs approved solely under the authority of the preceding two sentences shall be for purposes of identifying, treating, or preventing infection, disease, injury, or other health condition or consequence resulting from a disabling toxic chemical, biological, radiological, nuclear attack, potential attack, or other significant disease emergency as the Secretary may determine appropriate.''.

(b) NEW BIOLOGICAL PRODUCTS.—Section 351 of the Public Health Service Act (42 U.S.C. 262) is amended by adding at the end the following:

''(k) APPROVAL OF CERTAIN PRODUCTS BASED ON ANIMAL TRIALS.—

''(1) IN GENERAL.—In the case of biological products for use against a potentially lethal or permanently disabling toxic chemical, biological, radiological, nuclear, or other agent or toxins, when adequate and well-controlled studies in humans cannot ethically be conducted because the studies would involve administering such an agent or toxin to human volunteers without a proven treatment, and when adequate field trials assessing the use of the biological product (in situations such as after accidental or hostile exposure to the substance) have not been feasible, the Secretary may grant approval, including approval for pediatric populations, based on evidence derived from appropriate studies in animals or other information.

''(2) POST-APPROVAL STUDIES.—With respect to products described in paragraph (1), the Secretary may use existing authority under section 506 of the Federal Food, Drug, and Cosmetic Act to order post-marketing approval studies.

''(3) LIMITATIONS.—Biological products approved solely under the authority of this subsection shall be for purposes of identifying, treating, or preventing infection, disease, injury, or other health condition or consequence resulting from a potentially disabling toxic chemical, biological, radiological, nuclear attack, potential attack, or other significant disease emergency as the Secretary may determine appropriate.''.

(c) FINAL RULE.—Not later than 60 days after the date of enactment of Pathogen Research, Emergency Preparedness and Response Efforts Act of 2001, the Secretary shall finalize the proposed rule published on October 5, 1999 regarding the use of animal trials in the approval of products.

SEC. 4. CHEMICAL OR BIOLOGICAL AGENTS AND TOXINS.

(a) IN GENERAL.—Chapter V of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by adding at the end the following:

"PART E—CHEMICAL OR BIOLOGICAL AGENTS AND TOXINS

"SEC. 570. AUTHORITY TO RESTRICT TRANSPORTATION AND USE.

''(a) IN GENERAL.—The Secretary shall undertake a program that, through inspections and other containment procedures, will prohibit the unauthorized shipment or transportation in interstate or foreign commerce, the possession or other use in or affecting commerce, or assistance to another person in such transportation, shipment, or other use by any person of chemical or biological agents or toxins or the receipt of such chemical or biological agents or toxins so shipped or transported.

''(b) DEFINITIONS.—In this section:

''(1) CHEMICAL OR BIOLOGICAL AGENTS AND TOXINS.—The term 'chemical or biological agents and toxins' has the meaning given such term in section 2801(a) of the Public Health Service Act refers to a biological agent or toxin listed as a 'select agent' in section 72.6(j) of title 42, Code of Federal Regulations, which is not exempt under section 72.6(h) or appendix A of such title and which does not include any such biological agent or toxin that is in its naturally-occurring environment and that has not been cultivated, collected, or otherwise extracted from its natural source.

''(2) PERSON.—The term 'person' includes an alien (other than an alien admitted for permanent residence) who is a national of a country as to which the Secretary of State has made a determination (that is in effect) that such country has repeatedly provided support for acts of international terrorism.''.

(b) ENFORCEMENT.—Section 301 of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 331) is amended by adding at the end the following:

''(aa) The shipment, transportation, possession or other use, assistance with respect to, or receipt of a biological agent or toxin in violation of section 570.''.

SEC. 5. REGULATION OF CHEMICAL OR BIOLOGICAL AGENTS AND TOXINS POSING POTENTIAL NATIONAL SECURITY THREAT.

(a) REDESIGNATION AND CLARIFICATION OF CHEMICAL OR BIOLOGICAL AGENTS; REGULATORY PROVISIONS OF ANTITERRORISM AND EFFECTIVE DEATH PENALTY ACT OF 1996.—

(1) IN GENERAL.—Part F of title III of the Public Health Service Act (42 U.S.C. 262 et seq.) is amended by inserting after section 351, the following:

"SEC. 351A. ENHANCED CONTROL OF CHEMICAL OR BIOLOGICAL AGENTS AND TOXINS.

''(a) REGULATORY CONTROL OF CHEMICAL OR BIOLOGICAL AGENTS AND TOXINS.—

''(1) LIST OF CHEMICAL OR BIOLOGICAL AGENTS AND TOXINS.—The Secretary shall, through regulations promulgated under subsection (c), establish and maintain a list of each biological agent and each toxin that has the potential to pose a severe threat to public health and safety.

''(2) CRITERIA.—In determining whether to include an agent or toxin on the list under subsection (a), the Secretary shall—

''(A) consider—

''(i) the effect on human health of exposure to the agent or toxin;

''(ii) the degree of contagiousness of the agent or toxin and the methods by which the agent or toxin is transferred to humans;

''(iii) the availability and effectiveness of pharmacotherapies and immunizations to treat or prevent any illness resulting from infection by the agent or toxin; and

''(iv) any other criteria that the Secretary considers appropriate; and

''(B) consult with scientific experts representing appropriate professional groups.

''(b) REGULATION OF TRANSFERS OF LISTED CHEMICAL OR BIOLOGICAL AGENTS AND TOXINS.—The Secretary shall, through regulations promulgated under subsection (c), provide for—

''(1) the establishment and enforcement of safety procedures for the transfer of chemical or biological agents and toxins listed

pursuant to subsection (a)(1), including measures to ensure—

''(A) proper training and appropriate skills to handle such agents and toxins; and

''(B) proper laboratory facilities to contain and dispose of such agents and toxins;

''(2) safeguards to prevent access to such agents and toxins for use in domestic or international terrorism or for any other criminal purpose;

''(3) the establishment of procedures to protect the public in the event of a transfer or potential transfer of a biological agent or toxin in violation of the safety procedures established under paragraph (1) or the safeguards established under paragraph (2); and

''(4) appropriate availability of chemical or biological agents and toxins for research, education and other legitimate purposes.

''(c) REGULATIONS.—The Secretary shall promulgate regulations to carry out this section.

''(d) DEFINITIONS.—For purposes of this section and section 351B, the term 'biological agent and toxin' shall have the meaning given such term in section 2801(a).''.

(2) CONFORMING AMENDMENT.—Subsections (d), (e), (f), and (g) of section 511 of the Antiterrorism and Effective Death Penalty Act of 1996 (42 U.S.C. 262 note) are repealed.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if incorporated in the Antiterrorism and Effective Death Penalty Act of 1996.

(b) REGULATION OF CHEMICAL OR BIOLOGICAL AGENTS AND TOXINS POSING POTENTIAL NATIONAL SECURITY THREAT.—

(1) IN GENERAL.—Part F of title III of the Public Health Service Act (42 U.S.C. 262 et seq.), as amended by subsection (a)(1), is further amended by inserting after section 351A, the following:

''SEC. 351B. REGULATION OF CHEMICAL OR BIOLOGICAL AGENTS AND TOXINS POSING POTENTIAL NATIONAL SECURITY THREAT.

''(a) IN GENERAL.—

''(1) LIST OF CHEMICAL OR BIOLOGICAL AGENTS AND TOXINS POSING NATIONAL SECURITY THREAT.—The Secretary shall, through regulations promulgated under subsection (d), establish and maintain a list of those chemical or biological agents and toxins listed pursuant to section 351A(a)(1) that the Secretary determines to be a potential national security threat.

''(2) CRITERIA.—In determining whether to include an agent or toxin on the list under subsection (a), the Secretary shall—

''(A) consider the criteria specified in section 351A(a)(2)(A)(i), and any other criteria that the Secretary considers appropriate; and

''(B) consult with scientific, intelligence, and military experts representing appropriate professional groups.

''(b) REGULATION OF TRANSFERS OF LISTED CHEMICAL OR BIOLOGICAL AGENTS AND TOXINS.—The Secretary shall, through regulations promulgated under subsection (d), provide for the establishment and enforcement of standards and procedures governing the possession, use, and transfer of chemical or biological agents and toxins listed pursuant to subsection (a)(1) that are designed to protect public safety and national security, including safeguards to prevent access to such agents and toxins for use in domestic or international terrorism or for any other criminal purpose.

''(c) CIVIL MONEY PENALTIES.—A violation of a requirement imposed by a regulation promulgated under this section shall be subject, in addition to any other applicable civil or criminal sanctions, to a civil money penalty in an amount not to exceed $250,000.

''(d) REGULATIONS.—The Secretary shall promulgate regulations to carry out this section.

''(e) FREEDOM OF INFORMATION ACT EXEMPTION.—Any information provided to the Secretary pursuant to regulations issued under subsection (d) or under section 351A(c) shall not be disclosed under section 552 of title 5, United States Code.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect as if incorporated in the Antiterrorism and Effective Death Penalty Act of 1996.

SEC. 6. ADMINISTRATION.

In administering the provisions of this Act, the Secretary of Health and Human Services shall—

(1) continue to recognize and honor rights relating to patents, data, and copyrights; and

(2) comply with all applicable provisions of the regulations relating to Federal acquisition, the Federal Trade Secrets Act, and all other laws protecting confidential commercial information, trade secrets, and intellectual property rights, and patent and non-patent market exclusivity rights.

SEC. 7. COORDINATION OF EFFORTS TO PROTECT AGAINST BIOTERRORISM.

The Secretary of Health and Human Services shall coordinate with the Secretary of Defense in the planning, design, and construction of a Department of Defense government-owned, contractor-operated vaccine production facility on a military installation, as appropriate.

SEC. 8. ENHANCEMENT OF PENALTIES FOR ANIMAL AND PLANT ENTERPRISE TERRORISM.

Section 43 of title 18, United States Code, is amended—

(1) in subsection (a), by striking ''one year'' and inserting ''5 years'';

(2) in subsection (b)—

(A) by redesignating paragraph (2) as paragraph (3);

(B) by inserting after paragraph (1) the following:

''(2) EXPLOSIVES OR ARSON.—Whoever in the course of a violation of subsection (a) maliciously damages or destroys, or attempts to damage or destroy, by means of fire or an explosive, any building, vehicle, or other real or personal property used by the animal or plant enterprise shall be imprisoned for not less than 5 years and not more than 20 years, fined under this title, or both.''; and

(C) in paragraph (3), as so redesignated, by striking ''under this title and'' and all that follows through the period and inserting ''under this title, imprisoned for life or for any term of years.''; and

(3) in subsection (c)—

(A) by striking ''and'' at the end of paragraph (1);

(B) by striking the period at the end of paragraph (2) and inserting ''; and''; and

(C) by adding at the end the following:

''(3) for any other economic damage resulting from the violation of this section.''.

By Mr. BAUCUS:

S. 1636. A bill to authorize the negotiation of a Free Trade Agreement with Taiwan, and to provide for expedited congressional consideration of such an agreement; to the Committee on Finance.

Mr. BAUCUS. Mr. President. I rise today to introduce the United States—Taiwan Free Trade Agreement Act of 2001. This bill authorizes the President to begin negotiations with Taiwan on a Free Trade Agreement, FTA, and provides for fast track consideration of a completed agreement by the Congress. Like the U.S.-Jordan Free Trade Agreement that was passed earlier in the session, this bill emphasizes the importance of promoting sustainable development and maintaining strong labor laws.

Over the past two decades, Taiwan has emerged as an important U.S. ally in the Asia-Pacific region. Together, we have worked to maintain peace and promote development throughout the region. As part of this process, the United States has committed itself to defending Taiwan from aggressive attacks, and provides millions of dollars annually in military aid to the island.

Taiwan has emerged as a vocal supporter of U.S. policy throughout Asia and the world. After the September 11 terrorist attacks, Taiwan was one of the first nations to express condolences and offer whatever aid we might need.

The ties between the United States and Taiwan extend beyond political ones, however.

Taiwan is the United States' eighth largest trading partner, despite not yet being a member of the World Trade Organization. In 2000, the U.S. exported more than $22 billion worth of goods and services to Taiwan, more than we exported to either China or Hong Kong.

The trade relationship between the United States and Taiwan has blossomed despite the fact that Taiwan is largely excluded from the international forums that help promote economic and political liberalization. For example, Taiwan is not a member of the United Nations.

This international isolation will start to end in 2002, when Taiwan is scheduled to become a member of the World Trade Organization, WTO. As part of the membership process, Taiwan made a number of trade concessions to further liberalize its trade regime; the U.S. will benefit from the lowered tariffs and declining market barriers that were part of these concessions.

There are opportunities in the Taiwanese market that we must look to seize. For example, U.S. agricultural producers have been particularly under-represented in the list of exports to the region.

A U.S.-Taiwan FTA could eliminate the last barriers to U.S. exports to Taiwan. Exporters, particularly agricultural exporters, would finally have unfettered access to a market of more than 22 million people. Moreover, importers would benefit from reduced tariffs and easier customs regulations.

The economic rationale for a U.S.-Taiwan FTA is indisputable. But the United States has always exported more than just its goods and services. This Nation's support of freedom and democracy throughout the world has been its most important trade policy for more than two hundred years.

Taiwan shares these values and deserves the continued support, both political and economic, of the United States. Over the past fifty years, Taiwan has evolved from single-party rule to a nation of free and open elections, where the transfer of power takes place

smoothly and peacefully. Today, it is a vibrant democracy that is continuing to progress towards open markets and liberalized trade. Supporting this process with an FTA not only encourages Taiwan to continue its economic reforms, it also serves as an explicit example of the very real benefits of opening markets for those countries that are just beginning to participate in the global trading system.

A free trade agreement with Taiwan is a concrete step that the United States can take towards supporting an ally that shares our values. The fact that such an agreement also promises concrete economic benefits to American farmers and manufacturers makes this process even more essential.

I urge my colleagues to join me in supporting the United States-Taiwan Free Trade Agreement Act of 2001.

By Mr. BOND:

S. 1638. A bill to authorize the Secretary of the Interior to study the suitability and feasibility of designating the French Colonial Heritage Area in the State of Missouri as a unit of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BOND. Mr President, I rise today to introduce legislation recognizing the historical significance of downtown Sainte Genevieve, MO. Sainte Genevieve was one of the first European settlements west of the Mississippi River, and still contains many structures and artifacts that have survived from its rich early history. Establishing this area as a unit of the National Park System will provide an unparalleled opportunity for Americans to be educated about our Nation's colonial past.

Sainte Genevieve was founded by French settlers in the mid Eighteenth Century. These early pioneers traveled south from French Canada, and built the rare French Colonial style structures that remain in place to this day. Today, the area contains an invaluable wealth of Native American and French Colonial sites, artifacts, and architecture. Perhaps most impressively, downtown Sainte Genevieve contains three of only five poteaux-en-terre (posts in the ground) vertical log French homes remaining in North America, dating from the 1790's.

In addition to the historic downtown district, the area adjacent to Sainte Genevieve is rich in historic sites. The ''Grand Champ'' common field of the French colonists still retains its original field land pattern. The area's saline salt springs were an important industry source for Native American and European settlers. And nearby ceremonial mounds are evidence of a prehistoric Native American village.

This area is a truly valuable asset to the State of Missouri, and I feel that it is only fair to share it with the entire nation by establishing the French Colonial Heritage Area as a unit of the National Park System. My legislation would take the first step toward such an establishment by directing the National Park Service to conduct a study of the historic features of Sainte Genevieve. After a thorough study, I am confident that the National Park Service will determine that Sainte Genevieve is the best tool with which to tell the important and fascinating story of the French in the New World.

By Mr. SESSIONS (for himself and Mr. NICKLES):

S. 1641. A bill to impose additional requirements to ensure greater use of the advance payment of the earned income credit and to extend such advanced payment to all taxpayers eligible for the credit; to the Committee on Finance.

Mr. SESSIONS. Mr. President, I take this opportunity to discuss legislation I have offered that would be good public policy for the country and a terrific stimulus for the economy beginning in January. Let me explain what this is about.

We have in this country a policy of helping the working poor called the earned income tax credit. That was passed in 1975. It was designed to help lower income people working on an hourly wage have a higher income to take care of their families. It is shaded in fact pretty heavily in favor of low-income people who have children.

It has worked well on the whole. There have been a lot of people who have criticized it. They have called it welfare. In a way, it is a benefit given. But it is a benefit given in exchange for work, when a person works. It is a benefit from the Federal Government called the earned income tax credit. It is a tax credit. If you work, you earn it. It has in general been a good way to help the working poor, as we call them today. Since 1975, we have done that.

The way the person receives the money, however, is detached from their work. The way a person receives their earned income tax credit is to file their tax return in February, March, April and get a tax return the next year after working all year. For example, for the year 2001, a low-income worker with two or more children could claim $4,008 in earned income tax credit, a worker with one child could receive up to $2,428, and a worker with no children could receive $364. The average earned income tax credit for a beneficiary with a qualifying child, one child, in 1999, was $1,941. That is about $150 a month, almost $1 an hour when figured on 160 hours for a month. It is a significant benefit from the Federal Government.

From a public policy point of view, it has been less effective in achieving the goal we want it to achieve, which is to encourage work, because it is received at the end of the year, really the next year; and it is disconnected to the work the person has undertaken.

We want to encourage people to work. We want work to be more rewarding. We want a person making $6 an hour making $7 an hour, just like that. Let's have them make $8 an hour if they were making $7. This could be done if we could in fact have this earned income tax credit paid at the time the person works, as part of their paycheck.

In fact, this idea had been discussed earlier, a number of years ago. We passed a bill in this Congress that would allow people to choose this and, oddly, not many people have. However, most people don't fully understand it. Others are afraid they might end up having a tax liability next year and didn't choose it. I don't think businesses have encouraged people to take it as much as they should and, as a result, only 5 percent of the people who are eligible and choose this earned income tax credit have it paid to them in advance when they work. So I think we have a problem there. We can strengthen our economy and we can strengthen the reward for a person going to work if we tie this credit to the work they do, to their paycheck.

In addition, I have discovered that the earned income tax credit is worth, for America, $31 billion a year. That is a lot of money by any standard. As we are looking at this time how to create an infusion of cash into our economy in a way that would strengthen this economy to make it more healthy, more vibrant, to get people purchasing again, to put dollars in the hands of consumers, I can think of no better way with the least possible cost to the Treasury than to have this money that would be entitled to come in the next fiscal year actually start coming in January on a person's paycheck. I think that would be a tremendous way to pour additional money into the economy without having any impact on the Treasury, except the loss of interest on the money the Federal Government would be sitting on. This would not hurt poor people in any way. It would not withhold or delay them receiving any money. But in fact it would advance their receipt of the money. So they would be receiving in February, March, April, May, when their tax refund comes due, their refund under the earned income tax credit for this year's work, but they would have already begun on January 1 of this year to receive on their paycheck the money for next year. So it would advance that payment and would provide a real stimulus to the economy because low-income people are going to be the ones who are most likely to spend it.

Remember, it would impact their paychecks significantly in that there is no withholding from this earned income tax credit. They will have already paid their insurance, retirement benefits, Social Security, FICA, and withholding taxes. All of that would have already been paid. Whatever they get in addition would be money they could put into their pockets. So it would achieve the goal of the earned income tax credit to enhance and make work more valuable and, at the same

time, would provide a tremendous stimulus to our economy. I am excited about this possibility, and I know Senator REED, who is in the chair, and I have discussed this. He was at least intrigued by this idea.

I was pleased today that Senator NICKLES, who has been a critic of the earned income tax credit, one who has studied it carefully and has observed some of its problems, believes it is a good reform, and he is supporting and has signed onto this bill as an original cosponsor.

So we have an opportunity to do something good for the economy, to do something good for poor people, to in effect have the businesses that now have to provide the option to their employees to go on and provide this money, which is reimbursed by the Federal Government immediately—it doesn't cost them anything—and their workers would receive 50 or 60 cents an hour pay raise as a result of this payment. I think it is something they ought to be excited about doing. I think it would enhance their workers benefits from working and make them better employees.

So it is time for us to do it now. I have been concerned about the issue. I have studied it for a number of years. I had some independent research done on it several years ago, and I have been thinking and looking for an opportunity to present it in the form of legislation. At this time, when we need a financial stimulus, I can't think of a better time. So I am asking the Finance Committee, and I have talked with the Director of the OMB, Mitch Daniels, the Secretary of the Treasury, Mr. O'Neill, and his top staff person. They are all intrigued by this and believe it has merit.

I think it is time for us to consider that this be a part of our stimulus package. It has little long-term impact on the Federal Treasury, but it would provide a tremendous infusion of cash into the economy just at the time we need people to go to the store and buy things, generating demand out there that would allow factories to produce more products. It would be giving additional wages to people who may be getting less overtime now than they were a year ago—maybe not even getting 40 hours a week now as they were last year. Those people would receive higher wages for each hour they do work.

I talked to a businessperson today, and they said they were on 4-day workweeks with their employees. They hated to do it, but there wasn't demand for their products sufficient to keep them fully engaged. Rather than lay people off, they put everybody on a 4-day workweek. So a lot of people are losing hours, and this would help keep them from losing income. I think it is good for the low-income workers in America. I think it is good for the economy, and I think it is good public policy for America.

Mr. President, we have talked with members of the Finance Committee and with the administration. I hope they will seize this opportunity to do something that, to me, has a win-win-win all over it, with no negatives. It is the right thing to do. Some say, well, business people may not want to handle the paperwork on this. Businesspeople print their checks out by computers, and it is not difficult for them. The money is paid to them. I talked to one gentlemen who hires employees—quite a number of low-income workers. He said he though it was a wonderful idea. It would be great for his workers, and it would be no problem at all for them to make that a part of their payroll check plan. It is just a matter of getting the person who processes that to factor it in, and it works rather easily.

Again, I believe it is a good idea, and I have submitted it to the Senate. I will be talking with the leadership and urging its passage. It is the right thing to do, and I think we ought to do it. The time is long past that we make this earned income tax credit really do what it is supposed to do, which is encourage work. It is to encourage people to work and, at the same time, when we do it by advancing it this year, we will provide a stimulus to the economy in a very significant way. We estimate that out of $31 billion in earned income tax credit, we would be advancing at least $15 billion next year, and that would be a healthy stimulus indeed for the economy.

By Mr. ENZI:

S. 1642. A bill to open certain withdrawn land in Big Horn County Wyoming, to locatable mineral development for bentonite mining; to the Committee on Energy and Natural Resources.

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

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

S. 1642

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

SECTION 1. OPENING OF CERTAIN WITHDRAWN LAND IN WYOMING TO LOCATABLE MINERAL DEVELOPMENT FOR BENTONITE MINING.

(a) IN GENERAL.—Notwithstanding any other provision of law and subject to subsection (c), the land described in subsection (b) shall be open to locatable mineral development for bentonite mining.

(b) COVERED LAND.—The land referred to in subsection (a) is approximately 40 acres of previously withdrawn land located in Big Horn County, Wyoming, at the sixth principal meridian, T. 56 N., R. 95 W., Sec. 32. E½E½SE¼, adjacent to Pit No. 144L covered by State of Wyoming Mining Permit No. 321C.

(c) CLOSURE.—The Secretary of the Army may close the land opened by subsection (a) at any time if the Secretary determines that the closure of the land is required by reason of a national emergency or for purposes of national defense or security.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2089. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table.

SA 2090. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 3061, supra; which was ordered to lie on the table.

SA 2091. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 3061, supra; which was ordered to lie on the table.

SA 2092. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 3061, supra; which was ordered to lie on the table.

SA 2093. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 3061, supra; which was ordered to lie on the table.

SA 2094. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 3061, supra; which was ordered to lie on the table.

SA 2095. Mr. NICKLES submitted an amendment intended to be proposed to amendment SA 2044 submitted by Mr. Daschle and intended to be proposed to the bill (H.R. 3061) supra; which was ordered to lie on the table.

SA 2096. Mr. NICKLES submitted an amendment intended to be proposed to amendment SA 2044 submitted by Mr. Daschle and intended to be proposed to the bill (H.R. 3061) supra; which was ordered to lie on the table.

SA 2097. Mr. NICKLES submitted an amendment intended to be proposed to amendment SA 2044 submitted by Mr. Daschle and intended to be proposed to the bill (H.R. 3061) supra; which was ordered to lie on the table.

SA 2098. Mr. NICKLES submitted an amendment intended to be proposed to amendment SA 2044 submitted by Mr. Daschle and intended to be proposed to the bill (H.R. 3061) supra; which was ordered to lie on the table.

SA 2099. Mr. NICKLES submitted an amendment intended to be proposed to amendment SA 2044 submitted by Mr. Daschle and intended to be proposed to the bill (H.R. 3061) supra; which was ordered to lie on the table.

SA 2100. Mr. NICKLES submitted an amendment intended to be proposed to amendment SA 2044 submitted by Mr. Daschle and intended to be proposed to the bill (H.R. 3061) supra; which was ordered to lie on the table.

SA 2101. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 2044 submitted by Mr. Daschle and intended to be proposed to the bill (H.R. 3061) supra; which was ordered to lie on the table.

SA 2102. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 2044 submitted by Mr. Daschle and intended to be proposed to the bill (H.R. 3061) supra; which was ordered to lie on the table.

SA 2103. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 2044 submitted by Mr. Daschle and intended to be proposed to the bill (H.R. 3061) supra; which was ordered to lie on the table.

SA 2104. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 2044 submitted by Mr.

Daschle and intended to be proposed to the bill (H.R. 3061) supra; which was ordered to lie on the table.

SA 2105. Mr. SMITH of Oregon submitted an amendment intended to be proposed to amendment SA 2044 submitted by Mr. Daschle and intended to be proposed to the bill (H.R. 3061) supra; which was ordered to lie on the table.

SA 2106. Ms. LANDRIEU (for herself and Mr. DEWINE) proposed an amendment to the bill H.R. 2944, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2002, and for other purposes.

SA 2107. Mr. ALLEN submitted an amendment intended to be proposed by him to the bill H.R. 2944, supra; which was ordered to lie on the table.

SA 2108. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 2944, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2089. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment add the following:

SEC. . APPLICABILITY TO STATES.

Notwithstanding any other provision of this title, nothing in this title shall apply with respect to a State unless the State, prior to the close of the first regular session of the State legislature that begins after the date of enactment of this Act, enacts a law that provides rights and protections that are substantially similar to the rights and protections provided for in this title.

SA 2090. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 12 of the amendment, line 18, add after the period the following: ''No contract, or agreement surrounding a contract or contract negotiations, may provide amnesty, immunity or protection against prosecution to any public safety employer, employee, officer, labor organization, or labor organization official who violated the prohibition contained in preceding sentence or any similar State or local prohibition.''.

SA 2091. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment add the following:

SEC. . APPLICABILITY TO CERTAIN POLITICAL SUBDIVISIONS.

Notwithstanding any other provision of this title, section _____08(a)(5) shall be applied by substituting ''200,000'' for ''5,000'' and ''1000'' for ''25''.

SA 2092. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment add the following:

SEC. . APPLICABILITY TO CERTAIN POLITICAL SUBDIVISIONS.

Notwithstanding any other provision of this title, section _____08(a)(5) shall be applied by substituting ''100,000'' for ''5,000'' and ''500'' for ''25''.

SA 2093. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment add the following:

SEC. . APPLICABILITY TO CERTAIN POLITICAL SUBDIVISIONS.

Notwithstanding any other provision of this title, section _____08(a)(5) shall be applied by substituting ''50,000'' for ''5,000'' and ''250'' for ''25''.

SA 2094. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment add the following:

SEC. . APPLICABILITY TO CERTAIN POLITICAL SUBDIVISIONS.

Notwithstanding any other provision of this title, section _____08(a)(5) shall be applied by substituting ''25,000'' for ''5,000'' and ''100'' for ''25''.

SA 2095. Mr. NICKLES submitted an amendment intended to be proposed to amendment SA 2044 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 3061) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 8 of the amendment, line 22, insert before the period the following: ''and ensuring that all public safety officers are permitted to serve in a volunteer capacity''.

SA 2096. Mr. NICKLES submitted an amendment intended to be proposed to amendment SA 2044 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 3061) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 10 of the amendment, line 17, insert before the semicolon the following: '', including any restrictions on a public safety officer's right to serve in a volunteer capacity''.

SA 2097. Mr. NICKLES submitted an amendment intended to be proposed to amendment SA 2044 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 3061) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 5 of the amendment, line 8, insert before the semicolon the following: ''and who does not serve in a volunteer capacity''.

SA 2098. Mr. NICKLES submitted an amendment intended to be proposed to amendment SA 2044 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 3061) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 14 of the amendment, line 6 strike ''5,000'' and insert ''25,000.''

SA 2099. Mr. NICKLES submitted an amendment intended to be proposed to amendment SA 2044 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 3061) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 14 of the amendment, line 7 strike ''25'' and insert ''100.''

SA 2100. Mr. NICKLES submitted an amendment intended to be proposed to amendment SA 2044 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 3061) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 10 of the amendment, line 24, insert before the semicolon the following: ''and to protect the right of each employee to serve in a volunteer capacity if the employee has joined a labor organization.''

SA 2101. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 2044 as submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 3061) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes;, which was ordered to lie on the table; as follows:

After line 13 on page 3, insert the following:

''(4) The existing constitutional or statutory rights of all firefighters, law enforcement officers and public safety employees who risk their lives on a daily basis to protect our property, freedoms and loved ones should be protected to permit them to exercise their right to follow their conscience in whether or not to join a labor organization or pay dues or fees to a labor organization in connection with the decision to pursue a career dedicated to service and sacrifice in defense of the innocent in order to provide for their own families.''

SA 2102. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 2044 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 3061) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

After line 7 on page 9, insert the following:

''(7) protect the existing state right, if any, of all firefighters, law enforcement officers and public safety employees who risk their lives on a daily basis to protect our property, freedoms, and loved ones in exercising their right to follow their conscience in whether or not to join a labor organization or pay dues or fees to a labor organization in connection with the decision to pursue a career dedicated to service and sacrifice in defense of the innocent in order to provide for their own families.''

SA 2103. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 2044 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 3061) making appropriations for the Departments of Labor, Health and human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

After line 13 page 3, insert the following:

''(4) The existing constitutional or statutory rights of all firefighters, law enforcement officers and public safety employees who risk their lives on a daily basis to protect our property, freedoms, and loved ones should be protected to permit them to exercise their right to follow their conscience in whether or not to join a labor organization in connection with the decision to pursue a career dedicated to service and sacrifice in defense of the innocent in order to provide for their own families.''

SA 2104. Mr. KENNEDY submitted an amendment intended to be propsoed to amendment SA 2044 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 3061) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

After line 24 on page 10, insert the following:

''(7) protect the existing constitutional or statutory rights of all firefighters, law enforcement officers and public safety employees who risk their lives on a daily basis to protect our property, freedoms and loved ones in exercising their right to follow their conscience in whether or not to join a labor organization in connection with the decision to pursue a career dedicated to service and sacrifice in defense of the innocent in order to provide for their own families.''

SA 2105. Mr. SMITH of Oregon submitted an amendment intended to be proposed to amendment SA 2044 submitted by Mr. DASCHLE and intended to be proposed to the bill (H.R. 3061) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

SEC. . LIMITATION.

Nothing in this title shall be construed to permit parties that are subject to regulations promulgated under this Act (under the authority of the National Labor Relations Act) to negotiate provisions in a collective bargaining agreement that would prohibit public safety employees from engaging in part-time employment or volunteer activities during off-duty hours.

SA 2106. Ms. LANDRIEU (for herself and Mr. DEWINE) proposed an amendment to the bill H.R. 2944, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2002, and for other purposes; as follows:

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

FEDERAL FUNDS

FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT

For a Federal payment to the District of Columbia, to be deposited into a dedicated account, for a nationwide program to be administered by the Mayor, for District of Columbia resident tuition support, $17,000,000, to remain available until expended: *Provided,* That such funds, including any interest accrued thereon, may be used on behalf of eligible District of Columbia residents to pay an amount based upon the difference between in-State and out-of-State tuition at public institutions of higher education, or to pay up to $2,500 each year at eligible private institutions of higher education: *Provided further,* That the awarding of such funds may be prioritized on the basis of a resident's academic merit, the income and need of eligible students and such other factors as may be authorized: *Provided further,* That the District of Columbia government shall establish a dedicated account for the Resident Tuition Support Program that shall consist of the Federal funds appropriated to the Program in this Act and any subsequent appropriations, any unobligated balances from prior fiscal years, and any interest earned in this or any fiscal year: *Provided further,* That the account shall be under the control of the District of Columbia Chief Financial Officer who may use those funds solely for the purposes of carrying out the Resident Tuition Support Program: *Provided further,* That the Resident Tuition Support Program Office and the Office of the Chief Financial Officer shall provide a quarterly financial report to the Committees on Appropriations of the Senate and House of Representatives for these funds showing, by object class, the expenditures made and the purpose therefor: *Provided further,* That not more than seven percent of the amount provided herein for this program may be used for administrative expenses.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA COURTS

For salaries and expenses for the District of Columbia Courts, $140,181,000, to be allocated as follows: for the District of Columbia Court of Appeals, $8,003,000, of which not to exceed $1,500 is for official reception and representation expenses; for the District of Columbia Superior Court, $72,694,000, of which not to exceed $1,500 is for official reception and representation expenses; for the District of Columbia Court System, $31,634,000, of which not to exceed $1,500 is for official reception and representation expenses; and $27,850,000 for capital improvements for District of Columbia courthouse facilities: *Provided,* That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration (GSA), said services to include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives: *Provided further,* That after providing notice to the Committees on Appropriations of the Senate and House of Representatives, the District of Columbia Courts may reallocate not more than $1,000,000 of the funds provided under this heading among the items and entities funded under such heading: *Provided further,* That of this amount not less than $23,315,000 is for activities authorized under S. 1382, the District of Columbia Family Court Act of 2001: *Provided further,* That of the funds made available for the District of Columbia Superior Court, $6,603,000 may remain available until September 30, 2003: *Provided further,* That of the funds made available for the District of Columbia Court System, $485,000 may remain available until September 30, 2003: *Provided further,* That of the funds made available for capital improvements, $21,855,000 may remain available until September 30, 2003.

ADMINISTRATIVE PROVISIONS

Section 11–1722(a), District of Columbia Code, is amended in the first sentence by striking '', subject to the supervision of the Executive Officer''.

Section 11–1723(a)(3), District of Columbia Code, is amended by striking ''and the internal auditing of the accounts of the courts''.

The Victims of Violent Crime Compensation Act of 1996 (D.C. Code, sec. 3–421 et seq. (1981 Ed., 1999 Supp.) as amended by Public Law 106–113, §160 and Public Law 106–554, §1(a)(4), H.R. 5666, Division A, Chapter 4, §403) is amended: (a) in section 2 (D.C. Code, sec. 3–421 (1981 Ed., 1999 Supp.)), as amended by District of Columbia Law 13–172, §202(a) (except for paragraph (6)); (b) in section 7(c) (D.C. Code, sec. 3–426(c) (1981 Ed., 1999 Supp.)), as amended by District of Columbia Law 13–172, §202(b); (c) in section 8 (D.C. Code, sec. 3–427 (1981 Ed., 1999 Supp.)), as amended by District of Columbia Law 13–172, §202(c); and (d) in section 16(e) (D.C. Code, sec. 3–435(e) (1981 Ed., 1999 Supp.)), to read as follows:

''(e) All compensation and attorneys' fees awarded under this chapter shall be paid from, and subject to, the availability of monies in the Fund. No more than five percent of the total amount of monies in the Fund shall be used to pay administrative costs necessary to carry out this chapter.''.

Section 11–2604, District of Columbia Code, is amended:

(1) in subsection (a), by striking ''50'' and inserting ''75''; and

(2) in subsection (b)—

(A) by striking ''1300'' each time it appears and inserting ''1900'';

(B) by striking ''2450'' each time it appears and inserting ''3600''.

Section 16–2326.1(b), District of Columbia Code (1997 Repl.), is amended—

(1) by striking ''1,100'' each time it appears and inserting ''1,600'';

(2) in paragraph (3), by striking ''1,500'' and inserting ''2,200''; and

(3) in paragraph (4), by striking ''750'' and inserting ''1,100''.

DEFENDER SERVICES IN DISTRICT OF COLUMBIA COURTS

For payments authorized under section 11–2604 and section 11–2605, D.C. Code (relating to representation provided under the District of Columbia Criminal Justice Act), payments for counsel appointed in proceedings in the Family Division of the Superior Court of the District of Columbia under chapter 23 of title 16, D.C. Code, and payments for counsel authorized under section 21–2060, D.C. Code (relating to representation provided under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986), $39,311,000, to remain available until expended: *Provided,* That the funds provided in this Act under the heading ''Federal Payment to the District of Columbia Courts'' (other than the $27,850,000 provided under such heading for capital improvements for District of Columbia courthouse facilities) may also be used for payments under this heading: *Provided further,* That in addition to the funds provided under this heading, the Joint Committee on Judicial Administration in the District of Columbia may use funds provided in this Act under the heading ''Federal Payment to the District of Columbia Courts'' (other than the $27,850,000 provided under such heading for capital improvements for District of Columbia courthouse facilities), to make payments described under this heading for obligations incurred during any fiscal year: *Provided further,* That funds provided under this heading shall be administered by the Joint Committee on Judicial Administration in the District of Columbia: *Provided further,* That notwithstanding any other provision of law, this appropriation shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration (GSA), said services to include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA CORRECTIONS TRUSTEE OPERATIONS

For salaries and expenses of the District of Columbia Corrections Trustee, $32,700,000 for the administration and operation of correctional facilities and for the administrative operating costs of the Office of the Corrections Trustee, as authorized by section 11202 of the National Capital Revitalization and Self-Government Improvement Act of 1997 (Public Law 105–33; 111 Stat. 712) of which $1,000,000 is to fund an initiative to improve case processing in the District of Columbia criminal justice system, $2,500,000 to remain available until September 30, 2003 is for building renovation or space acquisition required to accommodate functions transferred from the Lorton Correctional Complex, and $2,000,000 to remain available until September 30, 2003, is to be transferred to the appropriate agency for the closing of the sewage treatment plant and the removal of underground storage tanks at the Lorton Correctional Complex: *Provided,* That notwithstanding any other provision of law, funds appropriated in this Act for the District of Columbia Corrections Trustee shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies.

FEDERAL PAYMENT TO THE COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA

(INCLUDING TRANSFER OF FUNDS)

For salaries and expenses, including the transfer and hire of motor vehicles, of the Court Services and Offender Supervision Agency for the District of Columbia, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997 (Public Law 105–33; 111 Stat. 712), $147,300,000, of which $13,015,000 shall remain available until expended, and of which not to exceed $5,000 is for official receptions related to offender and defendant support programs; of which $94,112,000 shall be for necessary expenses of Community Supervision and Sex Offender Registration, to include expenses relating to supervision of adults subject to protection orders or provision of services for or related to such persons; $20,829,000 shall be transferred to the Public Defender Service; and $32,359,000 shall be available to the Pretrial Services Agency: *Provided,* That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: *Provided further,* That notwithstanding chapter 12 of title 40, United States Code, the Director may acquire by purchase, lease, condemnation, or donation, and renovate as necessary, Building Number 17, 1900 Massachusetts Avenue, Southeast, Washington, District of Columbia, or such other site as the Director of the Court Services and Offender Supervision Agency may determine as appropriate to house or supervise offenders and defendants, with funds made available by this Act: *Provided further,* That the Director is authorized to accept and use gifts in the form of in-kind contributions of space and hospitality to support offender and defendant programs, and equipment and vocational training services to educate and train offenders and defendants.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR SECURITY COSTS RELATED TO THE PRESENCE OF THE FEDERAL GOVERNMENT IN THE DISTRICT OF COLUMBIA

For a payment to the District of Columbia to reimburse the District for certain security expenses related to the presence of the Federal Government in the District of Columbia, $16,058,000: *Provided,* That a detailed report of actual and estimated expenses incurred shall be provided to the Committees on Appropriations of the Senate and House of Representatives no later than June 15, 2002: *Provided further,* That of this amount, $3,406,000 shall be made available for reimbursement of planning and related expenses incurred by the District of Columbia in anticipation of providing security for the planned meetings in September 2001 of the World Bank and the International Monetary Fund in the District of Columbia: *Provided further,* That the Mayor and the Chairman of the Council of the District of Columbia shall develop, in consultation with the Director of the Office of Personnel Management, the United States Secret Service, the United States Capitol Police, the United States Park Police, the Washington Metropolitan Area Transit Authority, regional transportation authorities, the Federal Emergency Management Agency and state and local law enforcement entities in the region an integrated emergency plan for the District of Columbia in cases of national security events, including terrorist threats, protests, or other unanticipated events: *Provided further,* That such plan shall include a response to attacks or threats of attacks using biological or chemical agents: *Provided further,* That the city shall submit this plan to the Committees on Appropriations of the Senate and the House of Representatives no later than January 2, 2002: *Provided further*, That the Chief Financial Officer of the District of Columbia shall provide quarterly reports to the Committees on Appropriations of the Senate and the House of Representatives on the use of the funds under this heading, beginning no later than January 2, 2002.

FEDERAL PAYMENT TO THE THURGOOD MARSHALL ACADEMY CHARTER SCHOOL

For a Federal payment to the Thurgood Marshall Academy Charter School, $1,000,000 to be used to acquire and renovate an educational facility in Anacostia.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA PUBLIC SCHOOLS

For a Federal payment to the District of Columbia Public Schools, $2,750,000, of which $2,000,000 shall be to implement the Voyager Expanded Learning literacy program in kindergarten and first grade classrooms in the District of Columbia Public Schools; $250,000 shall be for the Failure Free Reading literacy program for non-readers and special education students; and $500,000 for the McKinley Technical High School for a public/private partnership with Southeastern University.

FEDERAL PAYMENT TO THE GEORGE WASHINGTON UNIVERSITY CENTER FOR EXCELLENCE IN MUNICIPAL MANAGEMENT

For a Federal payment to the George Washington University Center for Excellence in Municipal Management, $250,000 to increase the enrollment of managers from the District of Columbia government.

FEDERAL PAYMENT TO THE CHILDREN'S NATIONAL MEDICAL CENTER

For a Federal payment to the Children's National Medical Center in the District of Columbia, $3,200,000 for capital and equipment improvements.

FEDERAL PAYMENT FOR CHILD AND FAMILY SOCIAL SERVICES COMPUTER INTEGRATION PLAN

For a Federal payment to the District of Columbia, $200,000 for completion of a plan by the Mayor on integrating the computer systems of the District of Columbia government with the Family Court of the Superior Court of the District of Columbia: *Provided,* That, pursuant to section 4 of S. 1382, the District of Columbia Family Court Act of 2001, the Mayor shall submit a plan to the President and the Congress within six months of enactment of that Act, so that social services and other related services to individuals and families served by the Family

Court of the Superior Court and agencies of the District of Columbia government (including the District of Columbia Public Schools, the District of Columbia Housing Authority, the Child and Family Services Agency, the Office of the Corporation Counsel, the Metropolitan Police Department, the Department of Health, and other offices determined by the Mayor) will be able to access and share information on the individuals and families served by the Family Court.

FEDERAL PAYMENTS FOR DISTRICT OF COLUMBIA AND FEDERAL LAW ENFORCEMENT MOBILE WIRELESS INTEROPERABILITY PROJECT

For Federal payments in support of the District of Columbia and the Federal law enforcement Mobile Wireless Interoperability Project, $1,400,000, of which $400,000 shall be for a payment to the District of Columbia Office of the Chief Technology Officer, $333,334 shall be for a payment to the United States Secret Service, $333,333 shall be for a payment to the United States Capitol Police, and $333,333 shall be for a payment to the United States Park Police: *Provided*, That each agency shall participate in the preparation of a joint report to the Committees on Appropriations of the Senate and the House of Representatives to be submitted no later than March 30, 2002 on the allocation of these resources and a description of each agencies' resource commitment to this project for fiscal year 2003.

FEDERAL PAYMENT TO THE CHIEF FINANCIAL OFFICER OF THE DISTRICT OF COLUMBIA

For a Federal payment to the Chief Financial Officer of the District of Columbia, $5,900,000, of which $2,250,000 shall be for payment for a pilot project to demonstrate the ''Active Cap'' river cleanup technology on the Anacostia River; $500,000 shall be for payment to the U.S. Soccer Foundation, to be used for environmental and infrastructure costs at Kenilworth Park in the creation of the Kenilworth Regional Sports Complex; $600,000 shall be for payment to the One Economy Corporation, a non-profit organization, to increase Internet access to low-income homes in the District of Columbia; $500,000 shall be for payment to the Langston Project for the 21st Century, a community revitalization project to improve physical education and training facilities; $1,000,000 shall be for payment to the Green Door Program, for capital improvements at a community mental health clinic; $500,000 shall be for payment to the Historical Society of Washington, for capital improvements to the new City Museum; $200,000 for a payment to Teach for America DC, for teacher development; and $350,000 for payment to the District of Columbia Safe Kids Coalition, to promote child passenger safety through the Child Occupant Protection Initiative.

COURT APPOINTED SPECIAL ADVOCATES

For a Federal payment to the District of Columbia Court Appointed Special Advocates Unit, $250,000 to be used to expand their work in the Family Court of the District of Columbia Superior Court.

CHILD AND FAMILY SERVICES AGENCY—FAMILY COURT REFORM

For a Federal payment to the District of Columbia Child and Family Services Agency, $500,000 to be used for activities authorized under S. 1382, the District of Columbia Family Court Act of 2001.

ADMINISTRATIVE PROVISIONS

Under the heading ''Federal Payment for Incentives for Adoption of Children'' in Public Law 106–522, approved November 22, 2000 (114 Stat. 2440), is amended to read as follows: ''For a Federal payment to the District of Columbia to create incentives to promote the adoption of children in the District of Columbia foster care system, $5,000,000 to remain available until September 30, 2003: *Provided*, That $2,000,000 of said amount shall be used for attorney fees and home studies: *Provided further*, That $1,000,000 of said amount shall be used for the establishment of a scholarship fund which adoptive families will use for post high school education and training for adopted children: *Provided further*, That $1,000,000 of said amount shall be used for the establishment of a private adoptive family resource center in the District of Columbia to provide ongoing information, education and support to adoptive families: *Provided further*, That $1,000,000 of said amount shall be used for adoption incentives and support for children with special needs.''.

Of the Federal funds made available in the District of Columbia Appropriations Act, 2001, Public Law 106–522 for the District of Columbia Public Schools (114 Stat. 2441) and the Metropolitan Police Department (114 Stat. 2441) such funds may remain available for the purposes intended until September 30, 2002: *Provided*, That funds made available in such Act for Brownfield Remediation (114 Stat. 2445), shall remain available until expended.

DISTRICT OF COLUMBIA FUNDS

OPERATING EXPENSES

DIVISION OF EXPENSES

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided: *Provided*, That notwithstanding any other provision of law, except as provided in section 450A of the District of Columbia Home Rule Act (Public Law 93–198; D.C. Official Code, sec. 1–204.50a), the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 2002 under this heading shall not exceed the lesser of the sum of the total revenues of the District of Columbia for such fiscal year or $6,051,646,000 (of which $124,163,000 shall be from intra-District funds and $3,553,300,000 shall be from local funds): *Provided further*, That this amount may be increased by (i) proceeds of one-time transactions, which are expended for emergency or unanticipated operating or capital needs or (ii) additional expenditures which the Chief Financial Officer of the District of Columbia certifies will produce additional revenues during such fiscal year at least equal to 200 percent of such additional expenditures: *Provided further*, That such increases shall be approved by enactment of local District law and shall comply with all reserve requirements contained in this act: *Provided further*, That the Chief Financial Officer of the District of Columbia shall take such steps as are necessary to assure that the District of Columbia meets these requirements, including the apportioning by the Chief Financial Officer of the appropriations and funds made available to the District during fiscal year 2002, except that the Chief Financial Officer may not reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects.

GOVERNMENTAL DIRECTION AND SUPPORT

Governmental direction and support, $307,117,000 (including $228,471,000 from local funds, $61,367,000 from Federal funds, and $17,279,000 from other funds): *Provided*, That not to exceed $2,500 for the Mayor, $2,500 for the Chairman of the Council of the District of Columbia, and $2,500 for the City Administrator shall be available from this appropriation for official purposes: *Provided further*, That any program fees collected from the issuance of debt shall be available for the payment of expenses of the debt management program of the District of Columbia: *Provided further*, That no revenues from Federal sources shall be used to support the operations or activities of the Statehood Commission and Statehood Compact Commission: *Provided further*, That notwithstanding any other provision of law, or Mayor's Order 86–45, issued March 18, 1986, the Office of the Chief Technology Officer's delegated small purchase authority shall be $500,000: *Provided further*, That the District of Columbia government may not require the Office of the Chief Technology Officer to submit to any other procurement review process, or to obtain the approval of or be restricted in any manner by any official or employee of the District of Columbia government, for purchases that do not exceed $500,000: *Provided further*, That not less than $353,000 shall be available to the Office of the Corporation Counsel to support increases in the Attorney Retention Allowance: *Provided further*, That not less than $50,000 shall be available to support a mediation services program within the Office of the Corporation Counsel: *Provided further*, That not less than $50,000 shall be available to support a TANF Unit within the Child Support Enforcement Division of the Office of the Corporation Counsel: *Provided further*, That section 403 of the District of Columbia Home Rule Act, approved December 24, 1973 (Public Law 93–198; D.C. Official Code, sec. 1–204.03), is amended as follows:

(1) Subsection (c) is amended by striking the phrase ''shall receive, in addition to the compensation to which he is entitled as a member of the Council, $10,000 per annum, payable in equal installments, for each year he serves as Chairman, but the Chairman''.

(2) A new subsection (d) is added to read as follows:

''(d) Notwithstanding subsection (a) of this section, as of the effective date of the District of Columbia Appropriations Act, 2001, the Chairman shall receive compensation, payable in equal installments, at a rate equal to $10,000 less than the compensation of the Mayor.''.

ECONOMIC DEVELOPMENT AND REGULATION

Economic development and regulation, $230,878,000 (including $60,786,000 from local funds, $96,199,000 from Federal funds, and $73,893,000 from other funds), of which $15,000,000 collected by the District of Columbia in the form of BID tax revenue shall be paid to the respective BIDs pursuant to the Business Improvement Districts Act of 1996 (D.C. Law 11–134; D.C. Official Code, sec. 2–1215.01 et seq.), and the Business Improvement Districts Amendment Act of 1997 (D.C. Law 12–26; D.C. Official Code, sec. 2–1215.15 et seq.): *Provided*, That such funds are available for acquiring services provided by the General Services Administration: *Provided further*, That Business Improvement Districts shall be exempt from taxes levied by the District of Columbia: *Provided further*, That the Department of Consumer and Regulatory Affairs use $50,000 of the receipts from the net proceeds from the contractor that handles the District's occupational and professional licensing to fund additional staff and equipment for the Rental Housing Administration: *Provided further*, That the Department of Consumer and Regulatory Affairs transfer all local funds resulting from the lapse of personnel vacancies, caused by transferring DCRA employees into NSO positions without filling the resultant vacancies, into the revolving 5–513 fund to be used to implement the provisions in D.C. Act 13–578, the Abatement and Condemnation of Nuisance Properties Omnibus Amendment Act of 2000, pertaining to the prevention of the demolition by neglect of historic properties: *Provided further*, That the fees established and collected pursuant to D.C. Act 13–578 shall be

identified, and an accounting provided, to the District of Columbia Council's Committee on Consumer and Regulatory Affairs: *Provided further*, That 18 percent of the annual total amount in the 5–513 fund, up to $500,000, deposited into the 5–513 fund on an annual basis, be used to implement section 102 and other related sections of D.C. Act 13–578: *Provided further*, That the Department shall hire, with the consultation and guidance of the Director of the Office of Personnel on the necessary qualifications and salary level, from these lapsed funds, as soon as possible, but in no event later than November 1, 2001, a professional human resources manager who will become part of the Department's senior management team, and provide in consultation with its newly hired human resources professional manager, and the Office of Personnel, a detailed plan to the Council's Committee on Consumer and Regulatory Affairs, by December 1, 2001, for the use of the personal services lapsed funds, including the 58 vacant positions identified by the Department, in fiscal year 2001 to reclassify positions, augment pay scales once positions are reclassified where needed to fill vacancies with qualified and necessary personnel, and to fund these new and vacant positions.

PUBLIC SAFETY AND JUSTICE

Public safety and justice, $632,668,000 (including $593,618,000 from local funds, $8,298,000 from Federal funds, and $30,752,000 from other funds): *Provided*, That not to exceed $500,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime: *Provided further*, That no less than $173,000,000 shall be available to the Metropolitan Police Department for salaries in support of 3,800 sworn officers: *Provided further*, That no less than $100,000 shall be available in the Department of Corrections budget to support the Corrections Information Council: *Provided further*, That no less than $296,000 shall be available to support the Child Fatality Review Committee: *Provided further*, That nothing contained in this section shall be construed as modifying or affecting the provisions of section 11(c)(3) of title XII of the District of Columbia Income and Franchise Tax Act of 1947 (70 Stat. 78; Public Law 84–460; D.C. Official Code, sec. 47–1812.11(c)(3)): *Provided further*, That the Mayor shall reimburse the District of Columbia National Guard for expenses incurred in connection with services that are performed in emergencies by the National Guard in a militia status and are requested by the Mayor, in amounts that shall be jointly determined and certified as due and payable for these services by the Mayor and the Commanding General of the District of Columbia National Guard: *Provided further*, That such sums as may be necessary for reimbursement to the District of Columbia National Guard under the preceding proviso shall be available from this appropriation, and the availability of the sums shall be deemed as constituting payment in advance for emergency services involved.

PUBLIC EDUCATION SYSTEM

Public education system, including the development of national defense education programs, $1,108,915,000 (including $894,494,000 from local funds, $187,794,000 from Federal funds, and $26,627,000 from other funds), to be allocated as follows: $813,292,000 (including $658,624,000 from local funds, $147,380,000 from Federal funds, and $7,288,000 from other funds), for the public schools of the District of Columbia; $47,370,000 (including $19,911,000 from local funds, $26,917,000 from Federal funds, $542,000 from other funds), for the State Education Office; $17,000,000 from local funds, previously appropriated in this Act as a Federal payment, and such sums as may be necessary to be derived from interest earned on funds contained in the dedicated account established by the Chief Financial Officer of the District of Columbia, for resident tuition support at public and private institutions of higher learning for eligible District of Columbia residents; and $142,257,000 from local funds for public charter schools: *Provided*, That there shall be quarterly disbursement of funds to the District of Columbia public charter schools, with the first payment to occur within 15 days of the beginning of each fiscal year: *Provided further*, That if the entirety of this allocation has not been provided as payments to any public charter schools currently in operation through the per pupil funding formula, the funds shall be available for public education in accordance with the School Reform Act of 1995 (Public Law 104–134; D.C. Official Code, sec. 38–1804.03(A)(2)(D)): *Provided further*, That $480,000 of this amount shall be available to the District of Columbia Public Charter School Board for administrative costs: *Provided further*, That $76,542,000 (including $45,912,000 from local funds, $12,539,000 from Federal funds, and $18,091,000 from other funds) shall be available for the University of the District of Columbia: *Provided further*, That $27,256,000 (including $26,030,000 from local funds, $560,000 from Federal funds and $666,000 other funds) for the Public Library: *Provided further*, That the $1,007,000 enhancement shall be allocated such that $500,000 is used for facilities improvements for 8 of the 26 library branches, $235,000 for 13 FTEs for the continuation of the Homework Helpers Program, $143,000 for 2 FTEs in the expansion of the Reach Out And Roar (ROAR) service to licensed day care homes, and $129,000 for 3 FTEs to expand literacy support into branch libraries: *Provided further*, That $2,198,000 (including $1,760,000 from local funds, $398,000 from Federal funds and $40,000 from other funds) shall be available for the Commission on the Arts and Humanities: *Provided further*, That the public schools of the District of Columbia are authorized to accept not to exceed 31 motor vehicles for exclusive use in the driver education program: *Provided further*, That not to exceed $2,500 for the Superintendent of Schools, $2,500 for the President of the University of the District of Columbia, and $2,000 for the Public Librarian shall be available from this appropriation for official purposes: *Provided further*, That none of the funds contained in this Act may be made available to pay the salaries of any District of Columbia Public School teacher, principal, administrator, official, or employee who knowingly provides false enrollment or attendance information under article II, section 5 of the Act entitled ''An Act to provide for compulsory school attendance, for the taking of a school census in the District of Columbia, and for other purposes'', approved February 4, 1925 (D.C. Official Code, sec. 38–201 et seq.): *Provided further*, That this appropriation shall not be available to subsidize the education of any nonresident of the District of Columbia at any District of Columbia public elementary and secondary school during fiscal year 2002 unless the nonresident pays tuition to the District of Columbia at a rate that covers 100 percent of the costs incurred by the District of Columbia which are attributable to the education of the nonresident (as established by the Superintendent of the District of Columbia Public Schools): *Provided further*, That this appropriation shall not be available to subsidize the education of nonresidents of the District of Columbia at the University of the District of Columbia, unless the Board of Trustees of the University of the District of Columbia adopts, for the fiscal year ending September 30, 2002, a tuition rate schedule that will establish the tuition rate for nonresident students at a level no lower than the nonresident tuition rate charged at comparable public institutions of higher education in the metropolitan area: *Provided further*, That the District of Columbia Public Schools shall spend $1,200,000 to implement D.C. Teaching Fellows Program in the District's public schools: *Provided further*, That notwithstanding the amounts otherwise provided under this heading or any other provision of law, there shall be appropriated to the District of Columbia public charter schools on July 1, 2002, an amount equal to 25 percent of the total amount provided for payments to public charter schools in the proposed budget of the District of Columbia for fiscal year 2003 (as submitted to Congress), and the amount of such payment shall be chargeable against the final amount provided for such payments under the District of Columbia Appropriations Act, 2003: *Provided further*, That notwithstanding the amounts otherwise provided under this heading or any other provision of law, there shall be appropriated to the District of Columbia Public Schools on July 1, 2002, an amount equal to 10 percent of the total amount provided for the District of Columbia Public Schools in the proposed budget of the District of Columbia for fiscal year 2003 (as submitted to Congress), and the amount of such payment shall be chargeable against the final amount provided for the District of Columbia Public Schools under the District of Columbia Appropriations Act, 2003: *Provided further*, That no less than $200,000 be available for adult education: *Provided further*, That the third sentence of section 441 of the District of Columbia Home Rule Act, approved December 24, 1973 (Public Law 93–198; D.C. Official Code, sec. 1–204.41), is amended to read as follows: ''However, the fiscal year for the Armory Board shall begin on the first day of January and shall end on the thirty-first day of December of each calendar year, and, beginning the first day of July 2003, the fiscal year for the District of Columbia Public Schools, District of Columbia Public Charter Schools and the University of the District of Columbia shall begin on the first day of July and end on the thirtieth day of June of each calendar year.'': *Provided further*, That the first paragraph under the heading ''Public Education System'' in Public Law 107–20, approved July 24, 2001, is amended to read as follows: ''For an additional amount for 'Public Education System', $1,000,000 from local funds to remain available until expended, for the State Education Office for a census-type audit of the student enrollment of each District of Columbia Public School and of each public charter school and $12,000,000 from local funds for the District of Columbia Public Schools to conduct the 2001 summer school session.''.

HUMAN SUPPORT SERVICES

(INCLUDING TRANSFER OF FUNDS)

Human support services, $1,803,923,000 (including $711,072,000 from local funds, $1,075,960,000 from Federal funds, and $16,891,000 from other funds): *Provided*, That $27,986,000 of this appropriation, to remain available until expended, shall be available solely for District of Columbia employees' disability compensation: *Provided further*, That $75,000,000 shall be available to the Health Care Safety Net Administration established by section 1802 of the Fiscal Year 2002 Budget Support Act of 2001, D.C. Bill 14–144; $90,000,000 available under the District of Columbia Appropriations Act, 2001 (Public Law 106–522) to the Public Benefit Corporation for restructuring shall be made available to the Health Care Safety Net Administration for the purpose of restructuring the delivery of health services in the District of Columbia and shall remain available until

expended: *Provided further*, That no less than $7,500,000 of this appropriation, to remain available until expended, shall be deposited in the Addiction Recovery Fund established pursuant to section 5 of the Choice in Drug Treatment Act of 2000, effective July 8, 2000 (D.C. Law 13–146; D.C. Official Code, sec. 7–3004), and used solely for the purpose of the Drug Treatment Choice Program established pursuant to section 4 of the Choice in Drug Treatment Act of 2000 (D.C. Official Code, sec. 7–3003): *Provided further*, That no less than $500,000 of the $7,500,000 appropriated for the Addiction Recovery Fund shall be used solely to pay treatment providers who provide substance abuse treatment to TANF recipients under the Drug Treatment Choice Program: *Provided further*, That no less than $2,000,000 of this appropriation shall be used solely to establish, by contract, a 2-year pilot substance abuse program for youth ages 16 through 21 years of age: *Provided further*, That no less than $60,000 be available for a D.C. Energy Office Matching Grant: *Provided further*, That no less than $2,150,000 be available for a pilot Interim Disability Assistance program pursuant to title L of the Fiscal Year 2002 Budget Support Act (D.C. Bill 14–144).

PUBLIC WORKS

Public works, including rental of one passenger-carrying vehicle for use by the Mayor and three passenger-carrying vehicles for use by the Council of the District of Columbia and leasing of passenger-carrying vehicles, $300,151,000 (including $286,334,000 from local funds, $4,392,000 from Federal funds, and $9,425,000 from other funds): *Provided*, That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business: *Provided further*, That no less than $650,000 be available for a mechanical alley sweeping program: *Provided further*, That no less than $6,400,000 be available for residential parking enforcement: *Provided further*, That no less than $100,000 be available for a General Counsel to the Department of Public Works: *Provided further*, That no less than $3,600,000 be available for ticket processing: *Provided further*, That no less than 14 residential parking control aides or 10 percent of the residential parking control force be available for night time enforcement of out-of-state tags: *Provided further*, That of the total of 3,000 additional parking meters being installed in commercial districts and in commercial loading zones none be installed at loading zones, or entrances at apartment buildings and none be installed in residential neighborhoods: *Provided further*, That no less than $262,000 be available for taxicab enforcement activities: *Provided further*, That no less than $241,000 be available for a taxicab driver security revolving fund: *Provided further*, That no less than $30,084,000 in local appropriations be available to the Division of Transportation, within the Department of Public Works: *Provided further*, That no less than $12,000,000 in rights-of-way fees shall be available for the Local Roads, Construction and Maintenance Fund: *Provided further*, That funding for a proposed separate Department of Transportation is contingent upon Council approval of a reorganization plan: *Provided further*, That no less than $313,000 be available for handicapped parking enforcement: *Provided further*, That no less than $190,000 be available for the Ignition Interlock Device Program: *Provided further*, That no less than $473,000 be available for the Motor Vehicle Insurance Enforcement Program: *Provided further*, That $11,000,000 shall be available for transfer to the Highway Trust Fund's Local Roads, Construction and Maintenance Fund, upon certification by the Chief Financial Officer that funds are available from the 2001 budgeted reserve or where the Chief Financial Officer certifies that additional local revenues are available.

RECEIVERSHIP PROGRAMS

For all agencies of the District of Columbia government under court ordered receivership, $403,868,000 (including $250,015,000 from local funds, $134,839,000 from Federal funds, and $19,014,000 from other funds).

WORKFORCE INVESTMENTS

For workforce investments, $42,896,000 from local funds, to be transferred by the Mayor of the District of Columbia within the various appropriation headings in this Act for which employees are properly payable.

RESERVE

For replacement of funds expended, if any, during fiscal year 2001 from the Reserve established by section 202(j) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, Public Law 104–8, $120,000,000 from local funds.

RESERVE RELIEF

For reserve relief, $30,000,000, for the purpose of spending funds made available through the reduction from $150,000,000 to $120,000,000 in the amount required for the Reserve established by section 202(j) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, Public Law 104–8: *Provided*, That $12,000,000 shall be available to the District of Columbia Public Schools and District of Columbia Public Charter Schools for educational enhancements: *Provided further*, That $18,000,000 shall be available pursuant to a local District law: *Provided further*, That of the $30,000,000, funds shall only be expended upon: (i) certification by the Chief Financial Officer of the District of Columbia that the funds are available and not required to address potential deficits, (ii) enactment of local District law detailing the purpose for the expenditure, (iii) prior notification by the Mayor to the Committees on Appropriations of both the Senate and House of Representatives in writing 30 days in advance of any such expenditure: *Provided further*, That the $18,000,000 provided pursuant to local law shall be expended only when the Emergency Reserve established pursuant to Section 450A(a) of the District of Columbia Home Rule Act (Public Law 93–198; D.C. Official Code, sec. 1–204.50a(a)), has a minimum balance in the amount of $150,000,000.

EMERGENCY AND CONTINGENCY RESERVE FUNDS

For the Emergency and Contingency Reserve Funds established under section 450A of the District of Columbia Home Rule Act (Public Law 93–198; D.C. Official Code, sec. 1–204.50a(b)), the Mayor may deposit the proceeds required pursuant to Section 159(a) of Public Law 106–522 and Section 404(c) of Public Law 106–554 in the Contingency Reserve Fund beginning in fiscal year 2002 if the minimum emergency reserve balance requirement established in Section 450A(c) has been met.

REPAYMENT OF LOANS AND INTEREST

For payment of principal, interest, and certain fees directly resulting from borrowing by the District of Columbia to fund District of Columbia capital projects as authorized by sections 462, 475, and 490 of the District of Columbia Home Rule Act (Public Law 93–198; D.C. Official Code, secs. 1–204.62, 1–204.75, 1–204.90), $247,902,000 from local funds: *Provided*, That any funds set aside pursuant to section 148 of the District of Columbia Appropriations Act, 2000 (Public Law 106–113; 113 Stat. 1523) that are not used in the reserve funds established herein shall be used for Pay-As-You-Go Capital Funds: *Provided further*, That for equipment leases, the Mayor may finance $14,300,000 of equipment cost, plus cost of issuance not to exceed 2 percent of the par amount being financed on a lease purchase basis with a maturity not to exceed 5 years: *Provided further*, That $4,440,000 shall be for the Fire and Emergency Medical Services Department, $2,010,000 shall be for the Department of Parks and Recreation, and $7,850,000 shall be for the Department of Public Works: *Provided further*, That no less than $533,000 be available for trash transfer capital debt service.

REPAYMENT OF GENERAL FUND RECOVERY DEBT

For the purpose of eliminating the $331,589,000 general fund accumulated deficit as of September 30, 1990, $39,300,000 from local funds, as authorized by section 461(a) of the District of Columbia Home Rule Act, (105 Stat. 540; D.C. Official Code, sec. 1–204.61(a)).

PAYMENT OF INTEREST ON SHORT-TERM BORROWING

For payment of interest on short-term borrowing, $500,000 from local funds.

WILSON BUILDING

For expenses associated with the John A. Wilson Building, $8,859,000 from local funds.

EMERGENCY RESERVE FUND TRANSFER

Subject to the issuance of bonds to pay the purchase price of the District of Columbia's right, title, and interest in and to the Master Settlement Agreement, and consistent with the Tobacco Settlement Trust Fund Establishment Act of 1999 (D.C. Official Code, sec. 7–1811.01(a)(ii)) and the Tobacco Settlement Financing Act of 2000 (D.C. Official Code, sec. 7–1831.03 et seq.), there is transferred the amount available pursuant thereto and Section 404(c) of Public Law 106–554 to the Emergency and Contingency Reserve Funds established pursuant to section 450A of the District of Columbia Home Rule Act (Public Law 93–198; D.C. Official Code, sec. 1–204.50a(a)).

NON-DEPARTMENTAL AGENCY

To account for anticipated costs that cannot be allocated to specific agencies during the development of the proposed budget including anticipated employee health insurance cost increases and contract security costs, $5,799,000 from local funds.

ENTERPRISE AND OTHER FUNDS

WATER AND SEWER AUTHORITY

For operation of the Water and Sewer Authority, $244,978,000 from other funds for fiscal year 2002 of which $44,244,000 shall be apportioned for repayment of loans and interest incurred for capital improvement projects ($17,953,000 payable to the District's debt service fund and $26,291,000 payable for other debt service).

For construction projects, $152,114,000, in the following capital programs: $52,600,000 for the Blue Plains Wastewater Treatment Plant, $11,148,000 for the sewer program, $109,000 for the combined sewer program, $118,000 for the stormwater program, $77,957,000 for the water program, $10,182,000 for the capital equipment program: *Provided*, That the requirements and restrictions that are applicable to general fund capital improvements projects and set forth in this Act under the Capital Outlay appropriation account shall apply to projects approved under this appropriation account.

WASHINGTON AQUEDUCT

For operation of the Washington Aqueduct, $46,510,000 from other funds for fiscal year 2002.

STORMWATER PERMIT COMPLIANCE ENTERPRISE FUND

For operation of the Stormwater Permit Compliance Enterprise Fund, $3,100,000 from other funds for fiscal year 2002.

LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND

For the Lottery and Charitable Games Enterprise Fund, established pursuant to the District of Columbia Appropriation Act, 1982 (95 Stat. 1174, 1175; Public Law 97–91), for the purpose of implementing the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia (D.C. Law 3–172; D.C. Official Code, sec. 3–1301 et seq. and sec. 22–1716 et seq.), $229,688,000: *Provided,* That the District of Columbia shall identify the source of funding for this appropriation title from the District's own locally generated revenues: *Provided further,* That no revenues from Federal sources shall be used to support the operations or activities of the Lottery and Charitable Games Control Board.

SPORTS AND ENTERTAINMENT COMMISSION

For the Sports and Entertainment Commission, $9,127,000 from other funds: *Provided,* That the Mayor shall submit a budget for the Armory Board for the forthcoming fiscal year as required by section 442(b) of the District of Columbia Home Rule Act (87 Stat. 824; Public Law 93–198; D.C. Official Code, sec. 1–204.42(b)).

DISTRICT OF COLUMBIA RETIREMENT BOARD

For the District of Columbia Retirement Board, established by section 121 of the District of Columbia Retirement Reform Act of 1979 (93 Stat. 866; D.C. Official Code, sec. 1–711), $13,388,000 from the earnings of the applicable retirement funds to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board: *Provided,* That the District of Columbia Retirement Board shall provide the Mayor, for transmittal to the Council of the District of Columbia, an itemized accounting of the planned use of appropriated funds in time for each annual budget submission and the actual use of such funds in time for each annual audited financial report.

WASHINGTON CONVENTION CENTER ENTERPRISE FUND

For the Washington Convention Center Enterprise Fund, $57,278,000 from other funds.

HOUSING FINANCE AGENCY

For the Housing Finance Agency, $4,711,000 from other funds.

NATIONAL CAPITAL REVITALIZATION CORPORATION

For the National Capital Revitalization Corporation, $2,673,000 from other funds.

CAPITAL OUTLAY

(INCLUDING RESCISSIONS)

For construction projects, an increase of $1,550,786,700 of which $1,348,782,387 shall be from local funds, $44,431,135 shall be from the Highway Trust Fund, and $157,573,178 shall be from Federal funds, and a rescission of $476,182,431 from local funds appropriated under this heading in prior fiscal years, for a net amount of $1,074,604,269 to remain available until expended: *Provided,* That funds for use of each capital project implementing agency shall be managed and controlled in accordance with all procedures and limitations established under the Financial Management System: *Provided further,* That all funds provided by this appropriation title shall be available only for the specific projects and purposes intended: *Provided further,* That the capital budget of $83,400,000 for the Department of Health shall not be available until the District of Columbia Council's Committee on Human Services receives a report on the use of any capital funds for projects on the grounds of D.C. General Hospital: *Provided further,* That notwithstanding the foregoing, all authorizations for capital outlay projects, except those projects covered by the first sentence of section 23(a) of the Federal Aid Highway Act of 1968 (82 Stat. 827; Public Law 90–495), for which funds are provided by this appropriation title, shall expire on September 30, 2003, except authorizations for projects as to which funds have been obligated in whole or in part prior to September 30, 2003: *Provided further,* That upon expiration of any such project authorization, the funds provided herein for the project shall lapse: *Provided further,* That except for funds approved in the budgets prior to the fiscal year 2002 budget and FL–MA2 in the fiscal year 2002 Budget Request, no local funds may be expended to renovate, rehabilitate or construct any facility within the boundaries of census tract 68.04 for any purpose associated with the D.C. Department of Corrections, the CSOSA, or the federal Bureau of Prisons unit until such time as the Mayor shall present to the Council for its approval, a plan for the development of census tract 68.04 south of East Capitol Street, S.E., and the housing of any misdemeanants, felons, ex-offenders, or persons awaiting trial within the District of Columbia: *Provided further,* That none of the conditions set forth in this paragraph shall interfere with the operations of any Federal agency.

GENERAL PROVISIONS

SEC. 101. Whenever in this Act, an amount is specified within an appropriation for particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor.

SEC. 102. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor: *Provided,* That in the case of the Council of the District of Columbia, funds may be expended with the authorization of the chair of the Council.

SEC. 103. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of legal settlements or judgments that have been entered against the District of Columbia government: *Provided,* That nothing contained in this section shall be construed as modifying or affecting the provisions of section 11(c)(3) of title XII of the District of Columbia Income and Franchise Tax Act of 1947 (70 Stat. 78; Public Law 84–460; D.C. Code, sec. 47–1812.11(c)(3)).

SEC. 104. 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. 105. No funds appropriated in this Act for the District of Columbia government for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate, or further partisan political activities. Nothing herein is intended to prohibit the availability of school buildings for the use of any community or partisan political group during non-school hours.

SEC. 106. None of the Federal funds appropriated in this Act shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

SEC. 107. At the start of the fiscal year, the Mayor shall develop an annual plan, by quarter and by project, for capital outlay borrowings: *Provided,* That within a reasonable time after the close of each quarter, the Mayor shall report to the Council of the District of Columbia and the Congress the actual borrowings and spending progress compared with projections.

SEC. 108. (a) None of the funds provided under this Act to the agencies funded by this Act, both Federal and District government agencies, that remain available for obligation or expenditure in fiscal year 2002, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for an agency through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or responsibility center; (3) establishes or changes allocations specifically denied, limited or increased by Congress in this Act; (4) increases funds or personnel by any means for any program, project, or responsibility center for which funds have been denied or restricted; (5) reestablishes through reprogramming any program or project previously deferred through reprogramming; (6) augments existing programs, projects, or responsibility centers through a reprogramming of funds in excess of $1,000,000 or 10 percent, whichever is less; or (7) increases by 20 percent or more personnel assigned to a specific program, project or responsibility center; unless the Committees on Appropriations of both the Senate and House of Representatives are notified in writing 30 days in advance of any reprogramming as set forth in this section.

(b) None of the local funds contained in this Act may be available for obligation or expenditure for an agency through a reprogramming or transfer of funds which transfers any local funds from one appropriation title to another unless the Committees on Appropriations of the Senate and House of Representatives are notified in writing 30 days in advance of the reprogramming or transfer, except that in no event may the amount of any funds reprogrammed or transferred exceed four percent of the local funds.

SEC. 109. Consistent with the provisions of 31 U.S.C. 1301(a), appropriations under this Act shall be applied only to the objects for which the appropriations were made except as otherwise provided by law.

SEC. 110. Notwithstanding any other provisions of law, the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Law 2–139; D.C. Code, sec. 1–601.1 et seq.), enacted pursuant to section 422(3) of the District of Columbia Home Rule Act (87 Stat. 790; Public Law 93–198; D.C. Code, sec. 1–242(3)), shall apply with respect to the compensation of District of Columbia employees: *Provided,* That for pay purposes, employees of the District of Columbia government shall not be subject to the provisions of title 5, United States Code.

SEC. 111. No later than 30 days after the end of the first quarter of the fiscal year ending September 30, 2002, the Mayor of the District of Columbia shall submit to the Council of the District of Columbia the new fiscal year 2002 revenue estimates as of the end of the first quarter of fiscal year 2002. These estimates shall be used in the budget request for the fiscal year ending September 30, 2003. The officially revised estimates at midyear shall be used for the midyear report.

SEC. 112. No sole source contract with the District of Columbia government or any agency thereof may be renewed or extended without opening that contract to the competitive bidding process as set forth in section 303 of the District of Columbia Procurement Practices Act of 1985 (D.C. Law 6–85; D.C. Code, sec. 1–1183.3), except that the District of Columbia government or any agency thereof may renew or extend sole source contracts for which competition is not feasible

or practical: *Provided*, That the determination as to whether to invoke the competitive bidding process has been made in accordance with duly promulgated rules and procedures and said determination has been reviewed and certified by the Chief Financial Officer of the District of Columbia.

SEC. 113. For purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (99 Stat. 1037; Public Law 99–177), the term ''program, project, and activity'' shall be synonymous with and refer specifically to each account appropriating Federal funds in this Act, and any sequestration order shall be applied to each of the accounts rather than to the aggregate total of those accounts: *Provided*, That sequestration orders shall not be applied to any account that is specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 114. In the event a sequestration order is issued pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 (99 Stat. 1037: Public Law 99–177), after the amounts appropriated to the District of Columbia for the fiscal year involved have been paid to the District of Columbia, the Mayor of the District of Columbia shall pay to the Secretary of the Treasury, within 15 days after receipt of a request therefor from the Secretary of the Treasury, such amounts as are sequestered by the order: *Provided*, That the sequestration percentage specified in the order shall be applied proportionately to each of the Federal appropriation accounts in this Act that are not specifically exempted from sequestration by such Act.

SEC. 115. ACCEPTANCE AND USE OF GIFTS. (a) APPROVAL BY MAYOR.—

(1) IN GENERAL.—An entity of the District of Columbia government may accept and use a gift or donation during fiscal year 2002 if—

(A) the Mayor approves the acceptance and use of the gift or donation (except as provided in paragraph (2)); and

(B) the entity uses the gift or donation to carry out its authorized functions or duties.

(2) EXCEPTION FOR COUNCIL AND COURTS.—The Council of the District of Columbia and the District of Columbia courts may accept and use gifts without prior approval by the Mayor.

(b) RECORDS AND PUBLIC INSPECTION.—Each entity of the District of Columbia government shall keep accurate and detailed records of the acceptance and use of any gift or donation under subsection (a), and shall make such records available for audit and public inspection.

(c) INDEPENDENT AGENCIES INCLUDED.—For the purposes of this section, the term ''entity of the District of Columbia government'' includes an independent agency of the District of Columbia.

(d) EXCEPTION FOR BOARD OF EDUCATION.—This section shall not apply to the District of Columbia Board of Education, which may, pursuant to the laws and regulations of the District of Columbia, accept and use gifts to the public schools without prior approval by the Mayor.

SEC. 116. None of the Federal funds provided in this Act may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representative under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979 (D.C. Law 3–171; D.C. Code, sec. 1–113(d)).

SEC. 117. None of the funds appropriated under this Act shall be expended for any abortion except where the life of the mother would be endangered if the fetus were carried to term or where the pregnancy is the result of an act of rape or incest.

SEC. 118. None of the Federal funds made available in this Act may be used to implement or enforce the Health Care Benefits Expansion Act of 1992 (D.C. Law 9–114; D.C. Code, sec. 36–1401 et seq.) or to otherwise implement or enforce any system of registration of unmarried, cohabiting couples, including but not limited to registration for the purpose of extending employment, health, or governmental benefits to such couples on the same basis that such benefits are extended to legally married couples.

SEC. 119. ACCEPTANCE AND USE OF GRANTS. Notwithstanding any other provision of this Act, the Mayor, in consultation with the Chief Financial Officer, may accept, obligate, and expend Federal, private, and other grants received by the District government that are not reflected in the amounts appropriated in this Act. No such Federal, private, or other grant may be accepted, obligated, or expended until (1) the Chief Financial Officer of the District of Columbia submits to the Council a report setting forth detailed information regarding such grant, and (2) the Council has reviewed and approved the acceptance, obligation, and expenditure of such grant, such approval contingent upon (A) no written notice of disapproval being filed with the Secretary to the Council within 14 calendar days of the receipt of the report from the Chief Financial Officer, and no oral notice of disapproval is given during a meeting of the Council during such 14 calendar day period, the report shall be deemed to be approved, and (B) should notice of disapproval be given during such initial 14-calendar day period, the Council may approve or disapprove the report by resolution within 30 calendar days of the initial receipt of the report from the Chief Financial Officer, or such report shall be deemed to be approved. No amount may be obligated or expended from the general fund or other funds of the District government in anticipation of the approval or receipt of a grant or in anticipation of the approval or receipt of a Federal, private, or other grant not subject to these provisions. The Chief Financial Officer of the District of Columbia shall prepare a quarterly report setting forth detailed information regarding all Federal, private, and other grants subject to these provisions. Each such report shall be submitted to the Council of the District of Columbia, and to the Committees on Appropriations of the House of Representatives and the Senate, not later than 15 days after the end of the quarter covered by the report.

SEC. 120. (a) RESTRICTIONS ON USE OF OFFICIAL VEHICLES.—Except as otherwise provided in this section, none of the funds made available by this Act or by any other Act may be used to provide any officer or employee of the District of Columbia with an official vehicle unless the officer or employee uses the vehicle only in the performance of the officer's or employee's official duties. For purposes of this paragraph, the term ''official duties'' does not include travel between the officer's or employee's residence and workplace (except: (1) in the case of an officer or employee of the Metropolitan Police Department who resides in the District of Columbia or is otherwise designated by the Chief of the Department; (2) at the discretion of the Fire Chief, an officer or employee of the District of Columbia Fire and Emergency Medical Services Department who resides in the District of Columbia and is on call 24 hours a day; (3) the Mayor of the District of Columbia; and (4) the Chairman of the Council of the District of Columbia).

(b) INVENTORY OF VEHICLES.—The Chief Financial Officer of the District of Columbia shall submit, by November 15, 2001, an inventory, as of September 30, 2001, of all vehicles owned, leased or operated by the District of Columbia government. The inventory shall include, but not be limited to, the department to which the vehicle is assigned; the year and make of the vehicle; the acquisition date and cost; the general condition of the vehicle; annual operating and maintenance costs; current mileage; and whether the vehicle is allowed to be taken home by a District officer or employee and if so, the officer or employee's title and resident location.

SEC. 121. No officer or employee of the District of Columbia government (including any independent agency of the District but excluding the Chief Financial Officer of the District of Columbia, the Metropolitan Police Department, and the Office of the Chief Technology Officer) may enter into an agreement in excess of $2,500 for the procurement of goods or services on behalf of any entity of the District government until the officer or employee has conducted an analysis of how the procurement of the goods and services involved under the applicable regulations and procedures of the District government would differ from the procurement of the goods and services involved under the Federal supply schedule and other applicable regulations and procedures of the General Services Administration, including an analysis of any differences in the costs to be incurred and the time required to obtain the goods or services.

SEC. 122. Notwithstanding any other provision of law, not later than 120 days after the date that a District of Columbia Public Schools (DCPS) student is referred for evaluation or assessment—

(1) the District of Columbia Board of Education, or its successor, and DCPS shall assess or evaluate a student who may have a disability and who may require special education services; and

(2) if a student is classified as having a disability, as defined in section 101(a)(1) of the Individuals with Disabilities Education Act (84 Stat. 175; 20 U.S.C. 1401(a)(1)) or in section 7(8) of the Rehabilitation Act of 1973 (87 Stat. 359; 29 U.S.C. 706(8)), the Board and DCPS shall place that student in an appropriate program of special education services.

SEC. 123. (a) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with the Buy American Act (41 U.S.C. 10a–10c).

(b) SENSE OF THE CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products to the greatest extent practicable.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each agency of the Federal or District of Columbia government shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) 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.

SEC. 124. None of the funds contained in this Act may be used for purposes of the annual independent audit of the District of Columbia government for fiscal year 2002 unless—

(1) the audit is conducted by the Inspector General of the District of Columbia, in coordination with the Chief Financial Officer of the District of Columbia, pursuant to section 208(a)(4) of the District of Columbia Procurement Practices Act of 1985 (D.C. Code, sec. 1–1182.8(a)(4)); and

(2) the audit includes a comparison of audited actual year-end results with the revenues submitted in the budget document for such year and the appropriations enacted into law for such year.

SEC. 125. None of the Federal funds contained in this Act may be used by the District of Columbia Corporation Counsel or any other officer or entity of the District government to provide assistance for any petition drive or civil action which seeks to require Congress to provide for voting representation in Congress for the District of Columbia.

SEC. 126. No later than November 1, 2001, or within 30 calendar days after the date of the enactment of this Act, whichever occurs later, the Chief Financial Officer of the District of Columbia shall submit to the appropriate committees of Congress, the Mayor, and the Council a revised appropriated funds operating budget in the format of the budget that the District of Columbia government submitted pursuant to section 442 of the District of Columbia Home Rule Act (Public Law 93–198; D.C. Code, sec. 47–301), for all agencies of the District of Columbia government for such fiscal year that is in the total amount of the approved appropriation and that realigns all budgeted data for personal services and other-than-personal-services, respectively, with anticipated actual expenditures.

SEC. 127. (a) None of the Federal funds contained in this Act may be used for any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

(b) Any individual or entity who receives any funds contained in this Act and who carries out any program described in subsection (a) shall account for all funds used for such program separately from any funds contained in this Act.

SEC. 128. None of the funds contained in this Act may be used after the expiration of the 60-day period that begins on the date of the enactment of this Act to pay the salary of any chief financial officer of any office of the District of Columbia government who has not filed a certification with the Mayor and the Chief Financial Officer of the District of Columbia that the officer understands the duties and restrictions applicable to the officer and the officer's agency as a result of this Act (and the amendments made by this Act), including any duty to prepare a report requested either in the Act or in any of the reports accompanying the Act and the deadline by which each report must be submitted, and the District's Chief Financial Officer shall provide to the Committees on Appropriations of the Senate and the House of Representatives by the 10th day after the end of each quarter a summary list showing each report, the due date and the date submitted to the Committees.

SEC. 129. (a) None of the funds contained in this Act may be used to enact or carry out any law, rule, or regulation to legalize or otherwise reduce penalties associated with the possession, use, or distribution of any schedule I substance under the Controlled Substances Act (21 U.S.C. 802) or any tetrahydrocannabinols derivative.

(b) The Legalization of Marijuana for Medical Treatment Initiative of 1998, also known as Initiative 59, approved by the electors of the District of Columbia on November 3, 1998, shall not take effect.

SEC. 130. Nothing in this Act may be construed to prevent the Council or Mayor of the District of Columbia from addressing the issue of the provision of contraceptive coverage by health insurance plans, but it is the intent of Congress that any legislation enacted on such issue should include a ''conscience clause'' which provides exceptions for religious beliefs and moral convictions.

PROMPT PAYMENT OF APPOINTED COUNSEL

SEC. 131. (a) ASSESSMENT OF INTEREST FOR DELAYED PAYMENTS.—If the Superior Court of the District of Columbia or the District of Columbia Court of Appeals does not make a payment described in subsection (b) prior to the expiration of the 45-day period which begins on the date the Court receives a completed voucher for a claim for the payment, interest shall be assessed against the amount of the payment which would otherwise be made to take into account the period which begins on the day after the expiration of such 45-day period and which ends on the day the Court makes the payment.

(b) PAYMENTS DESCRIBED.—A payment described in this subsection is—

(1) a payment authorized under section 11–2604 and section 11–2605, D.C. Code (relating to representation provided under the District of Columbia Criminal Justice Act);

(2) a payment for counsel appointed in proceedings in the Family Division of the Superior Court of the District of Columbia under chapter 23 of title 16, D.C. Code; or

(3) a payment for counsel authorized under section 21–2060, D.C. Code (relating to representation provided under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986).

(c) STANDARDS FOR SUBMISSION OF COMPLETED VOUCHERS.—The chief judges of the Superior Court of the District of Columbia and the District of Columbia Court of Appeals shall establish standards and criteria for determining whether vouchers submitted for claims for payments described in subsection (b) are complete, and shall publish and make such standards and criteria available to attorneys who practice before such Courts.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require the assessment of interest against any claim (or portion of any claim) which is denied by the Court involved.

(e) EFFECTIVE DATE.—This section shall apply with respect to claims received by the Superior Court of the District of Columbia or the District of Columbia Court of Appeals during fiscal year 2002, and claims received previously that remain unpaid at the end of fiscal year 2001, and would have qualified for interest payment under this section.

SEC. 132. The Mayor of the District of Columbia shall submit to the Senate and House Committees on Appropriations, the Senate Governmental Affairs Committee, and the House Government Reform Committee quarterly reports addressing the following issues: (1) crime, including the homicide rate, implementation of community policing, the number of police officers on local beats, and the closing down of open-air drug markets; (2) access to drug abuse treatment, including the number of treatment slots, the number of people served, the number of people on waiting lists, and the effectiveness of treatment programs; (3) management of parolees and pre-trial violent offenders, including the number of halfway house escapes and steps taken to improve monitoring and supervision of halfway house residents to reduce the number of escapes to be provided in consultation with the Court Services and Offender Supervision Agency; (4) education, including access to special education services and student achievement to be provided in consultation with the District of Columbia Public Schools; (5) improvement in basic District services, including rat control and abatement; (6) application for and management of Federal grants, including the number and type of grants for which the District was eligible but failed to apply and the number and type of grants awarded to the District but for which the District failed to spend the amounts received; and (7) indicators of child well-being.

RESERVE FUNDS

SEC. 133. (a) IN GENERAL.—Section 202(j) of Public Law 104–8, the District of Columbia Financial Responsibility and Management Assistance Act of 1995 is amended to read as follows:

''(j) RESERVE FUNDS.—

''(1) BUDGET RESERVE.—

''(A) IN GENERAL.—For each of the fiscal years 2002 and 2003, the budget of the District government for the fiscal year shall contain a budget reserve in the following amounts:

''(i) $120,000,000, in the case of fiscal year 2002.

''(ii) $70,000,000, in the case of fiscal year 2003.

''(B) AVAILABILITY OF FUNDS.—Any amount made available from the budget reserve described in subparagraph (A) shall remain available until expended.

''(2) CUMULATIVE CASH RESERVE.—In addition to any other cash reserves required under section 450A of the District of Columbia Home Rule Act, for each of the fiscal years 2004 and 2005, the budget of the District government for the fiscal year shall contain a cumulative cash reserve of $50,000,000.

''(3) CONDITIONS ON USE.—The District of Columbia may obligate or expend amounts in the budget reserve under paragraph (1) or the cumulative cash reserve under paragraph (2) only in accordance with the following conditions:

''(A) The Chief Financial Officer of the District of Columbia shall certify that the amounts are available.

''(B) The amounts shall be obligated or expended in accordance with laws enacted by the Council in support of each such obligation or expenditure.

''(C) The amounts may not be used to fund the agencies of the District of Columbia government under court ordered receivership.

''(D) The amounts may be obligated or expended only if the Mayor notifies the Committees on Appropriations of the House of Representatives and Senate in writing 30 days in advance of any obligation or expenditure.

''(4) REPLENISHMENT.—Any amount of the budget reserve under paragraph (1) or the cumulative cash reserve under paragraph (2) which is expended in one fiscal year shall be replenished in the following fiscal year appropriations to maintain the required balance.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect October 1, 2001.

(c) CONFORMING AMENDMENTS.—Section 159(c) of the District of Columbia Appropriations Act, 2001 (Public Law 106–522; 114 Stat. 2482) is amended to read as follows:

''(c) EFFECTIVE DATE.—

''(1) IN GENERAL.—Except as provided in paragraph (2), this section and the amendments made by this section shall take effect on October 1, 2000.

''(2) REPEAL OF POSITIVE FUND BALANCE REQUIREMENT.—The amendment made by subsection (b)(2) shall take effect October 1, 1999.

''(3) TRANSFER OF FUNDS.—All funds identified by the District government pursuant to section 148 of Public Law 106–113, as reflected in the certified annual financial report for fiscal year 2000, shall be deposited during fiscal year 2002 into the Emergency and Contingency Reserve Funds established pursuant to Section 159 of Public Law 106–522, during fiscal year 2002.''.

(d) CONTINGENCY RESERVE FUND.—Section 450A(b) of the Home Rule Act (Public Law 93–198) is amended—

(1) by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—There is established a contingency cash reserve fund (in this subsection referred to as the 'contingency reserve fund') as an interest-bearing account (separate from other accounts in the General Fund) into which the Mayor shall deposit in cash not later than October 1 of each fiscal year (beginning with fiscal year 2002) such amount as may be required to maintain a balance in the fund of at least 3 percent of the total budget appropriated for operating expenditures for such fiscal year which is derived from local funds (or, in the case of fiscal years prior to fiscal year 2007, such amount as may be required to maintain a balance in the fund of at least the minimum contingency reserve balance for such fiscal year, as determined under paragraph (2)).''; and

(2) by striking subparagraph (B) of paragraph (2) and inserting the following:

''(B) APPLICABLE PERCENTAGE DEFINED.—In subparagraph (A), the 'applicable percentage' with respect to a fiscal year means the following:

''(i) For fiscal year 2002, 0 percent.

''(ii) For fiscal year 2003, 0 percent.

''(iii) For fiscal year 2004, 0 percent.

''(iv) For fiscal year 2005, 1 percent.

''(v) For fiscal year 2006, 2 percent.''.

SEC. 134. INTEGRATED PRODUCT TEAM. No funds appropriated by this Act shall be available for an Integrated Product Team until reorganization plans for the Integrated Product Team and a Capital Construction Services Administration have been approved, or deemed approved, by the Council: *Provided,* That this paragraph shall not apply to funds appropriated for the Office of Contracting and Procurement.

SEC. 135. CORPORATION COUNSEL ANTITRUST, ANTIFRAUD, CONSUMER PROTECTION FUNDS. All funds whenever deposited in the District of Columbia Antitrust Fund established pursuant to section 2 of the District of Columbia Antitrust Act of 1980 (D.C. Law 3–169; D.C. Code §28–4516), the Antifraud Fund established pursuant to section 820 of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6–85; D.C. Code §1–1188.20), and the District of Columbia Consumer Protection Fund established pursuant to section 1402 of the District of Columbia Budget Support Act for fiscal year 2001 (D.C. Law 13–172; D.C. Code §28–3911), are hereby appropriated for the use of the Office of the Corporation Counsel of the District of Columbia until September 30, 2003, in accordance with the statutes that established these funds.

SEC. 136. RISK MANAGEMENT FOR SETTLEMENTS AND JUDGMENTS. In addition to any other authority to pay claims and judgments, any department, agency, or instrumentality of the District government may pay the settlement or judgment of a claim or lawsuit in an amount less than $10,000, in accordance with the Risk Management for Settlements and Judgments Amendment Act of 2000, effective October 19, 2000 (D.C. Law 13–172; D.C. Official Code §2–402).

This Act may be cited as the ''District of Columbia Appropriations Act, 2002''.

SA 2107. Mr. ALLEN submitted an amendment intended to be proposed by him to the bill H.R. 2944, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 57, strike beginning with line 24 through page 58, line 7, and insert the following:

SEC. 127. (a) None of the funds contained in this Act may be used for any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

(b) Any individual or entity who receives any funds contained in this Act and who carries out any program described in subsection (a) shall account for all funds used for such program separately from any funds contained in this Act.

SA 2108. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 2944, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert:

None of the funds provided in this Act may be used directly or indirectly for the renovation of the property located at 227 7th Street, Southeast (commonly known as Eastern Market), except that funds provided in this Act may be used for the regular maintenance and upkeep of the current structure and grounds located at such property.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Tuesday, November 6, 2001. The purpose of this hearing will be to continue markup on the next Federal Farm bill.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, November 6, 2001, at 2:30 p.m., to hold a nomination hearing.

AGENDA

Nominees: Mr. Raymond Burghardt, of New York, to be Ambassador to Vietnam; Mr. Larry Dinger, of Iowa, to be Ambassador to Federated States of Micronesia; Mr. Charles Greenwood, Jr., of Florida, for rank of ambassador as Coordinator for Asia Pacific Economic Cooperation (APEC); and Mr. Charles Pritchard, of the District of Columbia, for rank of Ambassador as Special Envoy for Negotiations with the Democratic People's Republic of Korea and U.S. Representative to Korean Peninsula Energy Development Organization.

Additional nominees to be announced.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Tuesday, November 6, 2001, at 2:30 p.m., to consider the nomination of Odessa F. Vincent to be an Associate Judge of the District of Columbia Superior Court.

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

COMMITTEE ON THE JUDICIARY

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on the nomination of Thomas L. Sansonetti, to be the Assistant Attorney General for the Environment and Natural Resources Division, Tuesday, November 6, 2001, at 2 p.m., in Dirksen Room 226.

Panel I: The Honorable CRAIG THOMAS and The Honorable MIKE ENZI.

Panel II: Thomas L. Sansonetti, to be the Assistant Attorney General for the Environment and Natural Resources Division.

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

SUBCOMMITTEE ON TECHNOLOGY, TERRORISM, AND GOVERNMENT INFORMATION

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Technology, Terrorism and Government Information be authorized to meet to conduct a hearing on Tuesday, November 6, 2001, at 10 a.m., in Dirksen 226, on ''Germs, Toxins and Terror: The New Threat to America.''

Panel I: J.T. Caruso, Deputy Assistant Director, Federal Bureau of Investigation; Jim Reynolds, Chief, Terrorism and Violent Crimes Section, Department of Justice; and Claude Allen, Deputy Secretary, Department of Health and Human Services.

Panel II: John Paraccini, RAND Corporation; Dr. Michael Drake, Co-Chair, California Task Force on Bioterrorism; and Ronald Atlas, National President, American Society of Microbiology.

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

PRIVILEGE OF THE FLOOR

Ms. LANDRIEU. Mr. President, I ask unanimous consent for Kevin Avery of my staff to be given floor privileges.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Senate

proceed to executive session to consider Executive Calendar Nos. 516 through 528; that the nominations be confirmed, the motions to reconsider be laid upon the table, any statements relating to the nominations be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate return to legislative session.

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

The nominations were considered and confirmed, as follows:

DEPARTMENT OF JUSTICE

William Walter Mercer, of Montana, to be United States Attorney for the District of Montana for the term of four years.

Thomas E. Moss, of Idaho, to be United States Attorney for the District of Idaho for the term of four years.

J. Strom Thurmond, Jr., of South Carolina, to be the United States Attorney for the District of South Carolina for the term of four years.

Leura Garrett Canary, of Alabama, to be United States Attorney for the Middle District of Alabama for the term of four years.

Paul K. Charlton, of Arizona, to be United States Attorney for the District of Arizona for the term of four years.

Jeffrey Gilbert Collins, of Michigan, to be United States Attorney for the Eastern District of Michigan for the term of four years.

William S. Duffey, Jr., of Georgia, to be United States Attorney for the Northern District of Georgia for the term of four years.

Maxwell Wood, of Georgia, to be United States Attorney for the Middle District of Georgia for the term of four years.

Dunn Lampton, of Mississippi, to be United States Attorney for the Southern District of Mississippi for the term of four years.

Alice Howze Martin, of Alabama, to be United States Attorney for the Northern District of Alabama for the term of four years.

Drew Howard Wrigley, of North Dakota, to be United States Attorney for the District of North Dakota for the term of four years.

Sharee M. Freeman, of Virginia, to be Director, Community Relations Service, for a term of four years.

Juan Carlos Benitez, of Puerto Rico, to be Special Counsel for Immigration-Related Unfair Employment Practices for a term of four years.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

ORDERS FOR WEDNESDAY, NOVEMBER 7, 2001

Mr. DASCHLE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10 a.m., Wednesday, November 7; that following the prayer and the pledge, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of the District of Columbia Appropriations Act.

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

STATUS OF HART OFFICE BUILDING REMEDIATION PROJECT

Mr. DASCHLE. Mr. President, I want to update the Senate on a situation that is of interest to many people and of acute interest to many of us: the remediation of the Hart Senate Office Building.

It was 3 weeks ago yesterday that an envelope containing anthrax was opened in my Hart office by a member of my staff. It is the responsibility of the Environmental Protection Agency to recommend how the Hart Building is to be remediated. No other entity has the expertise to make those recommendations.

One week ago today, on October 30, the Environmental Protection Agency officially took control of the Hart Building and the Hart remediation project. At the time, EPA officials outlined for us what they said was an experimental but promising plan to use a chlorine dioxide fumigant throughout the building to kill the anthrax spores. Under that plan, the Hart Building could have reopened as early as November 13—1 week from today. Unfortunately, it is now clear that EPA will not be able to meet its initial optimistic schedule. EPA now says that the Hart Building will not re-open until at least November 21.

Earlier today, EPA officials came to the Hill to brief Senators who have offices in the Hart Building on the reasons for the delay. They also spoke with chiefs of staff and office managers from those offices. Since this situation affects the entire Senate family, I want to share what the EPA officials told us. When EPA told us last week about their plans to remediate the entire Hart Building using chlorine dioxide as a fumigant, they said they believed it was the safest, most effective, most comprehensive, and least disruptive way to remediate Hart. At the same time, they said their plan would not be final until it had passed a peer review—until leading scientists in government and the private sector had examined it and agreed it was a reasonable way to go.

According to EPA, over the weekend, some of those scientists raised questions about the plan. While they all agreed that a chlorine dioxide fumigant will kill anthrax spores, some of the experts EPA consulted expressed concerns about using chloride dioxide gas on a building as large as the Hart Building. According to EPA officials, this is not a scientific issue. It is an engineering issue. As a result of these questions, EPA is now formulating a new plan for the Hart Building.

The Senate Sergeant at Arms has appropriately insisted that the entire Hart Building be tested for anthrax. The building will remain closed until the EPA deems that it is safe to reenter. I understand the frustration and disappointment of Senators and staff who have been displaced by the Hart Building closure. We have all been greatly inconvenienced, and we are anxious to get back to the regular order in our offices. But we are dealing with a deadly bacteria. Safety must come before convenience. Twenty members of my staff and 8 other members of the Senate family were exposed to anthrax when that letter was opened. I do not want one more person to have to face that situation.

It is important that we all understand the EPA, and only the EPA, has the expertise to declare the Hart Building safe. We will follow their lead and re-open Hart when they certify it is safe to do so. The safety and health of the people who work in the Hart Building and those who visit there must be our guide.

I appreciate the patience and the understanding of all our colleagues, their staffs, and those who find themselves as dislocated as my staff. I intend to continue to give periodic reports as they are necessary, and I will share whatever information is made available as soon as it is provided to me.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. DASCHLE. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate now stand in adjournment under the previous order.

There being no objection, the Senate, at 6:53 p.m., adjourned until Wednesday, November 7, 2001, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate November 6, 2001:

THE JUDICIARY

M. CHRISTINA ARMIJO, OF NEW MEXICO, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW MEXICO.

KARON O. BOWDRE, OF ALABAMA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ALABAMA.

STEPHEN P. FRIOT, OF OKLAHOMA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF OKLAHOMA.

DEPARTMENT OF JUSTICE

WILLIAM WALTER MERCER, OF MONTANA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF MONTANA FOR THE TERM OF FOUR YEARS.

THOMAS E. MOSS, OF IDAHO, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF IDAHO FOR THE TERM OF FOUR YEARS.

J. STROM THURMOND, JR., OF SOUTH CAROLINA, TO BE THE UNITED STATES ATTORNEY FOR THE DISTRICT OF SOUTH CAROLINA FOR THE TERM OF FOUR YEARS.

LEURA GARRETT CANARY, OF ALABAMA, TO BE UNITED STATES ATTORNEY FOR THE MIDDLE DISTRICT OF ALABAMA FOR THE TERM OF FOUR YEARS.

PAUL K. CHARLTON, OF ARIZONA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF ARIZONA FOR THE TERM OF FOUR YEARS.

JEFFREY GILBERT COLLINS, OF MICHIGAN, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF MICHIGAN FOR THE TERM OF FOUR YEARS.

WILLIAM S. DUFFEY, JR., OF GEORGIA, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF GEORGIA FOR THE TERM OF FOUR YEARS.

MAXWELL WOOD, OF GEORGIA, TO BE UNITED STATES ATTORNEY FOR THE MIDDLE DISTRICT OF GEORGIA FOR THE TERM OF FOUR YEARS.

DUNN LAMPTON, OF MISSISSIPPI, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF MISSISSIPPI FOR THE TERM OF FOUR YEARS.

ALICE HOWZE MARTIN, OF ALABAMA, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF ALABAMA FOR THE TERM OF FOUR YEARS.

DREW HOWARD WRIGLEY, OF NORTH DAKOTA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF NORTH DAKOTA FOR THE TERM OF FOUR YEARS.

SHAREE M. FREEMAN, OF VIRGINIA, TO BE DIRECTOR, COMMUNITY RELATIONS SERVICE, FOR A TERM OF FOUR YEARS.

JUAN CARLOS BENITEZ, OF PUERTO RICO, TO BE SPECIAL COUNSEL FOR IMMIGRATION-RELATED UNFAIR EMPLOYMENT PRACTICES FOR A TERM OF FOUR YEARS.

EXTENSIONS OF REMARKS

CONGRATULATING THE CITY OF KOCHI, JAPAN

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate the city of Kochi, Japan, on celebrating their 400th year of existence. Kochi has a special relationship with Fresno, CA, because the two have been Sister Cities since February 11, 1965.

Kochi is a city that is rich with history. Yamanouchi Kazutoyo, a successful warrior of that period, took up residence in the city of Tosa in the year 1601. Kazutoyo's status as a warrior and his loyalty to the Tokugawa leyasu earned him a vast area of land to farm and develop. He recognized that the future development of the town would be impossible at the site in Tosa. So he moved his government back to the Otaska area and built Kochi Castle, the foundation of the great city.

Kochi is a progressive city that has long been at the forefront of social and political progress. Kochi is proud to be the first city in Japan to grant voting rights to women. Several key figures in the birth of modern Japan, such as Sakomoto Ryoma and Itagaki Taisuke, were from Kochi.

Fresno is proud to be a Sister City with Kochi, Japan. This relationship encourages growth, fosters understanding, and develops friendships through cultural, educational, and personal exchange.

Mr. Speaker, I rise to congratulate the city of Kochi, Japan on their 400-year anniversary. I urge my colleagues to join me in wishing the city of Kochi many more years of prosperity and good fortune.

AMERICAN LIVER FOUNDATION, DISTRICT OF COLUMBIA CHAPTER'S 3RD ANNUAL LIVER WALK

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 2001

Mrs. MORELLA. Mr. Speaker, I rise today, in honor of the American Liver Foundation, District of Columbia Chapter's 3rd Annual Liver Walk. The walk is designed specifically to raise awareness and funds necessary to combat liver diseases such as hepatitis and bilateral atresia. I ask my colleagues to join me in support of the American Liver Foundation and their tireless work and dedication to eliminate liver disease.

The American Liver Foundation is a national, voluntary nonprofit organization dedicated to the prevention, treatment, and cure of liver disease through research, education, and advocacy. Nearly 4 million Americans are infected with Hepatitis C and 8,000 die each year as a result and the number of fatalities is expected to reach 30,000 annually within the next two decades. In 1998, 573 liver transplants were performed on children in the United States and over 80 percent were under the age of 2 years old, a child's liver transplant will cost $200,000 to $300,000 during the first year of care. An increase in research can make it possible to develop improved treatments and find cures and a major effort is necessary to control the increase in liver diseases.

Mr. Speaker, it is estimated that 1 in 10 individuals in the Washington, DC, metropolitan area suffer from liver disease. Broad-based chapter support and activities generate support in our communities that will result in more effective treatment and prevention, improved care to those afflicted, and cures for those who now have only hope. The Greater Washington DC Chapter of the American Liver Foundation offers hope and assistance to the many suffering with liver disease and their families through programs such as their upcoming ''Liver Walk.'' I applaud their efforts and I am proud to lend my support to this program.

PERSONAL EXPLANATION

HON. CHARLES F. BASS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 2001

Mr. BASS. Mr. Speaker, I was regrettably absent on Wednesday, October 17, 2001, and consequently missed a recorded vote on H.R. 390. Had I been present, I would have voted ''yea'' on rollcall vote No. 390.

AMERICAN SMALL BUSINESS EMERGENCY RELIEF AND RECOVERY ACT OF 2001

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 2001

Mr. MANZULLO. Mr. Speaker, I am pleased to join with my good friends, Representatives JIM MORAN and JERROLD NADLER in introducing the American Small Business Emergency Relief and Recovery Act of 2001. The purpose of this emergency legislation is to help small businesses meet their payments on existing debts, finance their businesses, and maintain jobs in the aftermath of the terrorist attacks on September 11 by strengthening and expanding access to the Small Business Administration's (SBA) loan and management counseling programs.

To help turn the economy around, this bill includes changes to two of SBA's main non-disaster lending programs in order to encourage borrowing and lending for new and growing small businesses that may otherwise be reluctant to start or expand their businesses in the post-September 11 economy. This bill also includes provisions to aid our small business federal contractors facing increased costs such as when they have found it difficult to access federal facilities to work on existing contracts due to security constraints. Finally, this bill increase authorization levels for SBA's various technical assistance programs to insure that adequate individualized help is available to small businesses coping with the aftermath of the terrorist attacks.

This bill includes changes that will be included in the manager's amendment in the nature of a substitute to the Senate counterpart of this legislation, introduced by the chairman and ranking member of the Senate Small Business and Entrepreneurship Committee, Senators JOHN KERRY and CHRISTOPHER ''KIT'' BOND (S. 1499). Most of the changes contained in the manager's amendment in the nature of a substitute to the original S. 1499 are technical in nature mainly to accommodate concerns raised by the Congressional Budget Office, the SBA, and the Office of Legislative Counsel. These changes have been developed jointly between the Senate and House Small Business Committees, and are identical, word for word.

After two hearings and listening to dozens of small business owners across the Nation, small businesses in need of help fall into three categories for the purposes of this Act: (1) those suffering from direct, physical damage, (2) those suffering from indirect damage, and (3) those in need of general economic stimulus. This legislation is not the only source of help for our nation's small businesses. It is meant to complement—not supplant—the efforts undertaken by other congressional committees and the executive branch to revitalize our economy.

For those small businesses still suffering from direct damage as a result of the terrorist attacks on September 11, this legislation first modifies the SBA's disaster loan program to deal with concerns raised by small businesses, particularly from the downtown Manhattan area. For small businesses located in the areas of New York, Virginia, or contiguous areas declared disaster areas, the bill increases loan amounts from $1.5 million to $6 million for both economic injury disaster loans and physical disaster business loans. It also increases the aggregate amount that a small business may borrow through the SBA from $1.5 million to $12 million. The bill increases the size standards for certain industries, in terms of number of employees or gross annual receipts and gives the SBA Administrator the authority to waive or increase a size standard through an expedited process. It also defers the payments and forgives the interest on these loans for 2 years.

Second, for those small businesses suffering indirect damage, this legislation modifies the 7(a) or General Business guarantee loan program of the SBA. These are small businesses not physically damaged or destroyed or in the vicinity of such businesses, but affected because they are a supplier, service

provider or complementary industry to any affected industry, especially the financial, hospitality, travel and tourism industries, or are dependent upon the business of a closed or suspended business or sector. These businesses would be eligible for 7(a) Guaranteed Business Loans, under more unfavorable terms, including a reduced interest rate, elimination of the upfront borrower fee, a reduction of the lender's annual guarantee fee by half, and an increase in the government's guarantee percentage to 90 percent. This temporary change to the 7(a) program would sunset one year after enactment.

In the third category of assistance, this bill contains a general economic stimulus for those small businesses in need of capital and investment financing, procurement assistance, or management counseling in the economic aftermath of September 11. There are incentives for small businesses and lenders to use the 7(a) program, the 504 Certified Development Company guarantee loan program, which is used for plant construction and expansion and equipment acquisition, and the Small Business Investment Company (SBIC) program.

As an economic stimulus, the bill reduces by half the upfront 7(a) guarantee fee paid by the borrower; reduces the lender's annual guarantee fee from 0.5 to 0.25 percent for the life of the loan; establishes a government guarantee percentage of 85 percent on all such loans (regardless of size); and gives the SBA Administrator the authority to waive or increase a size standard. In addition, the bill eliminates the upfront 504 loan program guarantee fee of 0.5 percent paid by the borrower and reduces by half the borrower's annual guarantee fee for the life of the loan. These changes to the 7(a) and the 504 program would expire one year after enactment. The bill also raises the authorized program level of the SBIC program, the SBA's venture capital initiative, by $900 million to meet anticipated demand as other private sector sources for venture capital dry up.

The legislation also establishes an expedited procedure whereby federal small business contractors can apply for an equitable adjustment to their contracts if costs have been incurred due to security or other measures resulting from the September 11 terrorist attacks. An adversely affected small business owner would first apply to the contracting officer for monetary relief. The contracting officer would work with the agency's Office of Small and Disadvantaged Business Utilization and the SBA to determine the amount of any monetary adjustment. A decision is required within 30 days. The provision establishes a $100 million fund at the SBA to pay for these contract adjustments. The program would sunset, permitting small businesses 11 months after enactment to apply for the adjustment.

The bill also authorizes additional funds for various SBA management assistance programs to help small business successfully utilize the temporary changes to the SBA loan guarantee programs as outlined above. It increases funding for Small Business Development Centers (SBDCs) by $25 million, of which $2.5 million will be available for businesses in New York's disaster area and $1.5 million for businesses in Virginia's disaster area. The funds would be used to provide free individualized assistance for small businesses adversely affected by the terrorist attacks. No matching state funds would be required.

The bill increase funding for the Women's Business Centers Program by $2 million and also waives the non-Federal matching requirement. Funding for Microloan Technical Assistance is also increased by $5 million for similar purposes. Lastly, the legislation increases funding for the Service Corps of Retired Executives (SCORE) by $2 million to provide free advice from experienced businesspersons to struggling small business owners dealing with the aftermath of the events of September 11.

Finally, the SBA's Office of Advocacy is authorized in this bill to expend $500,000 to study and report on small businesses adversely impacted by the attacks of September 11, and measure the effect of this legislation on small businesses.

This bipartisan bicameral legislation is endorsed and strongly supported by small business groups, including the U.S. Chamber of Commerce, National Small Business United, the Small Business Legislative Council, the National Association of Government Guaranteed Lenders (NAGGL), the National Association of Development Companies (NADCO), the Association of Women's Business Centers, the National Community Reinvestment Coalition, and the National Limousine Association.

Mr. Speaker, I invite my colleagues to join me in passing this emergency legislation so that we can get assistance to needy small business owners as soon as possible.

HONORING LAVERNE SCHWALM

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Laverne Schwalm for his service to our country as a member of the U.S. Merchant Marines. Mr. Schwalm passed away 1 year ago, on October 26, 2000.

Ensign Schwalm was born in Toledo, OH, and attended high school in Deerfield, MI. After high school he joined the U.S. Merchant Marines at the age of 17. He began his service in the Merchant Marines in 1944 and worked as a radio operator. He and his family first lived in California in 1947, when he was stationed in San Francisco. Laverne and his wife moved to Fresno when he left the Merchant Marines in 1949. After the Merchant Marines Laverne worked as a foreman at Pittsburgh Steel Company for 25 years.

Laverne and his wife Billie were married for 53 years. He is survived by his wife, 4 children, 10 grandchildren, and 11 great-grandchildren.

Mr. Speaker, I honor Laverne Schwalm for his service to our country. I urge my colleagues to join me in honoring Mr. Schwalm's accomplishments.

HONORING THE 41 YEARS OF SERVICE OF ANDE YAKSTIS

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 2001

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing the 41 years of service and the retirement of Ande Yakstis from the Alton Telegraph Newspaper in Alton, Illinois.

Ande Yakstis, award-winning reporter, retired on Friday, November 2, 2001 from the Alton Telegraph after a distinguished 41 year career at the historic newspaper. Ande has been described by his colleagues as a skilled veteran reporter as well as a community-minded journalist.

Throughout his 41 years, Ande witnessed many changes at the Alton Telegraph, ranging from different newspaper ownership to changing news philosophy, but Ande has always kept the importance of freedom of speech and community journalism in the forefront of his mind.

Ande started his career at the Telegraph in 1960 with the late publisher Paul S. Cousley and well-known editor Elmer Broz. Ande has previously described Cousley as a publisher with great integrity and respect. Cousley was credited with carrying on the tradition of Elijah P. Lovejoy, the abolitionist newspaper/publisher/editor. He had a great impact on Ande, teaching him about being a newspaper person, how to inform people about issues in government, reporting on school district affairs and coverage of the business community.

When Ande started as a cub reporter, Madison County was noted for illegal gambling and other related activities. He gained a reputation as an investigate reporter who exposed the racketeering empire of local mobster, Frank ''Buster'' Wortman. As a result of his stories exposing the gangsters, the Illnois Crime Investigation Commission teamed up with FBI and other law enforcement authorities to shut down organized crime operations in both Madison and St. Clair Counties.

Another highlight of his career came in 1969, when he and former Telegraph reporter Ed Pound began an investigation of an Illinois Supreme Court Justice who allegedly received a gift of stock after he set a defendant free in a crime. After the story appeared, an investigation of the Supreme Court was undertaken by both the Illinois and Chicago Bar Associations. Following the hearing, two justices of the Court resigned. Both Ande and Ed Pound were then nominated for a Pulitzer Prize for their stories on the Supreme Court Investigation. They were also honored with the National Associated Press Managing Editors Award for the Supreme Court Expose.

In addition to these honors, Ande was awarded the Illinois Associated Press First Place award for news and feature writing 10 different times and twice was nominated for a Pulitzer Prize for his news reporting. His career was further distinguished in 1997, when he was awarded the Elijah P. Lovejoy award for a lifetime of writing stories to improve the quality of life of people of all races and nationalities.

Ande is known for his writing ability, but most of all, he has been involved in many humanitarian efforts in the community during his 41 year career. In the early 1960's, Ande spent time tutoring young black children to help them to read. Ande has said his greatest reward as a journalist comes when one of his stories helps a child get an organ transplant or when a story he writes helps a local food pantry receive donations of food for hungry families. It is then, that Ande believes his life as a writer has been worthwhile.

In 1975, Ande was presented the Brotherhood Award from Black Churches in Alton for

his stories promoting justice and racial harmony in the community. He organized a campaign to rebuild the historic Rocky Fork New Bethel A.M.E. church in Godfrey after it was burned by arsonists. Ande has also volunteered at the Salvation Army to help the poor with food and clothing and helped the late Frances Jackson to start the Alton Food Crisis Center which feeds hundreds of people each month.

Ande is a veteran of the Korean War and has spent a lifetime as an advocate for the rights of men and women who served in the armed forces.

Mr. Speaker, I ask my colleagues to join me in honoring the 41 years of service of Ande Yakstis and to wish both he and family the very best for an enjoyable retirement.

INTRODUCTION OF THE SAFE NURSING AND PATIENT CARE ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 2001

Mr. STARK. Mr. Speaker, I rise to introduce the Safe Nursing and Patient Act of 2001 which I am introducing with a group of colleagues today.

There are some 500,000 trained nurses in this country who are not working in their profession. Of course, their reasons for leaving nursing are many. But consistently cited are concerns about the quality of care that nurses' feel able to provide in many health care settings today and increasing requirements to work mandatory overtime.

Listen to these words of a nurse in the state of Washington:

> I have been a nurse for six years and most of the time I have worked in the hospital environment. It is difficult to tell you how terrible it is to ''work scared'' all the time. A mistake that I might make could easily cost someone their life and ruin mine. Every night at work we routinely ''face the clock.'' All of us do without lunch and breaks and work overtime, often without pay, to ensure continuity of care for our patients. Yet, we are constantly asked to do more. It has become the norm for us to have patient assignments two and a half times greater than the staffing guidelines established by the hospital itself. I cannot continue to participate in this unsafe and irresponsible practice. So I am leaving, not because I don't love being a nurse, but because hospitals are not safe places: not for patients and not for nurses.

If we want to ensure quality patient care and a strong nurse work force today and in the future, we must make stories like this nurse's much less frequent. One way to do that is to enact legislation prohibiting hospitals and other health care providers from forcing nurses to work hours beyond what that professional nurse believes to be safe for patient care. That is the purpose of the Safe Nursing and Patient Care Act.

The current practice of mandatory overtime is jeopardizing the quality of care patients receive. It is also contributing to the growing nurse shortage. Current projections are that the nurse workforce in 2020 will have fallen 20 percent below the level necessary to meet demand.

A recent report by the General Accounting Office, Nursing Workforce: Emerging Nurse Shortage Due to Multiple Factors, concludes as follows:

> [T]he current high levels of job dissatisfaction among nurses may also play a critical role in determining the extent of current and future nurse shortages. Efforts undertaken to improve the workplace environment may both reduce the likelihood of nurses leaving the field and encourage more young people to enter the nursing profession . . .

We have existing government standards that limit the hours that pilots, flight attendants, truck drivers, railroad engineers, and other professions can safely work before consumer safety could be impinged. However, no similar limitation currently exists for our nation's nurses who are caring for us at often the most vulnerable times in our lives.

The Safe Nursing and Patient Care Act would set strict limits on the ability of health facilities to require mandatory overtime from nurses. While nurses would be allowed to continue to volunteer for overtime if and when they feel they can continue to provide safe, quality care, mandatory overtime would only be allowed when an official state of emergency was declared by the Federal, State or local government. These limits would be part of Medicare's provider agreements. They would not apply to nursing homes as there are alternative staffing and quality measures moving forward for those facilities.

To assure compliance, the bill provides HHS with the authority to investigate complaints from nurses about violations. It also grants HHS the power to issue civil monetary penalties of up to $10,000 for violations of the act and to increase those fines for patterns of violations.

Providers would be required to post notices explaining these new rights and to post nurse schedules in prominent workplace locations. Nurses would also obtain antidiscrimination protections against employers who continued to force work hours for nurses beyond what a nurse believes is safe for quality care. Providers found to have violated the law would be posted on Medicare's website.

This legislation is not the final solution. I believe that standards must be developed to define timeframes for safe nursing care within the wide variety of health settings (whether such overtime is mandatory or voluntary). That is why the legislation also requires the Agency on Healthcare Research and Quality to report back to Congress with recommendations for developing overall standards to protect patient safety in nursing care.

I know that our Nation's hospital trade associations will claim that my solution misses the mark because it is precisely the lack of nurses in the profession today that is necessitating their need to require mandatory overtime. Let me respond directly. Mandatory overtime is dangerous for patients plain and simple. It is also a driving force for nurses leaving the profession. These twin realities make mandatory overtime a dangerous short-term gamble at best. We should join together to end the practice.

This bill takes the first step to address the problem by strictly limiting the ability of providers to force nurses to work beyond their professional opinion of what is safer for fear of losing their jobs. This is a very real problem facing the nursing profession and that is why my bill is endorsed by the American Nurses Association, AFSCME, AFT, SEIU, AFGE, UAW, and the AFL–CIO—organizations that speak for America's nearly 3 million nurses.

I urge my colleagues to join with me in support of the Safe Nursing and Patient Care Act. Again, my bill is not the only solution. I also support efforts to increase the number of people entering the nursing profession and have cosponsored legislation to achieve that goal. But, we must also take steps to improve nursing now so that today's nurses will remain in the profession to care for those of us who need such care before new nurses can be trained and be there as mentors for the nurses of tomorrow.

Mandatory nurse overtime is a very real quality of care issue for our health system and I look forward to working with my colleagues to enact the Safe Nursing and Patient Care Act which will start us down the right path toward protecting patients and encouraging people to remain in—and enter—the nursing profession.

WORDS OF VERNON JORDAN

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 2001

Ms. NORTON. Mr. Speaker, I rise to draw to the attention of the House the words of a distinguished American, Vernon Jordan. In this House, he is well known through the major roles that chart his extraordinary life: civil rights worker, civil rights leader, leading lawyer, international investment banker. Mr. Jordan's life will be understood through his own words in his autobiography entitled Vernon Can Read, just released and excerpted in the October 29th issue of Newsweek.

However, Mr. Speaker, in light of what September 11 brought down on our country, what I want to submit for the RECORD today is a remarkable, recent speech by Mr. Jordan to the First Congregational United Church of Christ located in his hometown, Atlanta, Georgia.

I can only imagine how the hometown congregation must have received these inspiring and thoughtful words from Vernon, whom they saw off to DePauw University as a boy and have seen him return as one of the nation's wise men. I have no doubt that Mr. Jordan is also so regarded by this House and ask that excerpts from his remarks be made a part of today's RECORD.

FIRST CONGREGATIONAL CHURCH IN ATLANTA

> Thank you, for inviting me here today and for this opportunity to join you for your homecoming service.
>
> For what I am and what I have achieved, I owe that experience and to the people who guided me while I have run this race . . . through all of life's trials and tribulations, joys and triumphs.
>
> I had planned to talk about those people today . . . about my parents who steered me on a straight and narrow path . . . about my teachers at Walker Street, E.A. Ware and David T. Howard High Schools, the counselors at the Butler Street YMCA . . . and about the role of the black church, and its historic mission as a beacon of hope and opportunity for black people.
>
> But like all Americans, my thoughts this past fortnight have been elsewhere.
>
> My thoughts have been with those many thousands of innocent victims of horror . . . with their families and friends . . . and with our wounded nation.

My thoughts have been about how we got to this perilous situation . . . what we must do to overcome it . . . and of the need to affirm our values—especially as those values come under attack from the forces of evil.

The world has changed radically in the past decade. It is a world that has become more complex and more integrated than ever.

The great worldwide division of the past half-century was the struggle between communism and freedom. Freedom won. The American model of freedom and free markets is now the world's model.

But freedom's victory is being tested in a world of diverse cultural, social, and economic traditions. The giant leap forward of technology and free trade have left many behind. The pervasive march of modernity disrupts traditional cultures. Worldwide migrations sharpen culture clashes. The industrial world ages while the developing world's population growth strains its ability to feed or employ its people. The power of new multinational institutions—the European Union, the World Trade Organization, worldwide corporations, and mass media, among others—breed resentment and distrust.

About the only constant is the craving for full participation in political decisions that affect people's lives and in the economic decisions that affect their livelihoods.

That is why many people believe the rush for markets and profits leads to exploitation, unemployment and human suffering. Americans, who have benefitted from the triumph of markets, dismiss such feelings at our peril. For our vision of a fair, democratic capitalist society must include social justice and equitable division of the benefits of the free market.

Absent that, there is a tendency toward a turning within, a rejection of the outside world and modern ways, a rush to a form of traditionalism that wallows in envy and hate—a traditionalism that is not only economically counterproductive, but reflects insularity and deep mistrust of all outsiders.

Broadening the base of freedom and prosperity should be a cornerstone of America's policy. Not only because it might shrink the numbers of disaffected who can be recruited for terrorism. But because it is the right thing to do, the just thing, the moral thing. And it is also practical, for the more people who are productive and well-fed and housed, the higher everyone's living standards will be. The world over.

But it is easy for many of us to be so fixed upon existing poverty and injustices that we confuse case and effect. They are not the causes of terrorism.

A hatred of modernity and a love of evil are the causes of terrorism. And in this world, as we have so painfully seen, there is no hiding place from terrorism.

It is good to remember that at a homecoming service whose theme is ''For the Glory of God and the Good of Humankind.'' For destroying innocent lives has nothing to do with the good of humankind and everything to do with pure, unadulterated evil.

Our response to the evil of September Eleventh is very clear. By definition, those acts were acts of war. By the principles of international law, self-defense and common sense, we will strike back at the networks of terrorists who attacked us, the networks that support them and are committed to harm us, and the governments that give them shelter, arms and resources.

War is a terrible thing. No one in his or her right mind wants it. But if it is forced upon us—as it has been—it must be pursued as Jeremiah says, with ''fury like fire, and burn that none can quench it, because of the evil of your doings.''

Even as we do so, we must be clear about what we are fighting for and why. For many Americans today, gripped by shock and trauma, simple revenge is enough. But great causes cannot be rooted in negativism. Nor can they be driven by raw emotions.

We did not go into World War II solely to avenge Pearl Harbor or because the Nazis were bad. We went to war—and won that war to defend freedom and democracy from those who would replace it with tyranny and despotism.

Yes, our democracy was flawed. But our affirmation of democracy during World War II set the stage for its expansion and growth in the post-war era.

Now we are called upon to defend freedom from chaos and mindless terror. This new kind of war will be long and difficult, for the enemy is elusive and as we have seen, modern societies are highly vulnerable.

We will win that war if we fight for our American values and if we act consistent with those values.

If we defeat them militarily but in the process become less free, less open—they will have won.

Such measures are part of being at war and they are acceptable limitations so long as our basic freedoms are intact.

We must not allow the inroads on those basic freedoms that can happen in times of national emergency. In World War One, there was a ''Red Scare'' in which the government ignored constitutional rights like freedom of speech. In World War Two, Japanese Americans, including U.S. citizens were forced into detention camps.

Such things happen during wartime, when feelings run high. They must not happen again. For even if we win battles, we would lose the war. We must be on guard against subverting our constitution and our civil liberties in the name of defending the constitution and liberty.

The terrorists who turned civilian planes into destructive missiles were sending a message. It was a message that was not addressed to the White House or the Pentagon or to Wall Street. It was addressed ''to whom it may concern'' and that means all Americans and all free people.

But they are all Americans. And in the eyes of the terrorists, they all stand for values that are central to the American fabric. And that was enough to make them targets. Just as you and I and all our loved ones are targets now.

Black Americans hold America's values dearly. At times, it seemed as if we were the only ones who did. When this nation was in the grip of racism and segregation, it was black people who reminded America of its basic values of freedom and democracy. It was black Americans who helped America to close the gap between its beliefs and its practices.

And America has responded to our pleas and our demands by changing. Not as fast as we might wish. Not as willingly as we hoped. But change it was. We must understand that change and help moved it forward. For we cannot be frozen in a bitter past; we cannot forever lick yesterday's wounds.

And if we have done so much when we had so little, think how much more we can do now that we have so much more.

We have in fact changed the face of American and the world. We are a great people, and we are patriotic Americans. Take heart from our glorious past and be encouraged by it because it can inspire us to understand the great things we can do when we come together to do them.

HONORING LARRY HIBDON

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to Larry Hibdon for his years of dedicated service to the community. After 29 years with the City of Madera's Parks Department, Mr. Hibdon retired last year.

In 1971, Larry began his recreation and community services career as a Recreation Playground Leader. From there, he earned his degree in Recreation from Fresno State University and continued to progress his career with the City of Madera. He spent some time as their Community Services Supervisor and finally became the Director of Parks and Community Services, a position he has held for 13 years.

Larry Hibdon's guiding principal has always been that a Parks and Recreation Department is designed to serve the people. Under Larry's direction and guidance the Parks and Community Services Department has reached new heights. The following are some major milestones for this department under Larry's direction: starting the Disabled Adult Program, creating the Summer Youth Enrichment School, creating the Christmas Basket Program, creating the 50 acre Lion's Town & Country Regional Park, groundbreaking for Madera's first Senior Center, inception of the Madera County Arts Council, creating and opening the Madera Municipal Golf Course, creating the 37 acre Millview Sports Complex, first bike lanes in Madera, creating the Madera Beautification Committee, the Gateway Tree Project implementation, grand opening of the Pan-American Community Center, and the repair of the Route Bus system in Madera.

This list only begins to highlight the vision that Larry has had for Madera. He has continually been dedicated to getting more parks, recreation and leisure activities for all Maderans. In 1999 Mr. Hibdon received the California Parks and Recreation Society District VIII Howard B. Holman Award. The award is the highest honor that can be bestowed in the profession of Parks and Community Services by the profession in the State of California.

Mr. Speaker, I rise to pay tribute to Larry Hibdon for his active and distinguished community involvement. I urge my colleagues to join me in wishing Larry Hibdon many more years of good health and happiness.

IN RECOGNITION OF BIA/SC PRESIDENT LUCY DUNN

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 2001

Mr. ISSA. Mr. Speaker, I rise today to recognize my constituent, Ms. Lucy Dunn, of Coto de Caza, California, for her personal and professional commitment to the building industry. Ms. Dunn was elected Secretary Treasurer of the Building Industry Association of Southern California in 1998 and has served in successive years as second and first vice president before being elected president. In addition, Lucy also serves as director and member

of the California Building Industry Association and the National Association of Homebuilders, where she serves on the Environmental Committee.

Lucy's involvement is not limited to the building industry however. She has served as a director and/or member of the Orange County Business Council, the Lincoln Club of California, the Huntington Beach Chamber of Commerce, the California Office of Historical Preservation Subcommittee on Archaeology, the National Foundation for Economic and Environmental Balance and the Bolsa Chica Conservancy as a founding member.

Orange County Metropolitan magazine ranked Ms. Dunn among the country's ''Hot 25'' people in business for 1992 and 2000, she was nominated for the Orange County Business Council's ''Women in Business Award'' in 1995 and 1996, and was recognized as the California State Legislature's ''Woman of the Year'' in March 1997 for her outstanding service and dedication to the people of California.

As Lucy Dunn completes her term as president I would like to congratulate Ms. Dunn for her service and commitment to her profession and the community. I wish her great success in all her future endeavors.

AN AMERICAN PILOT RETURNS HOME

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 2001

Mr. BLUNT. Mr. Speaker, I rise to report to my Colleagues that another brave American pilot is coming home. However, this one is not returning from an air strike to destroy the Taliban hiding in Afghanistan; this pilot is returning from a mission against the enemies of Freedom who threatened our world over a half century ago in France.

On January 15, 1945, First Lieutenant William Wyatt Patton Jr. of Stark City Missouri disappeared while flying his P–51 Mustang on a weather scouting mission out of an allied air base in Wormingford, England. After the events earlier this year, I am sure than too many families today know firsthand the sorrow and heartache that Lt. Patton's family felt in southwest Missouri when they learned that their son was missing. A year later their son was officially declared dead by the U.S. Army Air Corps. However like those families whose loved ones disappeared in the collapse of the World Trade Center, the sense of closure eluded the family whose son who still had not come home.

William Patton was committed to serving our country. He first tried to enlist long before the outbreak of World War II at age 16. Official disapproval over his young age and small size didn't stop him. Shortly, thereafter he began working at a military mess hall eating what he could to gain the necessary weight and working diligently until he could join the Army. Lt. Patton eventually entered the service in 1934 and was in Hawaii as a seasoned member of the military when the Japanese bombed Pearl Harbor in 1941.

Dedication and perseverance as a young airman marked his career as he earned the Distinguished Flying Cross; the Air Medal; the American Defense Service Medal with One Bronze Star; the European-Africa-Middle Eastern Theater Ribbon; Four Bronze Service Stars for participating in action in Normandy, Northern France, the Rhineland, and the Ardennes. He also received the purple heart.

All soldiers are not fortunate enough to return home to their families after the battle and enjoy the freedoms they have fought to protect. Unfortunately, Lt. Patton was one of those.

The remains of a P–51 Mustang were recently discovered in a farmer's field near the village of Longueville, France. The United states Army Central Identification Laboratory has now determined the remains of the body inside that aircraft are in fact those of a Missouri farm boy who gave his life as a soldier and as a patriot. Mr. Speaker, Lt. Patton is finally beginning his last journey home to his family in Southwest Missouri after fifty-six years. He will join his comrades in arms from every war since the Civil War in burial at the National Cemetery in Springfield, Missouri.

As our young men and women in the service find themselves today scattered around the world waging war against terrorism, it is important to remember that in war all must be prepared to make the ultimate sacrifice. Some, sadly, will be required to actually make that sacrifice. However that sacrifice is not only made by the airman, the soldier, the sailor, the marine, or the guardsman, but by their family and their loved ones as well.

To the family of Lt. William Patton, I would like to say thank you, this Congress thanks you, and the citizens of our country thank you. We understand that our freedom is purchased by the sacrifice made by Lt. William Patton and by you.

A PROCLAMATION RECOGNIZING UNION LOCAL HIGH SCHOOL

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 2001

Mr. NEY. Mr. Speaker, Whereas, in the wake of the September 11th tragedy, the students of Union Local High School completed a painting of a 150 foot American flag; and,

Whereas, they have shown their loyalty and support for the United States of America by boldly showing their patriotic spirit; and

Whereas, the students have been extremely generous in creating and donating to a ''September 11th Fund''; and,

Whereas, the students also demonstrate devotion to their country through decorations, songs, speeches, pins, and patriotic enthusiasm;

Therefore, I invite my colleagues to join with me and the citizens of Ohio in thanking the students of Union Local High School for their unmatched allegiance to the United States of America.

TRAGIC TUESDAY

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 2001

Mrs. ROUKEMA. Mr. Speaker, I rise today to share a poem written by an extremely talented individual, Miss Kira Schiavello of Saddle River, NJ. Kira lives in my district which was particularly hard hit by the World Trade Center disaster. The loss of life and strain on our community has been difficult, to say the least. However, we are finding a new strength in the Fifth District of New Jersey. Kira Schiavello has captured the experience of September 11 and the resulting challenges in a moving poem entitled ''Tragic Tuesday.'' Kira displayed an eloquence and insight beyond her young years as she not only depicted this terrible tragedy but also expressed the emotional and soul searching reactions of Americans. I would like to take this opportunity to share her poem with my colleagues. As we work to protect her generation's future, let us be inspired by the true patriotism and strength that they now show.

Mr. Speaker, I ask that the following poem by Kira Schiavello be submitted to the CONGRESSIONAL RECORD.

TRAGIC TUESDAY

On September 11, 2001,
America was under attack.
There was an empty gap in NYC,
And the skies above were black.

First, the North twin tower was hit
By a hi-jacked, passenger jet.
The sight of the explosion in the sky,
Americans will never forget.

Then, to the world's shock and disbelief,
The South Tower was crashed into.
Those close by just ran and screamed;
It was like nothing they had been through.

As if nothing else could ever go wrong,
Two more planes were seized!
They hit Pennsylvania and The Pentagon,
Until finally the terrorists were pleased.

But the damage to the US was not done,
For the Twin Towers dropped to the ground.
Blinding dust filled up the air;
And the world shook with the trembling sound,

Under the ruble, five stories high,
Are brothers, sisters, dads and moms.
Their innocent lives are gone forever;
Because of the terrorists' flying bombs.

America has never seen a tragedy
As devastating as this.
It will continue to affect our everyday lives,
For as long as we exist.

The faceless criminals were looking to ruin
Our happiness, our liberty, and our spirit.
But surely they were stunned to find;
That they came nowhere near it.

If those evil cowards were here today;
They'd see people sob and cry.
But behind those tears, they'd surely find,
Our flag still flying high.

In the face of this tragic Tuesday;
America did unite.
And those who tried to hurt our pride;
America will fight.

We'll join as one and win the war,
Till our strength is doubted no longer.
If anything, this tragedy
Will only make us stronger.

HONORING LARRY FORTUNE

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 2001

Mr. RADANOVICH. Mr. Speaker, I would like to honor Larry Fortune, the president of Fortune Associates, who was recently featured

in an executive profile for the Fresno Business Journal newspaper. The question and answer Executive Profile, printed in the Fresno Business Journal on August 6, 2001, reads as follows:

Q. What is your essential business philosophy?

A. By attracting and utilizing the most experienced and professional agents in the market we can give the most experienced and professional service to our clientele.

Q. What is your best professional accomplishment?

A. The recruitment and engagement of our current sales staff.

Q. If you could effect any change in the community, what would it be?

A. I would reduce taxes, fees and red tape so as to lure employment to the Fresno area.

Q. Goal yet to be achieved?

A. I have many goals, not least of which are:

1. Write a book.

2. Produce a TV series about agriculture in the San Joaquin Valley.

3. Travel throughout Russia, the Orient and Africa.

4. Get two kids through college and off the Larry scholarship plan.

5. Start a landscape award program in Fresno.

Q. What is a good yardstick of success?

A. Each time a current customer refers a new client to us, we are being successful.

Q. What is the best way to keep your competitive edge?

A. We continually talk with accomplished, experienced and professional agents in the community always looking for a mutually beneficial situation.

Q. Toughest business decision?

A. To switch from a ''residential'' office to a ''commercial'' office in 1995.

Q. Who has been your mentor?

A. My father, Don who died four years ago. Hardly a day goes by without somebody in the community reminding me of what a ''great, trustworthy friend'' my father was.

Q. Three words that best describe you?

A. Happy-Alive-Family

Q. Person you are most interested in meeting?

A. My children when they are adults.

Q. What is your organization's five year vision?

A. We believe that we will maintain our position as one of Fresno's top two or three preeminent commercial brokerages, not by expanding but by continuously providing the same high level of professional, competent service that got us where we are today.

Q. What is the community service project, organization or event closest to your heart?

A. Tree Fresno has probably done more to better the appearance of Fresno and raise the community pride in the last several years than any other organization.

Q. Best business advice you've ever received?

A. That even though customers sometimes do not want to hear the truth, they will always remember favorably the person who tells the truth.

Q. Three greatest passions?

A. My wife, my kids, my business.

Q. Favorite way to spend leisure time?

A. Traveling or working in the yard.

Q. Most influential book?

A. Winning Through Intimidation by Robert Ringer.

Q. Death row dinner?

A. Shish kabob, rice pilaf, carrot and raisin salad and chocolate cake.

Mr. Speaker, I rise to honor my friend Larry Fortune for his years of dedicated and distinguished service to his community. I urge my colleagues to join me in wishing Mr. Fortune many more years of continued success.

PAPERS OF MISCONDUCT, U.S. ATTORNEY'S OFFICE OF THE DISTRICT OF OHIO

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 2001

Mr. TRAFICANT. Mr. Speaker, these pages are hereby memorialized in the RECORD to document prosecutorial misconduct in the U.S. Attorney's Office of the Northern District of Ohio.

JANUARY 24, 2000.

Congressman JAMES A. TRAFICANT, Jr.,
Overhill Rd.
Youngstown, OH.

DEAR JIM: On November 1, 1999 I reached my 70th birthday. As you know, I retired for good on January 2, 1999, after practicing law for almost 47 years. Also, after having been one of your staff members for 14 years.

My relationship with you was a most rewarding experience in my life. I found the work I did interesting and profoundly exciting because I was able to do something good for people and our community of Youngstown-Mahoning Valley, Ohio.

It took me the most part of last year to try to relax and try to enjoy life without the workaholic tendencies I had for most of my adult life. The arrival of our gorgeous granddaughter, Lara, certainly helped me to be able to sit back and start ''smelling the roses.''

A most disconcerting event took place on Thursday, January 13, 2000. I thought that I should call it to your attention because you appear to be the ''main target'' and I was obviously contacted in their attempt coerce me to agree to certain allegations that are absolutely not true. The following is what happened.

On Thursday morning at about 8:30 AM someone called me on the downstairs phone—I live in a high-rise condominium here on Singer Island, Florida. I was informed that I should let him in because they had to talk to me about you. He would not tell me what it was all about. At this point, I felt coerced and compelled to let them come up to our apartment and I did.

Three gentlemen came in and showed me their credentials and then gave me their cards. Two of them were real bruisers, or maybe I should say ''big''. The two FBI persons were, Michael S. Pikunas of Youngstown, Ohio and John E. Stoll, also of Youngstown, Ohio. The other fellow was Charles L. Perkins, Special Agent for the Internal Revenue Service, Criminal Investigations. At this point I really felt intimidated. They made it clear that they were out to find information that could or would be used against you. In fact, they made it clear that if I admitted what they brought up they would protect me.

At my age, and in my poor health condition, I am surprised I did not collapse. They said that others in your office and elsewhere had said certain things about me that violated Federal Laws. I was absolutely astonished. By the way, they never read me my rights but they just kept on pressing me to admit to things that I not only did not do but I could never have thought of doing.

They said they had evidence of my not working enough to justify being paid. They said that I should have filed a disclosure statement each year as required. They said I gave you back some rental that had been paid for your space at 11 Overhill Rd. They said that I gave you part of what I received for my pay. They also said I earned more money than I should have while on your staff. In general, they said that I was in violation of many laws and that if I admitted to these violations so they could ''get you'' they would really ''protect me.''

Jim, as you know, I am not a criminal lawyer, I was absolutely puzzled and certainly felt intimidated. I have never been accused of violating the law or even violating ethics as a lawyer. I really pondered over whether I should contact you because I know how busy you are and how many things are on your mind at all times. But, the other day, I really received a shock.

A local FBI agent, Jeff Danik, called me and informed me that the Youngstown fellows had asked him to serve a subpoena on me. We finally got together on January 20, 2000. To my continued amazement, the subpoena requested that I appear in Cleveland, Ohio on February 1, 2000 to testify regarding John Doe. Of course, I know they are referring to you as ''John Doe''.

First of all, they did not give me much notice. Also, I live in Florida and am retired. Why should I pay my own expenses to travel to Cleveland? In winter to boot. I have had to hire legal counsel to protect myself. How can the Government do this and get away with it?

Jim, I certainly did deny and am denying that I have violated any laws anywhere. The office building, as you know, was transferred out of my name when I discovered during your orientation as a new Congressman that I could not keep the building in my name. I was informed by the appropriate Congressional Committee that I did not have to be the one who was designated to report my assets etc.

I also was informed that I did not surpass the earnings where I could not still practice law. I also don't see how I could have shared my pay with you or anyone when I know I was losing income by being with you. Also, I know I don't have to tell you what I did and how many hours I worked while on your staff. All of this is nonsense.

I wish that all of this would go away but as a lawyer of many years I guess I should know better. Since I have known you, I have learned that your intellect and judgment would surpass anyone I have ever met—and I mean that it just doesn't seem fair that I can be intimidated, coerced and whatever else during my retirement and at this time of my life.

I hope it is not some desperate political maneuver on someone's part. If it is, I shall really lose my faith in our system.

I am very sorry that I must discombobulate your mind with all of this. I am trying to ease my discomfort a bit but I also feel compelled to let you know what is happening.

Please let me know if you have some words of comfort and maybe some advice. I really am confused and agitated at this point.

Sincerely,

HENRY A. DIBLASIO.

STATE OF OHIO, COUNTY OF MAHONING—AFFIDAVIT OF JOHN INNELLA

After being duly cautioned on my oath in accordance with the law, I, John Innella, hereby depose and say:

At approximately 1:00 p.m. on Monday, April 30, 2001, I was in the company of James A. Traficant, Jr., and was unexpectedly interrupted by Henry Nemenz.

1. Henry Nemenz voluntarily told James Traficant in my company, that ''Morford was trying to put words in his mouth''.

2. His (Nemenz) attorney told him to ''tell Morford what they wanted to hear so that he would not be indicted''.

3. In my presence, James Traficant and Henry Nemenz talked about their original deal which was $17,000.00 for the barn and additions because Jim Traficant already had the poles and metal for the building.

4. In my presence, they discussed that the construction man said he would bring in twenty (20) Amish and they would get the job done in a week.

5. Nemenz said that he eventually got rid of his construction man because of faulty construction and poor management.

6. Nemenz and Traficant discussed the fact they legitimately came to a reasonable business settlement that Nemenz would have made with anyone under similar circumstances.

7. Nemenz told Traficant that he was told by Morford ''not to talk to Traficant''.

8. Nemenz told Traficant that all money that Traficant owed, was paid in full, including the truck.

9. In my presence, Traficant and Nemenz agreed that the stretching out of the work to be performed was the cause of the cost overruns, and that it was not the fault of James Traficant, which they had mutually agreed to be $17,000.00 in addition to the truck.

10. Traficant and Nemenz agreed in my presence that Traficant-had settled the accounts in full.

11. Nemenz stated in my presence that when Morford interviewed him, he had four assistants, and the situation was intimidating. He said that they did not want to hear what he was saying. He said that he basically ''told them what they wanted to hear''.

12 In my presence, Nemenz also said that the conversation was ''bull shit''.

13. Nemenz said that he has agreed to sell Traficant a black corvette. He said that he had realized that Traficant had invested money in the car to make repairs because it had sat so long unused. He further stated that he realized Traficant put hardly any miles on the corvette. But when flap developed over the barn, Nemenz decided that he wanted the car back, saying that he would give credit for any of the expenses. The real reason he wanted the car back was that it was purchased as a graduation present for his son, and his son was upset because Henry had sold it. Henry also said he was also upset over the problems that had developed concerning the construction work at the farm. Nemenz admitted that he agreed to sell the car to Traficant, and thanked Traficant for returning the car.

14. I was present during this entire conversation at Bruno's Restaurant in Poland, Ohio.

Further Affiant Sayeth Naught.

Sworn to and Subscribed before me on this 13th day of June, 2001.

JOHN INNELLA.

STATE OF OHIO, COUNTY OF MAHONING—AFFIDAVIT OF PAT NAPLES, JR., JUNE 1, 2001

This affidavit is being freely made and recalled to the best of my recollection.

This affidavit concerns the phone conversation between myself and Assistant Attorney General Craig Morford.

This conversation took place after the 30 federal indictments were handed down. The phone conversation lasted the better part of an hour, if not more, and was tape recorded.

The conversation started out by me telling Craig Morford that he had a name missing from his indictments. I mentioned the name and then he became very quiet. Morford asked how I knew him and I proceeded to tell him that in the early 80's I was a Lieutenant with the Mahoning County Sheriff's Dept. in liquor and vice, and I was in charge of investigating this person. We would conduct investigations on establishments that were involved with organized crime within the city of Youngstown that were not being investigated by Chief Wellington, and this person was one of those. Morford stated that he did know this person but didn't have enough to indict him.

I also told Morford that this conversation had to stay strictly confidential for how high up in the crime family this person was, I did not need any retribution because the last time that I got close to Altshler and Strollo I had a fire bomb threat at my parent's home and my windows broken out of my car.

(It was later found out that Morford did not keep this conversation confidential. He did let a criminal defense attorney know that there may still be a pending investigation on this subject. This criminal defense attorney was defending another person for murder and one of his subordinates for a gambling charge, putting myself and my family in jeopardy.)

My main purpose in calling Morford was to look into improprieties in a local municipal court. As the conversation went on I told him about a drug distributor in Youngstown with connections with law enforcement. I mentioned that I really didn't want to give this information out to just anybody because of the quantity that this person deals with. Craig Morford stated I would have to get together with his FBI agent Jeff Sedlack, I told him that I really don't trust the FBI office in Youngstown because of my past experiences with them. Morford tried to assure me that those agents were no longer there, and that you can trust Sedlack, because Morford didn't trust the other FBI agents either. He stated Sedlack was assigned there to help clean that office up or help to clean its image up, or something along that line.

Mr. Morford's further comments and the way he presented the FBI here in Youngstown was not to be trusted, but you can trust Sedlack.

PAT NAPLES, Jr.

[Re. U.S. vs. James A Traficant, Jr., Case No. 4:01 CR 207]

TRANSCRIPT OF TAPE-RECORDED CONVERSATION BETWEEN CONGRESSMAN JAMES A. TRAFICANT, JR., AND RICHARD DETOR, FORMER EMPLOYEE OF U.S. AEROSPACE, MANASSAS, VIRGINIA, ON AUGUST 1, 2001

(Tape prepared by Lisa C. Nagy-Baker, a notary public within and for the State of Ohio on this date, August 28, 2001, from a tape supplied by Congressman Traficant.)

Mr. TRAFICANT. Hello.

Mr. DETOR. Returning the page.

Mr. TRAFICANT. Yeah. How you doing?

Mr. DETOR. Well, having fun.

Mr. TRAFICANT. I know. I got some information to give you. I got it straight from Chance's son that J.J. did perjure himself in the Chance trial, and that's what they did. He went ahead and lied on me to save his ass.

Mr. DETOR. Yeah.

Mr. TRAFICANT. So I don't know. What's happening with you? What did you hear?

Mr. DETOR. I have been threatened, intimidated, essentially tried to mold into being forced to lie. If I speak to anybody, they'll come arrest me immediately. He told me that he had me on perjury, although I've never provided a statement to him. They said that I'm wearing Union pants [unintelligible], and I either need to become wise and tell them what they want to hear, or they're going to name me August 15 as a co-conspirator.

Mr. TRAFICANT. Okay. They want you in essence to lie, don't they?

Mr. DETOR. Yes.

Mr. TRAFICANT. All right. Let me ask you; the reason why is, this is the good news. I've got two people now that were both told the same thing, and I've got one of them who said it in front of a witness; and I'm going to make a motion for prosecutorial misconduct on their threatening and intimidation; and I'm going to do that, and they may call you as a witness.

Mr. DETOR. I've been threatened with the IRS. They told me that the IRS was immediately going to investigate me and that they were holding the IRS off, and I've been threatened with going and being six weeks in a trial. They realize that I would lose my security licenses and I would lose my [unintelligible] licenses if there were any kind of a Federal charge if found guilty, which would reasonably come, in all likelihood. And they have called and been on me and tried every threat, and they've gone all through my wife, what kind of salary, why I bought the house I bought, why I drive the kind of car I drive, you know, what my background is.

It has just been a nightmare of unbelievable proportions. I really feel that I'm living in Red China.

Mr. TRAFICANT. Okay. Let me ask you this. They more or less said to you that they wanted you to lie, didn't they?

Mr. DETOR. What they did is when they asked the question, they say, well, this is what you're saying; and they change what you're saying; and you stop and you go, no, that is not what I am saying.

TRAFICANT. They want you to more or less admit to the way they're interpreting it, which would be a lie, wouldn't it?

DETOR. Yes.

TRAFICANT. But they give you the impression that if you more or less accept their version, you'll have no more problems.

Mr. DETOR. Give immunity. They won't get the IRS. No questions. No ifs and or buts. I'm dealing with an attorney named Plato Cacberis, right there in Washington; and I was dealing with one law firm. I said this is not acceptable. This is not the United States. They can't sit there and try to ask me to lie. They can't even suggest it. They told me they subpoenaed all my bank records in the blind and all my IRS stuff. You know, I mean I've listened to one story after another from the Assistant U.S. Attorney.

Mr. TRAFICANT. What was his name?

Mr. DETOR. Morford.

Mr. TRAFICANT. Yeah. He's the one doing the threatening?

Mr. DETOR. Yeah.

Mr. TRAFICANT. And he basically wants to lie, and he'll let you alone, won't he?

Mr. DETOR. Yes.

Mr. TRAFICANT. Let me ask you something. I'm having a hearing because I am going to call and give notice of the courts to call Morford as a witness; and I have to have a hearing on his behavior, and I will have three people that will be testifying to the same thing you will testify to; and if you were an attorney you'd lose your license, wouldn't you?

Mr. DETOR. Oh, absolutely. This is not ethical. I've gone through hell. I have literally gone through hell.

Mr. TRAFICANT. What I'm going to tell you is I am going to subpoena you in this process against Morford; and all I want you to do is tell the truth that if you would lie, they would lay off you; and that's the bottom message they gave you. Isn't that a fact?

Mr. DETOR. Yes.

Mr. TRAFICANT. Are you going to show up if I subpoena you for such a hearing?

Mr. DETOR. You have to handle it through the attorney's name is Plato Cacberis.

Mr. TRAFICANT. Could you give me that so I can write it down. Hold a minute. Spell that.

Mr. DETOR. It's C–A–C–B–E–R–I–S.

Mr. TRAFICANT. Plato?

Mr. DETOR. Yeah, Plato Cacberis. ***/***—hold on a second. I got to find his card here in my pocket. I forget the last four digits. They said if I talked to anybody, they'd come arrest me immediately. If I did this—it's just been unbelievable. It's ***/****.

Mr. TRAFICANT. Yeah, but I'm my own attorney, and I have a right to talk to individuals that are being investigated.

Mr. DETOR. That's correct.

Mr. TRAFICANT. Did they say you couldn't talk to me?

Mr. DETOR. Yeah, well, nobody. What they've done is violated my Constitutional rights. I've gone to Plato and asked Plato to go up to the public ethics group to bring this to their attention.

Mr. TRAFICANT. Did he?

Mr. DETOR. He's doing it now. He's in the process of doing it.

Mr. TRAFICANT. Let me ask you this; if you would do this, if you would file a lawsuit against them—I can't advise you—I'm not an attorney; but here's what happened with another guy who comes out, and I'm having lunch with the guy—I think I gold you this, Richard—he comes out and he was in a Rotary meeting. He sat down and said, Jim, I love you; I apologize for what's happening. I said, well, tell the truth. What did you tell the Grand Jury? He said, I told the Grand Jury the truth; that we really didn't do anything wrong.

Mr. DETOR. All right. You need——

Mr. TRAFICANT. But the bottom line was my attorney told me that if I didn't tell them what they wanted to hear in the words they wanted it said, they were going to indict me. My attorney said you don't need this shit. He was a businessman; you understand?

Mr. DETOR. My attorney told me the same thing. Do you want to spend $200,000 defending yourself, or is this person susceptible? And I said I cannot lie. I cannot place myself in any situation that I heard anybody ask or request for papers or anything. And the attorney reviewed it; he looked at it and he said the meals, they're all below $6; there's not even ethics violations. There's nothing wrong with it.

Mr. TRAFICANT. I paid for some of those meals.

Mr. DETOR. That's what he said.

Mr. TRAFICANT. It showed, didn't I? I paid for a lot of meals.

Mr. DETOR. Yes, and even the purchase of the boat. The boat, there is no issue; there is no problem.

Mr. TRAFICANT. I'll call the ethics committee about it. And you remember when J.J. was so happy he wanted to buy the boat, and I said J.J. you don't need this boat; but Al does want this boat, and I don't want your money; do you remember?

Mr. DETOR. Yes.

Mr. TRAFICANT. How about contract; did you ever get the contract on that boat? I never got it.

Mr. DETOR. Yep, I got it.

Mr. TRAFICANT. Could you send me a copy of it?

Mr. DETOR. Yes, I'll do it through the attorney.

Mr. TRAFICANT. Do that and do that fast. Here's what I'm telling you. You let your attorney know that I'm going to move for a hearing for Morford, on Morford, that he has done this now; and if you come up and testify to that, this son of a bitch may go to jail because what they're doing, this Gestapo shit.

Mr. DETOR. It is. And I never thought it could exist, and I would never have been able to be convinced. I would never have believed it in a million years. But it's exactly what they're doing. It's exactly what they've been doing to me. I mean, they have just ruined my life.

Mr. TRAFICANT. How about Al Lang?

Mr. DETOR. Haven't heard a peep from him.

Mr. TRAFICANT. But you know that's what they did to him; and, shit, he don't have the balls; he'd have probably said anything, wouldn't he?

Mr. DETOR. I have no idea, but the thing is I've talked to other people, and they've all looked at me and they've said you can only tell the facts. you can't stand before a judge and lie to him. You can't do it. We know the type of person you are. They said we also know the type of person you are; if you thought there was anything unethical or anything wrong, you would have had nothing to do with it. I said there was not even a question of anything wrong or any improper actions at any time in my mind in any way, shape or form, nor did I ever hear anybody ask for anything in any way, shape or form for anything.

Mr. TRAFICANT. And you were there at everything we did, weren't you?

Mr. DETOR. Well, everything I know of.

Mr. TRAFICANT. Yeah, I never met with Cafaro; and when I did, you know, this business about him giving money, he was such a damned liar; he lied to everybody; but to save his ass, he would lie and say anything, wouldn't he?

Mr. DETOR. Well, when they asked me, I said I'm not even aware of him getting any money from the boat at all. I said I thought Al sunk the boat, ruined it and he's stuck with it with no value on it now.

Mr. TRAFICANT. That's exactly what he did.

Mr. DETOR. I said the boat was professionally appraised. It had a value. I said he was buying it for less than that value. I said he ruined it. He damaged it and just walked from the deal. I said, I'm not aware of dollar one that went to anybody other than the money that he spent on doing the repairs and then decided to go ahead and he was out of it. I said if there had been any kind of a fee for favors or anything else, somebody would have bought it; it would have been all the way; it would have been a done deal. They wouldn't have spent a year——

Mr. TRAFICANT. I would have taken the $26,000 check from J.J., wouldn't I?

Mr. DETOR. Yep.

Mr. TRAFICANT. God damned right; he was so happy; but that's the bottom line, what they have on J.J. is he perjured himself with the Chance gate, and you've got that impression when he was going through that period of time, didn't you?

Mr. DETOR. I was told that.

Mr. TRAFICANT. Who told you?

Mr. DETOR. Came through an attorney.

Mr. TRAFICANT. Do you remember the name of the attorney?

Mr. DETOR. It was one of the attorneys—oh, you know who it was? The attorney's name was J. [unintelligible], and he was advised of that by Al Lang.

Mr. TRAFICANT. I see. And evidently Al Lang had known that J.J. had perjured himself?

Mr. DETOR. Yeah.

Mr. TRAFICANT. While the guy sits in jail, Chance had told his son and his son had told me that the attorneys had set him up to get J.J. to lie. He didn't know until after he saw my national TV show and talk show that, in fact, that Leonardo [phonetic spelling], his attorney, was working with the Feds and they set Chance up. Chance said he never got the $13,000 from Strollo; but his attorney is the one that convinced him he had to find somebody that was a legitimate rich businessman and recommended Cafaro. Could you imagine that?

Mr. DETOR. Unbelievable.

Mr. TRAFICANT. Yeah, so anyway. I think you're on good grounds. If they indict you, you're not going to lie for these bastards, are you?

Mr. DETOR. No.

Mr. TRAFICANT. I think we're going to have a hell of a fight here, but anyway, I'm going to have a hearing, and I'm going to call you as a witness in that hearing.

Mr. DETOR. Yep. That's fine. I'll grab the attorneys that were, you know, present with me.

Mr. TRAFICANT. But having known this and having known now that there are others that I could call, you should sue them; believe me, Richard.

Mr. DETOR. We're going up to talk to public ethics to talk to everybody we can because it's out of control.

Mr. TRAFICANT. You should also write a letter to the U.S. Attorney General.

Mr. DETOR. [Unintelligible.]

Mr. TRAFICANT. You should also write a letter to the U.S. Attorney General about what they're doing because this speaks to what they've done with everybody in this case. You've got people lying. They either have something to gain or something to lose, and they've made mountains out of molehills. They've made half truths into felonies. They've made loans into kickbacks, and I've had it.

Mr. DETOR. Yep.

Mr. TRAFICANT. And you know I wouldn't accept any money. You personally know that?

Mr. DETOR. No.

Mr. TRAFICANT. I mean, J.J. wanted to give me money over that car deal; remember that 6,000? And I wouldn't take no money from J.J., and I told him I wouldn't; remember?

Mr. DETOR. And I guess the stuff that Al Lang handled it in that corner of it, I don't really have any knowledge of. They jumped all over me trying to ask about the $12,000. I said this is ridiculous. I've got witnesses of where I returned it to [unintelligible].

Mr. TRAFICANT. Yeah, I know that; but I mean, you do know that after that car we thought was only going to be 1,000 that I rented to go to Louisiana which turned out to be 6,000, that J.J. wanted to give me money and I would not accept it. You knew that?

Mr. DETOR. Well, I knew you wouldn't accept anything.

Mr. TRAFICANT. Yeah, I told you to tell them I don't want their money.

Mr. DETOR. Yeah, you wouldn't accept anything on anything. All you wanted J.J. is to do what he agreed to do.

Mr. TRAFICANT. And that was to do what?

Mr. DETOR. To purchase the vehicle.

Mr. TRAFICANT. He wanted to purchase the vehicle. You have those papers, don't you?

Mr. DETOR. Yes.

Mr. TRAFICANT. I want a copy sent to me of those; and second of all, the only thing I wanted from J.J. was he would move not only the company but the headquarters up to Youngstown.

Mr. DETOR. Correct.

Mr. TRAFICANT. That's about where it is. So anyway, I'm going to have this hearing and, Richard, I'm going to be calling you. Give me your address. I don't have your address.

Mr. DETOR. You know what, it's through Plato Cacberis because they said they would arrest me instantly if I talked to anybody. If you hear an attorney so I understand that you're representing yourself so I can——

Mr. TRAFICANT. you can refer me to your attorney.

Mr. DETOR. The best thing to do is to handle the rest of it right through Plato. He'll deal with it. We are going to public ethics. We're going to everybody. I've had threats

on me. They called my little girl, the nine-year old, little Kaitlyn.

Mr. TRAFICANT. Who called her?

Mr. DETOR. I don't know, but they told her that I'm going to be dead. All kinds of things. I have literally——

Mr. TRAFICANT. How do you know it was the Feds who did it?

Mr. DETOR. I don't know who did it, but all I know is my life has gone to hell; and when I brought it to their attention when they interviewed me, they laughed about it and blow it off.

Mr. TRAFICANT. Even the threats to your daughter?

Mr. DETOR. Yes. That's my daughter. If I answer, nobody talks. If she answers, they talk to her, and they tell her that daddy's going to be dead. Daddy's bad; all kinds of things. It's devastating her. It's making her a nervous wreck.

Mr. TRAFICANT. And you suspect it's the government?

Mr. DETOR. I don't know who it is.

Mr. TRAFICANT. You wouldn't suspect it to be Al Lang doing that, would you?

Mr. DETOR. No, I can't figure out what beef he has.

Mr. TRAFICANT. And what would Cafaro have from doing that?

Mr. DETOR. The thing is when they tried to tell me Al Lang's saying things, who the hell is [unintelligible] buying all those God damned boats for it. I never heard anything to the contrary in my entire life.

Mr. TRAFICANT. Yeah.

Mr. DETOR. Has he lost his mind?

Mr. TRAFICANT. Yeah, and I think it's very important and I want you to talk to your attorney. If you could send me all those documents that I've asked for, and tell him what we've talked about and that he should go ahead and sue the bastards because I'm going to have them into court; and that would be a hell of a thing with you suing them and me having them into court for their behavior with another guy. He can deny all he wants, this other guy. I have a witness that heard this other guy say those things.

Mr. DETOR. Have you talked to any of the Congressional ethics groups or anything on any of this stuff?

Mr. TRAFICANT. I can't because it's a criminal thing, and I'm just going to go through the courts; and they've got a couple people that are really lying through their teeth. I've been targeted, I told you that, for all these years. You know that. You could tell by the way they're treating you.

Mr. DETOR. Right.

Mr. TRAFICANT. But Morford was the one that did the threatening?

Mr. DETOR. Yeah.

Mr. TRAFICANT. And he wanted you, in essence, to lie?

Mr. DETOR. That's what came out because it could not be understood any other way; and then when they didn't like what I was saying, they said, well, we didn't want to say this and we didn't want to shake you up, but the IRS has a lot of interest. We've subpoenaed all your records in the blind, which I find is unconstitutional and illegal [unintelligible]; but they tell me they've subpoenaed all my records in the blind and that the IRS wants to launch an audit against me immediately and that there were significant issues there; and they told me that I was going to be arrested and taken out of my office; that I would be taken to Cleveland to be arraigned. I'd have to post a bond, and then I'd have to spend a significant amount of money defending myself.

I keep going over these issues and issues and issues, and none of these make any sense. I don't even know where there's anything even done wrong; and they said—well, they go on and on and on.

Mr. TRAFICANT. You basically told them that I did nothing illegal?

Mr. DETOR. Pardon me?

Mr. TRAFICANT. You basically told them I did nothing illegal?

Mr. DETOR. I didn't either. There's nothing illegal.

Mr. TRAFICANT. I know that. They would not accept it, would they, Richard?

Mr. DETOR. Oh, no. Absolutely no.

Mr. TRAFICANT. Well, I'm telling you, I can't advise you but I would get your attorney to file a lawsuit immediately knowing know—have your attorney call me—and knowing now that I'm moving to have him called as a witness in this trial, Morford; and she's going to call a hearing on it to see whether or not I can call her; and I will call you as a witness to show his prosecutorial behavior. This is illegal.

Mr. DETOR. This is illegal.

Mr. TRAFICANT. They were extorting you.

Mr. DETOR. Yes, they were.

Mr. TRAFICANT. And if they've done this to you, what do you think they've done to others?

Mr. DETOR. I mean, the thing that I told them, I said, I can't speak for the individual in any way other than when I was with him; and I find this unbelievable to think anything to the contrary. I said I find it unbelievable that any staff member could be doing anything to the contrary because they are so, they seem so sound and straight and narrow with things being done right and things being done properly. I said, I don't see it any other way. I said I'm sorry; I just don't see anything.

Mr. TRAFICANT. Yeah, but the bottom line is Morford let you know in no uncertain terms if you lied, your problems would all go away; and if you didn't, boy, you were going to end up in jail?

Mr. DETOR. Yes.

Mr. TRAFICANT. That's the bottom line.

Mr. DETOR. Yes.

Mr. TRAFICANT. All right. Well, listen, you have your attorney get in touch with me; and I'm recommending to you that you consider filing a lawsuit against him because I'm going to have a hearing on Morford's behavior.

Mr. DETOR. I think, to tell you the truth, that the whole thing needs to be thrown out.

Mr. TRAFICANT. Well, this may lead to that, your participation.

Mr. DETOR. It's out of control.

Mr. TRAFICANT. They're either going to screw you, me, or they're going to get away with it or they're going to get their ass in a sling; and maybe it's their ass in a sling and everybody's afraid to go after them. And I'm one of the few in America, Richard.

Mr. DETOR. Yeah, I know.

Mr. TRAFICANT. And I'm afraid to death. I'm not talking big. I'm afraid to death, but I'm going after these bastards. This is not what America's supposed to be. We shouldn't have to fear our God damned Gestapo government.

Mr. DETOR. Well, they referred to me as collateral damage; and if I wasn't smart enough to get out of the way and decide whether I was wearing a Union shirt or Confederate pants—that's what he said to me quote-unquote, you're wearing Union pants and confederate shirt or something of that nature. They're shooting at you from both sides. You better make sure you know which side you're going to be on, but you better be on the winning side because you're in a lot of trouble. I said to them, I'm sorry; I don't see what I'm in trouble for. I didn't see anything happen. I wasn't aware of anything. I didn't see one transaction of anything that you're alleging. And then they said, well, he took $40,000 on his boat. I said that's nonsense. That is absolute, 100 percent nonsense. I said I'm not aware or ever heard anybody say anything about it. And they said J.J. Cafaro gave him money out in Youngstown personally and finally the FBI steps in and [unintelligible]. I had no knowledge of that.

Mr. TRAFICANT. Oh, but you know that Cafaro was such a liar. You know that J.J. wasn't giving me cash. If he was going to give me cash, he would have brought in $26,000 to buy a boat, wouldn't he?

Mr. DETOR. If J.J. Cafaro wanted to go do something in a way, he would have just gone and done it. There's no doubt in my mind. J.J.'s proven to be a liar through and through. He induced my family to move down here. He fraudulently did it. Damn it, my family was able to hang on to the house by my wife's working, by me working. You know, I've got security plans. In my entire life I have never done one thing wrong in any way, shape or form. I respect the government; I respect the government offices. I respected the Congressional bodies, the executive bodies, everybody. I've worked for benefits for this government to a degree; and to hear this and—

Mr. TRAFICANT. And to be threatened that if you don't lie, you're going to go to jail, that doesn't sound American, does it?

Mr. DETOR. It's not. It absolutely is—

Mr. TRAFICANT. And that's the bottom line, isn't it, Richard?

Mr. DETOR. Yep.

Mr. TRAFICANT. Okay. Well, listen. If you file that suit, that suit should also be filed against Cafaro when you do it, or do you have one filed against him?

Mr. DETOR. I've got one filed against him now. And the other thing that I was requested to do was drop my charges against Cafaro or settle it because they did not want me in court with Cafaro before this case.

Mr. TRAFICANT. You know why? They know that J.J. is a liar. J.J. called them a liar on the stand in the Chance trial, and this is why they're worried about it. This is why they got to have somebody. They know what they're doing and it's completely illegal. They're forcing you not to, in fact, make yourself whole over an illegal act by Cafaro. He broke the law in Virginia.

Mr. DETOR. Yeah, what they have is—well, I've got him [unintelligible] he was writing all these bad checks, and I had even gone to the Commonwealth attorney to make sure that nobody had given their [unintelligible].

Mr. TRAFICANT. Yeah, and here they are trying to protect Cafaro because Cafaro to save his own ass from perjury is lying about me.

Mr. DETOR. What kind of witness does Cafaro really make when the reality comes out that the guy's lying—

Mr. TRAFICANT. Well, he's going to have Al Lang to make him look like he's telling the truth, but they can't handle the fact that you are so upright and upstanding a man of integrity, and it's going to blow their case; do you understand?

Mr. DETOR. Yeah, they tried to tear me apart, IRS. They tried then saying that I committed fraud in order to obtain my house, which is nonsense because the bank told them I qualified for the house before I even moved. I was all prequalified. They tried to tell me that I was trying to support my wife's lavish lifestyle. They had no idea that my wife has worked 20 years, worked her way through college and that her family is very financially well off; and we have never sought money from anybody. And when I moved from New Jersey, I was carefully, carefully debt free and had no obligations to anybody; and the thing about having to commit fraud with a bank in order to obtain a mortgage is pure nonsense. That's where they've gone. They've gone after me in every way, shape or form.

Mr. TRAFICANT. And Cafaro lied to you from day one, didn't he?

Mr. DETOR. Yes, he did.

Mr. TRAFICANT. And everything he said was a lie?

Mr. DETOR. And I have numerous other witnesses where he lied to them. He lied about their employment.

Mr. TRAFICANT. Who were some of those witnesses?

Mr. DETOR. You got Lonnie Sikowski, 30 years at the FAA. You got Walt Allison, former CIA, top level clearances. You have Amanda Simon. You've got a guy named Jim Phillips who sold the airplane to Cafaros, and then they try to say they're not responsible when I was right there in a meeting where they said it was Cafaro Company's. See, they're using it against me saying that they're not Cafaro Company. [Names are phonetic spellings.]

Mr. TRAFICANT. Have your attorney send me a list of those names, too. Listen, I'm going to let you go, but keep in mind I'm going to be calling you because I'm taking this son of a bitch to a hearing.

Mr. DETOR. Like I said, I can only tell the truth. I fear of my children's lives. I'm scared to death.

Mr. TRAFICANT. You're going to be subpoenaed by me.

Mr. DETOR. Do it through the attorney.

Mr. TRAFICANT. I will.

Mr. DETOR. The threats and intimidation; I'm willing to go to the media. I'm willing to go anyplace, you know.

Mr. TRAFICANT. File you lawsuit and go the media and say in their zeal to get Traficant, they wanted me to lie. That's the bottom line; and they pressured me to lie and made it known very clearly from what you told me that if I lie, all my problems would go way.

Mr. DETOR. I didn't lie. They wanted me to. I refused. I just said I keep calm. I've discussed it with my wife. I discussed it with other associates. They said that I was [unintelligible] with the IRS. I basically couldn't even speak, and my family members sat there with me, and they said, Rick, we know you; you won't lie; you don't lie; don't lie. Don't be coerced into lying. I said they're telling me they're going to ruin my life if I don't.

I basically am at a breaking point. I'm mentally running, I mean to tell you the truth, I'm ready to just go ahead and blow my head off. It is so bad, if it wasn't for my kids and the strain it would have on my kids, I'd be gone.

Mr. TRAFICANT. Richard, why don't you go public. Talk to your attorney; go public, file the lawsuit when you do, and I'm calling for a hearing on his conduct, on Morford's conduct. Listen to me carefully and you won't have any more problems because the truth sets us free.

Mr. DETOR. Yes, it does.

Mr. TRAFICANT. I'll get back to you. Thanks, big guy. All right. Have your attorney call me. Is he involved with any law firm or is that his firm?

Mr. DETOR. Plato Cacberis is Monica Lewinsky's attorney.

Mr. TRAFICANT. He was.

Mr. DETOR. Yes.

Mr. TRAFICANT. How do I reach him, is his phone number in the phone book?

Mr. DETOR. Yes, that phone number I just gave you.

Mr. TRAFICANT. Very good.

Mr. DETOR. All right.

Mr. TRAFICANT. Thanks, guy. Have him send me the documents. Bye now.

Mr. DETOR. Bye.

Mr. TRAFICANT. That was Richard Detor. This is Wednesday, August 1, 2001, and it's approximately 1:18 p.m. This conversation involved the behavior of the government, the FBI, the U.S. Attorneys and their extortion.

REPORTER'S CERTIFICATE

I hereby certify that the above and foregoing is a true and correct transcription of the tape-recorded conversation represented to be recorded on August 1, 2001. This record was prepared from a tape recording provided by Congressman James A. Traficant, Jr.

LISA C. NAGY-BAKER,
Registered Diplomate Reporter Notary Public.

RECOGNIZING EL PASO ARTIST ERNESTO PEDREGON MARTINEZ

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 2001

Mr. REYES. Mr. Speaker, I rise today to recognize an artist from my district. Ernesto Pedregon Martinez is a renowned international self-taught artist and muralist. He was an illustrator and artist for the federal government for more than 35 years. He also served as a professor of Mexican-American art at El Paso Community College for nine years.

Mr. Martinez was born and raised in the poor barrios of South El Paso. The focus of his work reflects his understanding and first-hand knowledge of the daily struggles of the Mexican people. Mr. Martinez is considered one the nation's leading Mexican-American artists. In addition, Ernesto Martinez has been a frequent guest speaker at many civic, religious, and military functions. This includes an appearance in Mexico City on the international program ''Siempre en Domingo'' with Raul Velasco.

Ernesto Martinez served our country in the military. He served in World War II with General Terry Allen's famed 104th ''Timberwolf'' Division in Europe. He was awarded the Bronze Star in combat, Combat Infantry Badge, and Battle Stars. In addition, Mr. Martinez has been active in the community of El Paso by serving as the Commander of the Veterans of Foreign Wars Post Number 9173 and the Vice-Commander of American Legion Number 36. He has also worked with the Disabled American Veterans, the Lions Club, the Boy Scouts of America, the Knights of Columbus, LULAC, and many other organizations.

Mr. Martinez has most notably been recognized for his artistic abilities. He was selected as the ''Texas State Artist'' in two-dimensional works of art in 1997–1998 by the Senate of the State of Texas. In 1998, he was featured in ''The Voice of America,'' a U.S. Government overseas television program and has been featured in numerous books. He was also recognized in ''Who's Who in American Art,'' in the years 1976, 1993, 1994 and was honored by the El Paso City Council for outstanding contributions to Mexican-American culture in 1977.

Mr. Martinez's work has been commissioned as murals in many locations in El Paso including works such as ''Pre-Colombian Mexico,'' exhibited at Bowie High School; the ''Congressional Medal of Honor,'' at the Veteran's Clinic; and ''Desert Storm,'' which is a military mural commissioned by the Junior League and located at Stout Gym on Ft. Bliss. In addition, Mr. Martinez's work has been exhibited at the Centennial Museum and Glass Gallery at UTEP; the Corbett Gallery at New Mexico State University; the University of Colorado at Boulder; the El Paso Public Library; the Chamizal National Memorial Gallery; and the El Paso Civic Center.

Mr. Speaker, I applaud the work and legacy of Mr. Ernesto Pedregon Martinez. He has made El Paso very proud.

HALLOWEEN CELEBRATED BY OUR SAILORS

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 2001

Mr. SKELTON. Mr. Speaker, it has come to my attention that Halloween was recently celebrated by sailors aboard the USS *Theodore Roosevelt.* The crew celebrated with a door-decorating contest, improvised jack-o'-lanterns and the ship's mascot donning a ghost costume.

The festivities included a three-foot man-made jack-o'-lantern made by the ship's airframe department in their free time. The door-decorating contest produced a picture of Dracula in a cemetery, with one of the gravestones for Osama bin Laden. The ship's mascot, a moose, put on a ghost costume and trick-or-treated up and down the carrier's passage ways.

Activities like these keep spirits high and create a break from daily activities for our sailors during a difficult time. I know the Members of the House will join me in paying tribute to America's men and women in uniform who nobly serve aboard the USS *Theodore Roosevelt* and around the world.

RECOGNIZING ACHIEVEMENTS OF THE FIRST UNITED METHODIST CHURCH OF ANSONIA, CONNECTICUT

HON. JAMES H. MALONEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 2001

Mr. MALONEY of Connecticut. Mr. Speaker, I take this opportunity to recognize the 150th anniversary of the First United Methodist Church of Ansonia, CT.

Since its first meeting in 1848 at the home of James Booth, the Methodist Episcopal Society of Ansonia has been an invaluable member of the community. In 1851, the Ansonia Methodist Society was formed and began meeting in the second story hall of a building on the corner of Main and Bartlett Streets. This hall became the first house of worship for the Ansonia Society. As membership expanded and the society outgrew its meeting hall, they began looking for a new house of worship. A new church was built on Main Street, and the first worship service took place there on April 22, 1865. A fire damaged the church in April of 1887. Through the dedication of the parishioners, and with the help of a local Baptist Church, the building was reopened in August of 1887.

Tragically, in December 1943, another fire destroyed the Main Street Methodist Church. In the true spirit of America, the Trinity Methodist Church opened its doors, minds, and hearts to the membership of the Main Street Methodist Church and in 1944 the two churches merged. Combining resources, a new sanctuary was planned and the first worship was

observed on June 24, 1951. On November 5, 1951, Bishop G. Bromely Oxnam formally dedicated the newly completed building.

As the Trinity Methodist Church opened its doors to the Main Street Methodist Church, so has the First United Methodist Church of Ansonia opened its doors to the community. Hosting the Ansonia 2001 Education and School project meetings, making itself available to many community groups and organizations who need meeting space, serving as the site for the Ansonia High School Baccalaureate worship, and offering itself as a place of prayer and hope when many churches came together the day following the tragic events ofSeptember 11, 2001.

At this troubling time in our Nation's history many Americans turn to their church as a foundation of support. For 150 years the First United Methodist Church of Ansonia has been providing its community with that support. As you can see, the First United Methodist Church is a sterling example of what America stands for—unity, diversity, and commitment to community. Mr. Speaker, I am honored to represent the membership of the First United Methodist Church and wish them another 150 years of successful community service.

TRIBUTE TO SCOTT C. SCHWARTZ, D.D.S.

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 2001

Mr. ISRAEL. Mr. Speaker, I rise today to recognize the generosity and kindness of one of my constituents, Scott C. Schwartz, DDS.

Scott is an orthodontist in Deer Park, LI, who has brought much happiness—and beautiful smiles—to thousands of children and adults in Long Island. He now would like to continue to bring that happiness and those smiles by offering his services to all of the children of Suffolk County who lost a parent in the World Trade, free of charge.

It is so very heart-warming to see a person helping to get America to smile again. I applaud and thank Scott for his kind and heartfelt actions. I ask my colleagues to do the same.

RECOGNIZING MR. CHARLES HART FOR BEING NAMED 2001 TEXAS SUPERINTENDENT OF THE YEAR

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 2001

Mr. REYES. Mr. Speaker, I rise today to recognize a good friend and important member of the El Paso community.

The Texas Association of School Board's Superintendent of the Year is a person chosen for dedication to improving educational quality, board-superintendent relations, student achievement, and commitment to public support and involvement in education. This year's recipient truly epitomizes every one of these qualities. Mr. Charles Hart of the Canutillo Independent School District (ISD) has deservingly been named the 2001 Texas Superintendent of the Year.

Mr. Hart began his career teaching high school in El Paso in 1966. He steadily moved up the public school ranks and in 1997, he became superintendent of Canutillo ISD. During his four year tenure, Mr. Hart, along with the Board of Trustees, has been instrumental in moving Canutillo ISD forward into a leadership role in public education. Canutillo ISD has implemented instructional programs and policies in student services, special education, special programs, technology and career education that have helped students succeed academically and socially.

The selection committee noted Mr. Hart's ability to change the district's perception, bringing the community together in support of its schools. Also cited by the committee were the success of the innovative parental involvement Mother/Daughter and Father/Son programs and the steadily improving student achievement and fiscal stability of the district. Canutillo ISD has been at the forefront in a variety of innovative programs including Two-Way Dual Language, Reading Renaissance, Service Learning, Migrant Academics 2000, Agricultural and Health Sciences, and many more.

Mr. Hart currently serves on the boards of the Texas Fast Growth Coalition, the Southwestern International Livestock Show and Rodeo, and the El Paso Teachers Credit Union. In addition, he is a member of the Region 19 Administrators Council, the El Paso Jaycees, the Golden Boot Club, and the Boys Baseball of El Paso, among others.

The students, faculty and Board of Trustees are all fortunate to have such a hardworking and dedicated individual at the head of their school district. I have known first hand of the tremendous work he has done throughout the years and I would like to again, extend my congratulations to my good friend, Mr. Charles Hart of the Canutillo Independent School District for his well deserved recognition as the 2001 Texas Superintendent of the Year.

HONORING MARILYN BUCHI OF FULLERTON, CALIFORNIA

HON. EDWARD R. ROYCE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 2001

Mr. ROYCE. Mr. Speaker, I rise to honor Marilyn Buchi, a constituent of mine from Fullerton, California. As the outgoing President for the California School Boards Association (CSBA) for 2001, I wanted to recognize Marilyn for her continuous efforts on behalf of children and education throughout the local community and the State of California.

Her involvement has benefited a variety of organizations, including the American Association of University Women, League of Women Voters, National Assistance League and American Heart Association. She was named the 1998 Woman of the Year by the Fullerton Chamber of Commerce. Marilyn has served on the Fullerton high school board since 1983 and has been on the board of the North Orange County Regional Occupational Program. She has been active in the CSBA for more than a decade.

Her leadership benefits our community and she serves as a role model for our youth. It is with great pride that I recognize the achievements of Marilyn and bring to the attention of Congress this successful educator as she finishes her term as President of CSBA.

RECOGNIZING THE PATRIOTISM OF ROARING BROOK ELEMENTARY SCHOOL'S 3RD GRADE CLASS

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 2001

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise today to share the accomplishments of students in my district who have shown true patriotism in the wake of the September 11, 2001, attacks. In recognition of their achievements, I would like to read their letter to you and the American people:

Since the events of September 11, 2001, it has been a time for patriotism. In Avon, Connecticut, a third grade class (7 and 8 year olds) of Roaring Brook Elementary School, has tried to be better patriots. They have learned state capitals. They have talked about the nation's history and what it means to be an American. They have made red, white and blue pins for their mothers and made a quilt of flag pictures.

They have also found that being a patriot is something like Thanksgiving—everywhere they look they see things that are special about America, and worth being thankful for. So, if you do not want to fly the flag, make pins or recite state capitals, the 3rd graders of Roaring Brook Elementary School suggest that you can be a patriot in some much simpler ways. They invite you to join them in thinking about some of the special things in America, and why those are worth some kind of special effort in this special time.

PERSONAL EXPLANATION

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 2001

Mr. RILEY. Mr. Speaker, I was unavoidably detained for Rollcall No. 425, H.R. 3150, The Secure Transportation for America Act of 2001 Had I been present I would have voted ''yea''.

Mr. Speaker, I am extremely pleased that the amendment I offered, which would allow sky marshals to fly home on their days off at no cost to themselves, was considered as part of the manager's amendment to H.R. 3150. While this amendment is a simple change, it could provide up to 20 percent additional law enforcement on flights and provide complimentary seats to the sky marshals that wish to return home on their days off.

Frankly, I believe this provision is a winner for everyone. For the airlines, it provides an added measure of security on flights, for the sky marshals, it enables them to be home with their families during their time off, for the government, it is cost effective in terms of providing additional flight security at no additional cost to the government, and for the public it is an additional layer of security to ensure our airways are safe.

Finally, in a very small way, it expresses our gratitude towards the individuals who risk their lives everyday to ensure our safety while traveling on airplanes.

AMERICA'S CAREGIVERS—EVERYDAY HEROES

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 2001

Mr. PUTNAM. Mr. Speaker, in the 2 months since September 11, Americans have discovered that the age of heroes is not past. We have rediscovered that heroes do not live in movies or on the pages of novels, but in the everyday reality of our military units, our police stations, fire departments, and post offices. And we have discovered that, unlike our enemies, American heroes make their sacrifices in the cause of life, not death.

It is only right, then, that during this season of thanksgiving, when history demands that we give particular thanks for the many blessings that have been bestowed on us as individuals and as a Nation, we give special recognition to another group of everyday heroes; America's caregivers.

The generous support provided by caregivers to those who need help if they are to remain in their homes and communities is a reflection of American family and community life at its best. Thanks to the efforts of these everyday heroes, Americans with disabilities and a growing number of elderly Americans are able to stay in familiar surroundings and to maintain their dignity and independence. Caregivers share not only their time, but also their resources, spending some $2 billion a month of their own assets for groceries, medicine, and other aid. Surely, their extraordinary generosity and compassion fits our definition of heroism.

A care recipient is a person who may be ill, elderly, or disabled or otherwise needs assistance with the tasks associated with daily living. A 1999 study prepared by the National Alliance for Caregivers reported that 23 percent of American adults regard themselves as family caregivers of individuals aged 50 and older. In addition, the report notes that one in five care recipients live in the caregiver's home.

But the efforts of our caregivers are not limited to caring for the elderly or disabled. The challenges of 21st Century society have created a new category of caregiving in America. Many older relatives now take care of children whose parents are not able to care for their children themselves. These generous seniors, who in many cases had already raised their own children and were looking forward to retirement, have embraced the challenges of parenting a new generation of young people. Their everyday heroism gives millions of our most vulnerable youth the opportunity to grow up in stable, loving homes, nurtured in America's traditional values.

America's caregivers—everyday heroes among us—deserve our lasting gratitude and respect. Today, it is my honor, and pleasure, to recognize the many contributions that America's caregivers make to the quality of our national life. Thank you, and may God bless America.

SECURE TRANSPORTATION FOR AMERICA ACT OF 2001

SPEECH OF

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2001

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3150) to improve aviation security, and for other purposes:

Mr. ETHERIDGE. Mr. Chairman, I rise in support of the Democratic alternative to federalize our airport security. September 11, 2001 will forever be remembered as a day that evil visited our great nation as never before. Four hijacked airliners were transformed into missiles, slamming into the Pentagon and the World Trade Center. These attacks caused enormous and previously unthinkable loss of life.

The Senate has approved the Aviation Security Act by a unanimous vote of 100–0. This bill calls for a federal force of 28,000 passenger and baggage screeners and armed security guards at key checkpoints throughout airports. The bipartisan Senate plan includes many measures the President supports, including more plainclothes sky marshals on commercial flights and strengthened cockpit doors. The Aviation Security Act, as passed by the Senate, represents precisely the kind of action Congress should take to respond to the September 11 attacks.

Mr. Chairman, the primary responsibility of the federal government is to ensure the safety and security of the American people. Our recovery from the economic downturn is being hampered by the public's fears about aviation security. Improving security at our nation's airports will have positive benefits on all aspects of our economy. When people see the level of security at their local airport increase, they will no longer be aftaid to return to the sky, and our country can get back to normal. This Congress must act and act now to ensure the safety of the flying public and get our economy growing again. We must show these evildoers that their efforts to terrorize us will not succeed.

I will vote in favor of H.R. 3150, the Secure Transportation for America Act, because I believe that we must get this process moving, but the Senate-passed Aviation Security Act is the far superior bill. We must put politics aside and put the interests of the American people first. I am hopeful the House and Senate will come together in a bipartisan way to pass sound airplane security legislation and send it to the President to be signed into law as soon as possible.

TRIBUTE TO REV. HARRY HENRY SINGLETON II

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 2001

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Rev. Harry Henry Singleton II, of Conway, SC, who was recently honored by the Conway Branch off the NAACP. Rev. Singleton's contributions to his community include his work as a teacher, pastor, and community leader. Many honors have been bestowed upon Rev. Singleton for his leadership by various churches, community service organizations, and individuals.

''H.H.,'' as I affectionately call him attended Allen University in Columbia, SC, and its J.J. Starks School of Theology. He also attended South Carolina State University in Orangeburg, SC, and the University of South Carolina in Columbia.

Before becoming the first black male to teach at Myrtle Beach (South Carolina) High School, Rev. Singleton was employed as a Science teacher at four other schools in South Carolina. In 1994, after 30 years of teaching, Rev. Singleton retired from the teaching profession.

In 1997, ''H.H.'' retired as pastor of Cherry Hill Baptist Church in Conway, SC and was named Pastor Emeritus of the church. During his long tenure as Pastor of Cherry Hill, he was often called upon to provide leadership to various community causes many of which were far beyond the call of duty.

Rev. Singleton has served as Chairman of the Education Committee of the NAACP, 2nd Vice President, 1st Vice President, and member of the Executive Board of the South Carolina Conference of NAACP Branches. As President of the Conway Chapter of the NAACP, Rev. Singleton is called upon for consultation on issues involving race, gender, housing, and age discrimination. He has assisted numerous individuals with obtaining educational and job opportunities in areas they were previously denied. He has encouraged many black community leaders to pursue positions on city and county councils, the county school board, and the South Carolina General Assembly. Other accomplishments of the Conway NAACP under Rev. Singleton's leadership include the introduction of the NAACP's Back to School/Stay In School Tutorial Program, implementation of Single Member Districts for the election of Horry County School Board Members, and the negotiation of Fairshare Agreement Programs with Businesses creating more upper management and other job opportunities for African Americans.

In 1989, the Rev. Singleton advised black members of the Conway High School Football Team who were protesting treatment of its black quarterback. As a result of his action, he was fired from his teaching position. Seeking redress of his firing, Rev. Singleton filed a lawsuit against the school district and was restored to his teaching position by Court mandate in 1991. Rev. Singleton also successfully fought against the privatization of Horry County's Automobile Garage which would have resulted in the permanent dismissal of seven employees. His challenging the Horry County Police Department's hiring practices in 1993 resulted in the promotion of several black officers and the elimination of discriminatory employment screening tests.

Mr. Speaker, I ask you and my colleagues to join me today in honoring a personal friend, Rev. Harry Henry Singleton II for the incredible services he has provided, and I might add, continues to provide, to his congregation, and community. I sincerely thank Rev. Singleton for his outstanding contributions and commitment to pursuing justice and equality within his community, and congratulate him on receiving the Conway Chapter NAACP Tribute

award and wish him well in all of his future endeavors.

REGARDING H.R. 3090, THE ECONOMIC SECURITY AND RECOVERY ACT

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 2001

Mr. LANGEVIN. Mr. Speaker, I rise to express my support for enacting a fair and reasonable economic stimulus package, and to voice my strong opposition to H.R. 3090, the Economic Stimulus and Recovery Act.

For the economy to get back on track, it needs insurance against a severe recession in the short run and insurance against escalating deficits and debts in the long run. A stimulus package consisting of temporary tax relief and temporary increases in government spending can provide both.

With the exception of the household tax rebate aimed at lower- and moderate-income workers, this stimulus package does little to help those that need it most. The majority of the tax provisions contained in this package are permanent, including a cut in the capital gains tax, a retroactive repeal of the corporate Alternative Minimum Tax (AMT) and an extension of benefits for multinational insurance and finance corporations. These permanent changes will not stimulate the economy in the short run and instead will put the Social Security and Medicare trust funds at risk in the long-term.

Additionally, the acceleration of recently-enacted tax cuts would only benefit the top 25 percent of all income tax filers, who are likely to save more and spend less of these tax cuts than those with lower incomes. A more effective stimulus package would combine the household rebate aimed at lower- and moderate-income workers with a temporary incentive for business investment.

Congress has historically responded to severe economic downturns by providing additional weeks of extended unemplovment benefits for workers. In fact, during the 1990–1991 recession, Congress extended unemployment insurance (UI) benefits nationally on four separate occasions. H.R. 3090 blatantly disregards these past precedents by simply giving states a mere $9 billion worth of block grants that may or may not be used to extend or increase unemployment benefits for laid-off workers.

This measure also falls to provide laid-off workers with adequate health care coverage. The average monthly COBRA premium is unaffordable for most displaced workers, who are barely making ends meet with their monthly Ul benefits. Although H.R. 3090 would (give states $3 billion in health care block grant funds, thousands of workers who have lost their jobs since September 11th would still remain uncovered.

Equally important to these short-term stimulus policies is insurance against escalating debt. We need a multiyear budget plan that covers the real costs of both the war on terrorism and the country's commitments to current and future retirees. Unfortunately, if this measure is adopted, its permanent toll on government revenues will require even more painful trade-offs among the nation's priorities in the future.

Even before the terrorist attacks, the enormous tax cuts scheduled over the next decade had dealt a severe blow to the nation's long-term fiscal outlook. According to both the Office of Management and Budget and the Congressional Budget Office, during the next decade, the federal surplus will be limited to funds earmarked for Social Security and Medicare. The Administration's tax cuts for the most affluent households have already wiped out the remaining on-budget surplus.

We must ensure these surpluses are replenished so that we can honor our future obligations. We must also provide every dollar needed to win the war against terrorism and to ensure the security of Americans wherever they may be. But in addressing these new and urgent priorities, we should remember the challenges that we faced even before the tragic attacks. Without compromising our vital commitments, we need to ensure that any policy changes address these new short-term challenges without worsening our continued long-term concerns.

For these reasons, I support the balanced, fiscally responsible Democratic substitute that deals with our immediate economic concerns without damaging the nation's fiscal health. It provides immediate relief to displaced workers while stimulating the economy with temporary business and individual tax cuts. Unlike H.R. 3090, the substitute promotes long-term economic stability and national security by making targeted investments in our nation's infrastructure. Finally, the substitute pays for itself by delaying the top income tax rate cut approved earlier this year, which benefits only our nation's wealthiest individuals.

I urge my colleagues to support the Democratic substitute and to reject this reckless and misguided economic stimulus package, which will further jeopardize our future fiscal security, while offering little assistance to those most vulnerable in the current economic climate.

TRIBUTE TO DR. FRANK BIASCO

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 2001

Mr. JEFF MILLER of Florida. Mr. Speaker, I rise to take a moment today to recognize and celebrate the life of a great Floridian and a great American, Dr. Frank Biasco.

Dr. Biasco would say that his specialty was human services. He was referring to his doctorate in counseling psychology and masters in social work. Those who knew him best can tell you that he loved serving his neighbors. The people of northwest Florida and the students he loved to teach were enlightened from his extensive experience in public life. Anyone who came in contact with Dr. Biasco was inundated with his infectious energy, vigor and commitment to his community. His memberships in countless organizations and professional groups, and the influence and legacy to our community will be felt for years to come.

Dr. Biasco's leadership spanned his life. He was on active duty in both WWII and the Korean war and his vast influence in local politics changed the landscape of the First Congressional District of Florida forever. He will always be remembered for his tireless fight for our environment and wetlands. Dr. Biasco was awarded with numerous community and volunteer awards for his services, and the influence he had on our youth will continue for many years.

We are all saddened with the sudden loss of such a great man but can take solace that he will be serving us in a greater capacity. We will miss our dear friend and we will continue to celebrate the legacy he gave to our community.

ARIZONA'S SECOND CONGRESSIONAL DISTRICT—HOME OF THE 2001 WORLD CHAMPION ARIZONA DIAMONDBACKS

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 2001

Mr. PASTOR. Mr. Speaker, I rise today to congratulate and pay tribute to the World Champion Arizona Diamondbacks. The Diamondbacks dethroned the mighty New York Yankees in a thrilling Game 7 to claim the 2001 World Series Championship in what many are calling the most exciting Series in history. I am proud to say that I am a Diamondback fan, but also I am proud to say that their home, Bank One Ballpark, resides in the Second Congressional District of Arizona, of which I have the honor of representing.

The Diamondbacks are the youngest expansion team to win a Major League Baseball World Series Championship, accomplishing this feat in only four years of existence. There was a tremendous amount of dedication and work by a great number of individuals toward reaching this goal and all involved should revel in this great accomplishment. And what is more important, these dedicated individuals came together to form a team—a championship team.

First, let me commend all the owners, especially the Managing General Partner Jerry Colangelo. For over 30 years, Jerry has not only been dedicated to building championship teams in Arizona but is highly regarded for his commitment to improving his community.

The Diamondback front office must be recognized as well. Rich Dozer, President of the club has supported the efforts of everyone associated with the Diamondbacks, and we would not be champions without him.

I want to congratulate General Manager Joe Garagiola, Jr. for his work in assembling this championship team. His foresight in combining the unique talents of each player into a formidable contender, truly deserves recognition.

I want to pay tribute to the man who steered the Diamondbacks to the pinnacle of baseball and became the first manager since 1961 to win the championship in his first year, Manager Bob Brenly. His coaching staff, Bob Melvin, Dwayne Murphy, Eddie Rodriguez, Glenn Sherlock, Chris Speier, and pitching coach Bob Welch, were all instrumental in the success experienced all year.

My granddaughter's favorite Diamondback, the mascot D. Baxter the Bobcat, who keeps us all laughing, even when things might not be going our way.

All these people have played an important role in bringing Arizona its first professional Championship and they each have staffs that have helped them every step of the way. The

city of Phoenix, the surrounding communities, and the State of Arizona thank you all.

But, Mr. Speaker, we will never forget Jay Bell crossing the plate in the bottom of the 9th Inning of Game 7, with the winning run. We will never forget Luis Gonzalez, after hitting 57 home runs during the season, dropping a bloop single over second base—one of his shortest hits of the year, but his longest hit in the hearts of Diamondback fans—to drive in that winning run. Who can forget Tony Womack's clutch hit to drive in the tying run.

Finally, Mr. Speaker, I want to commend the three Most Valuable Players. Craig Counsell was selected the MVP of the National League Championship Series. Craig's performance throughout the post season was outstanding. His clutch hitting and tenacious defense served as an inspiration to his fellow players and helped to propel the Diamondbacks to victory after victory.

However, the Diamondback pitching tandem who garnered World Series MVP honors will go down in history as one of the greatest pitching combinations of all time. The names Johnson/Schilling will be synonymous with each other in baseball, just as Ruth/Gehrig and Koufax/Drysdale. Curt Schilling and Randy Johnson are both masters of their craft who dominated pitching this year. They were first and second in the National League this year in both strikeouts and earned run average, and they set a record for combined strikeouts by teammates.

Mr. Speaker, November 4, 2001 will be a day long remembered by Arizonans. It was a day in which we shared the joy and glory of a Diamondback victory and welcomed the first World Championship to Arizona. The City of Phoenix, the State of Arizona, and the whole country congratulate these World Champions on a job well done!

COMMENDING COMMANDER CARLOS DEL TORO

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 2001

Mr. DIAZ-BALART. Mr. Speaker, on December 8, 2001, Commander Carlos Del Toro will take command of the USS *Bulkeley,* the newest Aegis Guided Missile Destroyer.

The USS *Bulkeley* is named in honor of Vice Admiral John D. Bulkeley. Vice Admiral Bulkeley was a true hero, serving our nation through 55 years of active duty. From his role in the landing at Normandy to his role as Commander of the U.S. Naval Base at Guantanamo, he served our country with loyalty and honor.

It is only appropriate that the commander of the USS *Bulkeley* embody the same exceptional characteristics of the ship's namesake. Commander Carlos Del Toro immigrated to the United States in 1962 from Cuba. He left a land sadly beset by oppression and dictatorship, and has devoted his life to defending liberty and democracy.

After graduating from the U.S. Naval Academy in 1983, Commander Del Toro began his honorable military career serving aboard the USS *Koelsch,* later serving on the USS *Preble,* and the USS *America.* While serving as the Assistant engineer on the USS *America* aircraft carrier, he was deployed to the Persian Gulf twice in support of Operation Desert Storm.

Commander Del Toro has received a Masters Degree in Space Systems Engineering and Electrical Engineering from the Naval Postgraduate School, and served as Space Systems Program Manager at the Pentagon. He was responsible for managing a satellite ground station in support of our nation's national security. Following his work at the Pentagon, Commander Del Toro received a Master's Degree in National Security and Strategic Studies from the Navy War College, and served as Executive Officer of the USS *Vincennes,* a guided missile cruiser homeported in Japan.

Commander Carlos Del Toro has spent his Naval career preparing for his next assignment leading the USS *Bulkeley.* He honors the United States Navy, and he honors the United States of America. As a fellow Cuban-American, Mr. Speaker, it is a special privilege for me today to congratulate Commander Del Toro for his multiple career successes and to wish him and the crew of the USS *Bulkeley* Godspeed as they set to sea to defend America.

TRIBUTE TO EMILY MASAR

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 2001

Mr. SCHAFFER. Mr. Speaker, I rise to recognize Miss Emily Masar of La Junta, Colorado. Emily has been selected as this year's National Philanthropy Day Outstanding Youth for her exceptional community service. For this, Mr. Speaker, the United States Congress commends her.

Emily is a student of La Junta High School and first became interested in volunteer activities in 1999. Since then Masar has started the Respite Nights program and has recruited numerous volunteers. The Respite Nights program provides services and support to adults and children with developmental disabilities. Currently, Masar and other volunteers have contributed over 350 hours to the program.

In a recent edition of the *La Junta Tribune-Democrat,* Kat Walden of the Arkansas Valley Community Center said, ''Emily is a shining light that, as a young woman, has not only been willing to volunteer her time but also take the added responsibility of coordinating the Respite Nights program.'' Emily's strong work ethic and dedication to community service remind us of the strength of America's youth. It is reassuring to know we have people like Emily to lead us into the future.

As a constituent of Colorado's Fourth Congressional District, Emily Masar is truly a positive role model for the youth of America. She not only makes her community proud, but also her state and country. I ask the House to join me in extending our warmest congratulations to Ms. Emily Masar.

PATRIOTIC POEM WRITTEN BY SARAH BETH SOENDKER

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 2001

Mr. SKELTON. Mr. Speaker, I am proud to share with the Members of the House this excellent poem written by 11-year old Sarah Beth Soendker, of Polo, Missouri. She is the granddaughter of Mr. and Mrs. Carl Soendker, of Lexington, Missouri. She wrote the poem in remembrance of the victims of the attack on America. The fine poem is set forth as follows:

AN AMERICAN PROMISE

We will stand tall if our soldiers die, if war starts again or if our hearts cry.
We will stand tall if our country should lose, if our men go to war, that's our news.
We will stand tall if our houses are burned, or if our country is attacked, we will still not be ruined.
We may be trapped in this world of sin, but at least we still have our pride, our courage and we can win!
An American Promise that we will make, we'll hold the flag high and this flag we won't let them take!

Sarah has also had two poems published in the 2000–01 editions of ''Anthology of Poetry by Young Americans.''

HONORING DESTINY FOLMER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 2001

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to recognize an exceptional and caring young woman, Destiny Folmer, who recently help raise $400 for the Colorado Brian Injury Association. Destiny's mom is a brain injury survivor who helped inspire her to engage in this worthy cause. Destiny recently tried to ensure that others suffering brain injuries will survive and recover by participating in the Pikes Peak Challenge. At only fifteen years old, she and her father performed the fifteen-mile hike up Pikes Peak and, after nine long hours, finished the grueling hike. By completing the challenge, she was able to raise the $400 for the Association. Mr. Speaker, not only is her family proud of her achievements, but her community is proud and appreciative of her charitable heart. Destiny Folmer has truly displayed a caring heart and the many that will benefit from her dedication are grateful for her selfless act. She is a special young woman that is worthy of the praise of this body of Congress. I would like to thank Destiny for being a role model to us all.

COMMEMORATION OF THE UKRAINIAN FAMINE

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 2001

Mr. HINCHEY. Mr. Speaker, today, November 6, 2001, we remember one of the most

horrific events the world has ever seen: the induced famine that was forced on the Ukrainian people by the Soviet government between 1932 and 1933. Ukrainians live all over the world now, but their homeland was under a non-conventional attack whose purpose was to eliminate the Ukrainian nation from existence. Seven million people were killed through starvation while a surplus of grain sat in warehouses. Despite the magnitude of this crisis, the Ukrainian Famine remains largely unknown outside the Ukrainian community. The truth has been hidden from us for far too long and now it must be brought to light.

Under the reign of Josef Stalin, the Ukrainians resisted the unimaginable atrocities that befell them. After the heroic efforts of the Ukrainian independence movement toward the end of World War I, Stalin forced a famine on the ''breadbasket of Europe,'' Ukraine. One-fourth of its population was killed during this horrendous act of genocide.

A reporter from the Manchester Guardian managed to slip inside the famine area and described it as, ''A scene of unimaginable suffering and starvation.'' He witnessed the terror and suffering that the people endured and attempted to show it to the world. Until 1986, the Soviet government did not admit to the man-induced famine. For two years people starved to death and the survivors were forced to eat rodents, eat the leather from shoes, and in extreme cases they were forced to eat the dead. The seven million deaths over two years was the highest rate of death caused by any single event, including any war that the Ukrainian people have ever fought. There is no precedent of such a hideous act in recorded history.

Ukraine and the United States have witnessed human suffering and newly independent Ukraine is helping the United States during our time of mourning. Ukrainian Americans lost people in the attacks of September 11 who were as innocent as those that died in the famine. They will join together on November 17 at St. Patrick's Cathedral in New York to commemorate the terrible acts perpetrated upon Ukrainians nearly three-quarters of a century ago. The survivors will always remember the past in order to prevent such suffering from occurring ever again.

DR. HENRY KISSINGER'S EXCELLENT ANALYSIS OF OUR WAR ON TERRORISM

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 2001

Mr. LANTOS. Mr. Speaker, today's issue of the Washington Post includes an excellent oped by our nation's former National Security Adviser to the President and former Secretary of State, Dr. Henry Kissinger. He gives an outstanding strategic analysis of our current war on terrorism. In particular he emphasizes the importance of recognizing that our objectives in Afghanistan are limited, and we must realistically limit what we seek to do there. His analysis of our tasks beyond our action in Afghanistan is equally prescient.

Mr. Speaker, I urge all of my colleagues to read Dr. Kissinger's brilliant article ''Where Do We Go From Here?'' and I ask that the full text be placed in the RECORD.

[From the Washington Post Nov. 6, 2001]

WHERE DO WE GO FROM HERE?

(By Henry Kissinger)

As the war against the Taliban gathers momentum, it is important to see it in its proper perspective. President Bush has eloquently described the objective as the destruction of state-supported terrorism. And for all its novelty, the new warfare permits a clear definition of victory.

The terrorists are ruthless, but not numerous. They control no territory permanently. If their activities are harassed by the security forces of all countries—if no country will harbor them—they will become outlaws and increasingly obliged to devote efforts to elemental survival. If they attempt to commandeer a part of a country, as has happened to some extent in Afghanistan and Colombia, they can be hunted down by military operations. The key to anti-terrorism strategy is to eliminate safe havens.

These safe havens come about in various ways. In some countries, domestic legislation or constitutional restraints inhibit surveillance unless there are demonstrated criminal acts, or they prevent transmitting what is ostensibly domestic intelligence to other countries—as seems to be the case in Germany and, to some extent, the United States. Remedial measures with respect to these situations are in train.

But the overwhelming majority of safe havens occur when a government closes its eyes because it agrees with at least some of the objectives of the terrorists—as in Afghanistan, to some extent in Iran and Syria and, until recently, in Pakistan. Even ostensibly friendly countries that have been cooperating with the United States on general strategy, such as Saudi Arabia, sometimes make a tacit bargain with terrorists so long as terrorist actions are not directed against the host government.

A serious anti-terrorism campaign must break this nexus. Many of the host governments know more than they were prepared to communicate before Sept. 11. Incentives must be created for the sharing of intelligence. The anti-terrorism campaign must improve security cooperation, interrupt the flow of funds, harass terrorist communications and subject the countries that provide safe haven to pressures including, in the extreme case, military pressure.

In the aftermath of the attack on American soil, the Bush administration resisted arguments urging immediate military action against known terrorist centers. Instead, Secretary of State Colin Powell very skillfully brought about a global coalition that legitimized the use of military power against Afghanistan, the most flagrant provider of a safe haven for the most egregious symbol of international terrorism, Osama bin Laden.

The strategy of focusing on Afghanistan carries with it two risks, however. The first is that the inherent complexities of a trackless geography and chaotic political system may divert the coalition from the ultimate objective of crippling international terrorism. Though the elimination of bin Laden and his network and associates will be a significant symbolic achievement, it will be only the opening engagement of what must be viewed as a continuing and relentless worldwide campaign. The second challenge is to guard against the temptation to treat cooperation on Afghanistan as meeting the challenge and to use it as an alibi for avoiding the necessary succeeding phases.

This is why military operations in Afghanistan should be limited to the shattering of the Taliban and disintegration of the bin Laden network. Using U.S. military forces for nation-building or pacifying the entire country would involve us in a quagmire comparable to what drained the Soviet Union. The conventional wisdom of creating a broadly based coalition to govern Afghanistan is desirable but not encouraged by the historical record. The likely—perhaps optimum—outcome is a central Kabul government of limited reach, with tribal autonomy prevailing in the various regions. This essential enterprise should be put under the aegis of the United Nations, with generous economic support from the United States and other advanced industrial countries. A contact group could be created composed of Afghanistan's neighbors (minus Iraq), India, the United States and those NATO allies that participated in the military operations. This would provide a mechanism to reintroduce Iran to the international system, provided it genuinely abandons its support of terrorism.

The crucial phase of America's anti-terrorism strategy will begin as the Afghanistan military campaign winds down, and its focus will have to be outside Afghanistan. At that point, the coalition will come under strain.

So far the issue of long-term goals has been avoided by the formula that members of the global coalition are free to choose the degree of their involvement. A la carte coalition management worked well when membership required little more than affirming opposition to terrorism in principle. Its continued usefulness will depend on how coalition obligations are defined in the next phase. Should the convoy move at the pace of the slowest ship or should some parts of it be able to sail by themselves? If the former, the coalition effort will gradually be defined by the least-common-denominator compromises that killed the U.N. inspection system in Iraq and are on the verge of eliminating the U.N. sanctions against that country. Alternatively, the coalition can be conceived as a group united by common objectives but permitting autonomous action by whatever consensus can be created—or, in the extreme case, by the United States alone.

Those who argue for the widest possible coalition—in other words, for a coalition veto—often cite the experience of the Gulf War. But the differences are significant. The Gulf War was triggered by a clear case of aggression that threatened Saudi Arabia, whose security has been deemed crucial by a bipartisan succession of American presidents. The United States decided to undo Saddam's adventure in the few months available before the summer heat made large-scale ground operations impossible. Several hundred thousand American troops were dispatched before any attempt at coalition building was undertaken. Since the United States would obviously act alone if necessary, participating in the coalition became the most effective means for influencing events.

The direction of the current coalition is more ambiguous. President Bush has frequently and forcefully emphasized that he is determined to press the anti-terrorism campaign beyond Afghanistan. In due course he will supplement his policy pronouncements with specific proposals. That will be the point at which the scope of the operational coalition will become clear. There could be disagreement on what constitutes a terrorist safe haven; what measures states should take to cut off the flow of funds; what penalties there are for noncompliance; in what manner, whether and by whom force should be used.

Just as, in the Gulf War, the pressures for American unilateral action provided the cement to bring a coalition together, so, in the anti-terrorism war, American determination

and that of allies of comparable views are needed. A firm strategy becomes all the more important as biological weapons appear to have entered the arsenals of terrorism. Preventive action is becoming imperative. States known to possess such facilities and to have previously used them must be obliged to open themselves to strict, conclusive international inspections with obligatory enforcement mechanisms. This applies particularly to Iraq, with its long history of threats to all its neighbors and the use of chemical weapons.

The conditions of international support for a firm policy exist. The attack on the United States has produced an extraordinary congruence of interests among the major powers. None wants to be vulnerable to shadowy groups that have emerged, from Southeast Asia to the edge of Europe. Few have the means to resist alone. The NATO allies have ended the debate about whether, after the end of the Cold War, there is still a need for an Atlantic security structure. Our Asian allies, Japan and Korea, being democratic and industrialized, share this conviction. India, profoundly threatened by domestic Islamic fundamentalism, has much to lose by abandoning a common course. Russia perceives a common interest due to its contiguous Islamic southern regions. China shares a similar concern with respect to its western regions and has an added incentive to bring an end to global terrorism well before the 2008 Olympics in Beijing. Paradoxically, terrorism has evoked a sense of world community that has eluded theoretical pleas for world order.

In the Islamic world, attitudes are more ambiguous. Many Islamic nations, though deeply concerned about fundamentalism, are constrained by their public opinion from avowing public support, and a few may sympathize with some aspects of the terrorist agenda. An understanding American attitude toward traditional friends of America, such as Saudi Arabia and Egypt, is appropriate. Their leaders are quite well aware that they have made compromises imposed on them by brutal domestic necessities. The administration clearly should make every effort to help them overcome these circumstances, to improve intelligence sharing and the control of money flows. But it must not undermine these governments, for in the short term, any foreseeable alternative would be worse for our interests and for the peoples involved.

Yet there are limits beyond which a serious policy cannot go. There is no reason for treating as members of the coalition countries whose state- supported media advocate and justify terrorism, withhold intelligence vital to the security of potential victims and permit terrorist groups to operate from their territory.

These considerations apply especially to Iran. Geopolitics argues for improved U.S.-Iranian relations. To welcome Iran into an anti-terrorism coalition has as a prerequisite the abandonment of its current role as the leading supporter of global terrorism as both the State Department and the bipartisan Bremer Commission have reported. An Iranian relationship with the West can prosper only when both sides feel the need for it. Both sides—and not only the West—must make fundamental choices. The same is true to a somewhat lesser degree of Syria.

The war on terrorism is not just about hunting down terrorists. It is, above all, to protect the extraordinary opportunity that has come about to recast the international system. The North Atlantic nations, having understood their common dangers, can turn to a new definition of common purposes. Relations with former adversaries can go beyond liquidating the vestiges of the Cold War and find a new role for Russia in its post-imperial phase, and for China as it emerges into great power status. India is emerging as an important global player. After measurable success in the anti-terrorism campaign, when it does not appear as concession to the terrorists, the Middle East peace process should be urgently resumed. These and other prospects must not be allowed to vanish because those that have the ability to prevail shrink from what their opportunities require.

HONORING ALLEN NOSSAMAN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 2001

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to honor San Juan County Judge Allen Nossaman, as he celebrates his retirement. After 16 years of service, Judge Nossaman has stepped down from his position in Silverton, Colorado. It is my pleasure to recognize the many years of dedicated work that Judge Nossaman provided to his community.

Allen Nossaman has decided that, due to health reasons, he will resign from his position as a judge and move to Durango, Colorado, where he will work on his writings of the history of San Juan County. Judge Nossaman has long been a champion of preserving Colorado's history and its historical landmarks. While in Durango, Allan will help expand the San Juan County's current three-volume history that he has already penned, preserving Colorado's past.

Mr. Speaker, it is my privilege to pay tribute to Judge Nossaman for his contributions to the Western Slope of Colorado. Allen Nossaman's service as a judge and commitment to preserving Colorado's history deserves the praise and recognition of this body. I wish Allen the best and send my warmest regards to him and his family.

WATER INFRASTRUCTURE SECURITY AND RESEARCH DEVELOPMENT ACT

HON. SHERWOOD L. BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 2001

Mr. BOEHLERT. Mr. Speaker, last week, joined by Representative BRIAN BAIRD and six other colleagues, I introduced H.R. 3178, the Water Infrastructure Security and Research Development Act. Senators JEFFORDS and SMITH, the chairman and ranking minority member of the Senate Environment and Public Works Committee, introduced the companion measure, S. 1593.

This bipartisan, bicameral legislation is a direct response to the physical and cyber threats facing our drinking water and wastewater treatment systems. H.R. 3178 authorizes and coordinates Environmental Protection Agency assistance ($12 million a year for 5 years) to public and private nonprofit entities to research and develop technologies and related processes to increase protection of America's water resources. Research projects will include improved vulnerability assessments, methods for real-time detection and monitoring of chemical, biological, and radiological contaminants, cyber security measures, and information sharing and analysis. The bill will also have multiple benefits outside of the terrorism context as water managers and public officials gain more tools to detect, monitor, and respond to contamination and other problems confronting infrastructure.

Water is the lifeblood of a community. Water lines form the lifelines for citizens and their families and for local, regional, and national economies. Terrorist attacks, whether physical or cyber, are a clear and present danger. We can mitigate that danger with a coordinated program of research and development. Science, technology, and appropriate dissemination of information are keys to building, maintaining, and operating secure and sustainable water systems.

I urge my colleagues to join the growing list of cosponsors and supporters of H.R. 3178. I also want to thank water management professionals, such as the Association of Metropolitan Water Agencies and the Association of Metropolitan Sewerage Agencies, and engineering and scientific research organizations, such as the American Society of Civil Engineers, for their help on the bill. I look forward to working with all of my colleagues, both on and off of Capitol Hill, as the legislation advances.

HONORING BETTY FEAZEL

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 2001

Mr. McINNIS. Mr. Speaker, it is with a solemn heart that I would like to take this opportunity to recognize the life and memory of Betty Feazel, who recently passed away at the age of eighty-five. Betty was from Pagosa Springs, Colorado where she was a longtime resident and a strong voice for the environmental movement.

Betty began spending her summers in Pagosa Springs when her family bought the At Last Ranch in 1922. Later she studied philosophy at Wellesley College, graduating in 1938, and eventually started a family with her husband Earnest. He died in 1976, and she relocated permanently to the At Last Ranch where she began her conservation and preservation efforts.

Betty played a large role in preserving open spaces in her county and was instrumental in establishing the Southwest Land Alliance, which is a non-profit organization, created to provide tax incentives to land owners who donate their land's developmental rights. In order to honor her memory and recognize her efforts, the Betty Feazel Open Space Fund has been created. This fund will continue to aid landowners that choose to donate the development rights of their property.

Mrs. Betty Feazel dedicated an incredible amount of time and effort to preserving our nation's open spaces to ensure that future generations would have the opportunity to experience and appreciate them. Betty fought long and hard for this noble cause that will continue to be fought in her name. My thoughts and prayers are with Betty's family

and friends at this time of mourning. Betty will surely be missed and her memory and her mission will endure for many generations.

PAYING TRIBUTE TO JUDY TURNER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 2001

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to Judy Turner for her significant contributions to our educational system. Mrs. Turner has served the Montrose County School District Re-1J for over two decades and was the heart and soul of the School District.

Judy Turner began her career with the District in 1975, as a volunteer for Oak Grove Elementary School. As a volunteer, Judy was instrumental in reestablishing the school library. Her work led to a full-time position as the media paraprofessional at Oak Grove. After five years, Judy moved on to Centennial Junior High School, where she held the position of guidance office secretary. After serving as secretary to the district's central office, Judy moved onto the district's superintendent office serving in a secretarial capacity for four superintendents. The current superintendent, George Voorhis, noted that Judy trained his predecessors, and lamented she will leave before he can finish learning from her.

Mr. Speaker, Judy Turner has devoted much of her life and countless amounts of time and effort to the Montrose County School District for over twenty-five years. I would like to thank her for her commitment to the school district and extend my congratulations on her retirement. The District will certainly not be the same without her.

HONORING THE LIFE OF DON EASTMAN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 2001

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to honor the life of Mr. Don Eastman who recently passed away. A native of Gunnison, Colorado, Mr. Eastman made tremendous contributions to the surrounding community as a leader and role model for others.

As a young man, Don joined the Marine Corps as a 2nd Lieutenant and served in the Korean War. Don Eastman was a patriotic citizen who loved his country and put the needs of the nation before his own. Upon retiring as a Lieutenant Colonel from the Marine Corps Reserve, Don pursued a career in banking back in his hometown of Gunnison, Colorado. Don followed the footsteps of those family members before him when he was named President of the First National Bank of Gunnison, a position he held for 15 years before retiring.

Don Eastman was well known throughout Gunnison and was well received by all people he came in contact with. Even though the Eastman name was a foundation of life in the community, Don made it a point to establish himself as a community leader. Don served with the Western Colorado Economic Development Council, the National Highway 50 Federation Commission, and Club 20. Don was also a member of the Rotary Club and the Gunnison County Chamber of Commerce. Additionally, Don's role in the banking business allowed him to provide assistance to local ranchers, small businesses, and college students. Don Eastman played a monumental role in the development of Gunnison and its surrounding community.

Mr. Speaker, it is with profound sadness that I recognize the life and passing of Mr. Don Eastman. Don dedicated his life to serving his nation and fellow citizens. Don will be missed most by his family and close friends who knew him best, as well as the community that he so proudly served.

HONORING CURTIS A. WERDEN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 2001

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to recognize Curtis A. Werden and his contributions to this country. Curtis began his service in the military in 1944, serving as a pilot in Italy during World War II.

Mr. Werden flew the P-51 mustang fighter-aircraft and was assigned to the 31st Fighter Group, 306th Fighter Wing of the 15th Air Force. During his tour, Curtis flew fighter escort missions for B-17 and B-24 bombers over Nazi-held territory in Western Europe. During these missions, Curtis was assigned with providing air cover for the squadron from attacking enemy fighters. Curtis flew 63 missions protecting bombers, and allowing the Allies to carry forward the mission of repelling and defeating the Nazis.

Mr. Werden retired from the Army Air Corps as a Captain in 1945. His decorations include the Distinguished Flying Cross, the Air Medal with six oak leaf clusters and the European Campaign Medal. As a member of the 31st Fighter Wing he received the Presidential Unit Citation, an award reserved for outstanding units in the European and Pacific theatres.

Mr. Speaker, it is with great pride and privilege that I recognize Curtis A. Werden for his service to this country. He served selflessly in a time of great need, bringing credit to himself and this nation.

HONORING THE CONTRIBUTIONS OF CAPCO INC.

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 2001

Mr. McINNIS. Mr. Speaker, our nation is now confronted with a challenge that we have never faced before—fighting an important war against terrorism. Following the terrible attack against our country on September 11, 2001, that struck New York City and Washington, DC, we have seen numerous heroes from all walks of life emerge as we rebuild from this horrible attack. One of the unseen but critical contributors to this new battle is Capco Inc. located in Grand Junction, Colorado. Their efforts to further our success against an elusive enemy are greatly appreciated and I would like to recognize this company and its employees for their efforts.

As the U.S. flag drapes across workstations, the 128 employees of Capco are diligently working to produce rifles and other defense weapons that are currently being used by our military. But most noticeably, this firm produces modification kits that transform M16 rifles into the M16A2. Eighty percent of the construction for these weapons is performed at the Capco facility.

When Capco Inc. moved to Grand Junction in 1971, capacitors and electronic devices were the focus of their production. However, their focus changed first when it was a subcontractor for companies manufacturing military electronics, and then again in 1991 when it was awarded a contract with U.S. Department of Defense to produce smart mines. Since that time, they have become the largest maker of the M16 rifle in the United States and produce many other items used in battle, including impulse cartridges.

Mr. Speaker, as we continue to defend freedom across the globe, equipping our troops with quality munitions is imperative. Capco Inc. has answered its call to duty by creating reliable and superior products that will ensure our success in the future of this conflict. I would like to extend my gratitude to the company for its role as an active supplier to our country's efforts to promote peace and security. They deserve this body's support, now more than ever, and I thank them for their diligent service.

PAYING TRIBUTE TO NANCY WALLEN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 2001

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to recognize the career of Nancy Wallen and her service to the citizens of Colorado who have flown on United Airlines. Nancy is a dedicated worker who has specialized in customer service by putting the needs of others first. It is my pleasure to honor Nancy Wallen for the work she has accomplished and congratulate her upon retiring from United Airlines.

Nancy Wallen began her career in the transportation industry when she joined United in 1968. Nancy originally worked as flight attendant before being promoted to an inflight supervisor the following year. Nancy's loyalty to United is admirable, giving the company eleven years before opting into a new career path. However, Nancy returned to United within a few years where she blossomed as a concierge in the Red Carpet Club at Stapleton airport. She has proven herself capable of managing a wide variety of responsibilities while serving in an important leadership role for those who worked with her. Nancy contributed to a smooth transition from Stapleton to the Denver International Airport playing an integral role in the VIP/Special Services Program for United. Nancy has decided to end her career where it first flourished, in Denver, Colorado.

Mr. Speaker, Nancy is a specialist in customer service and will be dearly missed by the many frequent patrons who looked forward to her smile, sincerity, and professionalism. I commend Nancy for her long and successful career and send her my best wishes and warmest regards in her retirement.

PAYING TRIBUTE TO PETER N. LONCAR

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 2001

Mr. McINNIS. Mr. Speaker, it is an honor and a privilege to recognize a serviceman from World War II. Peter Loncar, a current resident of Montrose, Colorado, fought courageously for the freedom of our great nation in the Philippines during World War II, Peter endured battle and made tremendous sacrifices to protect his fellow Americans.

Peter Loncar, along with the rest of the 108th Infantry Division, was sent to fight the Japanese soldiers in the Philippines. They made their way onto the shores of Luzon, an island north of Manila, and battled courageously until they gained control of the island. Each battle had its casualties, but the 108th remained diligent and was eventually able to defeat the Japanese forces.

Peter Loncar left the battlefield and the war with several citations recognizing the significant contributions he made to the war effort. Some of his distinguished accomplishments include: the Good Conduct Medal, American Defense Medal, combat infantry badge, and four bronze stars. These are all lasting symbols of the valor that he displayed in the face of danger during the war.

Mr. Speaker, the United States of America called upon Pete during a time of significant conflict and he responded. This nation and this body are indebted to him for the perseverance and the bravery that he displayed in his service to our flag. I would like to extend my warmest regards and thanks to Peter for his commitment and sacrifice to our nation during World War II.

PAYING TRIBUTE TO ELIZABETH FLOYD AND RITA FARRELL

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 2001

Mr. McINNIS. Mr. Speaker, our nation has been experiencing very difficult times since the terrorist attacks on September 11, 2001, but we have pulled together out of patriotism and resolve from the losses that our nation has suffered. I would like to take a moment to recognize the significant contributions to the relief effort by two remarkable young ladies from Snowmass Village, Colorado.

Elizabeth Floyd and Rita Farrell, both 14 years old, dedicated their time and effort to directly aid the relief efforts in New York and Washington D.C. Elizabeth and Rita circulated throughout their community selling white and blue lapel ribbons for one dollar apiece; the proceeds of their venture to be donated to the American Red Cross. They have collected a considerable amount of money from their effort, sometimes meeting ribbon orders as high as two hundred.

Mr. Speaker, these two young ladies are wonderful examples of how our country has pulled together after the devastating attacks on September 11th. They are role models to us all and worthy of the praise and admiration of this body. I would like to thank Elizabeth and Rita for the significant contributions they have made, not only to the American Red Cross relief effort, but also to the unity of our nation.

Daily Digest

HIGHLIGHTS

Senate passed Labor/HHS/Education Appropriations Act.

Senate

Chamber Action

Routine Proceedings, pages S11449–S11504

Measures Introduced: Eight bills were introduced, as follows: S. 1635–1642. **Page S11488**

Measures Passed:

Labor/HHS/Education Appropriations Act: By 89 yeas to 10 nays (Vote No. 324), Senate passed H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, after taking action on the following amendments proposed thereto:

Pages S11449–53, S11458–75

Withdrawn:

Daschle Amendment No. 2044, to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

Page S11453

During consideration of this bill today, the Senate also took the following action:

By 56 yeas to 44 nays (Vote No. 323), three-fifths of those Senators duly chosen and sworn not having voted in the affirmative, Senate failed to agree to close further debate on Daschle Amendment No. 2044 (listed above). **Pages S11452–53**

Gramm Modified Amendment No. 2055 (to Amendment No. 2044), to preserve the freedom and constitutional rights of firefighters, law enforcement officers and public safety officers, fell when Daschle Amendment No. 2044 (listed above) was withdrawn.

Page S11453

Senate insisted on its amendment, requested a conference with the House thereon, and the Chair was authorized to appoint the following conferees on the part of the Senate: Senators Harkin, Hollings, Inouye, Reid, Kohl, Murray, Landrieu, Byrd, Specter, Graham, Gregg, Craig, Hutchison, Stevens, and DeWine. **Page S11475**

District of Columbia Appropriations Act: Committee on Appropriations was discharged from further consideration of H.R. 2944, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2002, and the Senate then began consideration of the bill, taking action on the following amendment proposed thereto:

Pages S11475–80

Adopted:

Landrieu/DeWine Amendment No. 2106, in the nature of a substitute. **Pages S11476–80**

A unanimous-consent-time agreement was reached providing for further consideration of the bill at 10 a.m., on Wednesday, November 7, 2001, where Senators Allen and Hutchison will be recognized to offer certain amendments, with votes to occur on the amendments. **Page S11486**

Nominations Confirmed: Senate confirmed the following nominations:

By unanimous vote of 100 yeas (Vote No. 325), M. Christina Armijo, of New Mexico, to be United States District Judge for the District of New Mexico.

Pages S11475, S11504

By unanimous vote of 98 yeas (Vote No. 326), Karon O. Bowdre, of Alabama, to be United States District Judge for the Northern District of Alabama.

Pages S11483–84, S11504

By unanimous vote of 98 yeas (Vote No. 327), Stephen P. Friot, of Oklahoma, to be United States District Judge for the Western District of Oklahoma. **Pages S11484, S11504**

William Walter Mercer, of Montana, to be United States Attorney for the District of Montana for the term of four years.

Thomas E. Moss, of Idaho, to be United States Attorney for the District of Idaho for the term of four years.

J. Strom Thurmond, Jr., of South Carolina, to be the United States Attorney for the District of South Carolina for the term of four years.

Leura Garrett Canary, of Alabama, to be United States Attorney for the Middle District of Alabama for the term of four years.

Paul K. Charlton, of Arizona, to be United States Attorney for the District of Arizona for the term of four years.

Sharee M. Freeman, of Virginia, to be Director, Community Relations Service, for a term of four years.

Jeffrey Gilbert Collins, of Michigan, to be United States Attorney for the Eastern District of Michigan for the term of four years.

William S. Duffey, Jr., of Georgia, to be United States Attorney for the Northern District of Georgia for the term of four years.

Maxwell Wood, of Georgia, to be United States Attorney for the Middle District of Georgia for the term of four years.

Dunn Lampton, of Mississippi, to be United States Attorney for the Southern District of Mississippi for the term of four years.

Juan Carlos Benitez, of Puerto Rico, to be Special Counsel for Immigration-Related Unfair Employment Practices for a term of four years.

Alice Howze Martin, of Alabama, to be United States Attorney for the Northern District of Alabama for the term of four years.

Drew Howard Wrigley, of North Dakota, to be United States Attorney for the District of North Dakota for the term of four years. **Page S11504**

Executive Communications: **Page S11488**

Additional Cosponsors: **Page S11488**

Statements on Introduced Bills/Resolutions: **Pages S11488–93**

Additional Statements: **Pages S11486–87**

Amendments Submitted: **Pages S11493–S11503**

Authority for Committees to Meet: **Page S11503**

Privilege of the Floor: **Page S11503**

Record Votes: Five record votes were taken today. (Total—327)

Pages S11452–53, S11458, S11475, S11483–84, S11484

Adjournment: Senate met at 2:16 p.m., and adjourned at 6:53 p.m., until 10 a.m., on Wednesday, November 7, 2001. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S11504.)

Committee Meetings

(Committees not listed did not meet)

NEW FEDERAL FARM BILL

Committee on Agriculture, Nutrition, and Forestry: Committee met and approved Titles VIII (Forestry) and IX (Energy) of S. 1628, to strengthen the safety net for agricultural producers, to enhance resource conservation and rural development, to provide for farm credit, agricultural research, nutrition, and related programs, and to ensure consumers abundant food and fiber.

Committee will meet again tomorrow.

NOMINATION

Committee on Foreign Relations: Committee concluded hearings on the nomination of Raymond F. Burghardt, of Florida, to be Ambassador to the Socialist Republic of Vietnam, Larry Miles Dinger, of Iowa, to be Ambassador to the Federated States of Micronesia, Charles Lawrence Greenwood, Jr., of Florida, for rank of Ambassador as Coordinator for Asia Pacific Economic Cooperation (APEC), Charles Lester Pritchard, of Virginia, for the rank of Ambassador as Special Envoy for Negotiations with the Democratic People's Republic of Korea (DPRK) and United States Representative to the Korean Peninsula Energy Development Organization (KEDO), and Darryl Norman Johnson, of Washington, to be Ambassador to the Kingdom of Thailand, after the nominees testified and answered questions in their own behalf.

NOMINATION

Committee on Governmental Affairs: Committee concluded hearings on the nomination of Odessa F. Vincent, to be an Associate Judge of the Superior Court of the District of Columbia, after the nominee, who was introduced by District of Columbia Delegate Eleanor Holmes Norton, testified and answered questions in her own behalf.

BIOTERRORISM PREPAREDNESS

Committee on the Judiciary: Subcommittee on Technology, Terrorism, and Government Information concluded hearings to examine the potential threat to America posed by the use of certain biological agents and toxins, focusing on federal, state, and local law enforcement efforts to combat acts of biological terror, including research and public health responders, after receiving testimony from James T. Caruso, Deputy Assistant Director, Counterterrorism Division, Federal Bureau of Investigation, and James S. Reynolds, Chief, Terrorism and Violent Crime Section, Criminal Division, both of the Department of Justice; Mayor Steven L. Abrams, Boca Raton,

Florida; John Parachini, RAND Corporation, Washington, D.C.; Michael V. Drake, University of California, San Francisco School of Medicine Department of Ophthalmology; andRonald M. Atlas, University of Louisville Center for Deterrence of Biowarfare and Bioterrorism, Louisville, Kentucky, on behalf of the American Society for Microbiology Task Force on Biological Weapons.

NOMINATION

Committee on the Judiciary: Committee concluded hearings on the nomination of Thomas L. Sansonetti, of Wyoming, to be Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, after the nominee, who was introduced by Senators Thomas and Enzi, testified and answered questions in his own behalf.

House of Representatives

Chamber Action

Measures Introduced: 11 public bills, H.R. 3229–3239; and 3 resolutions, H.J. Res. 72; H. Con. Res. 262–263 were introduced. **Pages H7851–52**

Reports Filed: Reports were filed today as follows:

Supplemental report on H.R. 3016, to amend the Antiterrorism and Effective Death Penalty Act of 1996 with respect to the responsibilities of the Secretary of Health and Human Services regarding biological agents and toxins, and to amend title 18, United States Code, with respect to such agents and toxins, to clarify the application of cable television system privacy requirements to new cable services, to strengthen security at certain nuclear facilities (H. Rept. 107–231, Pt. 2);

H. Res. 277, providing for consideration of H.R. 3167, to endorse the vision of further enlargement of the NATO Alliance articulated by President George W. Bush on June 15, 2001, and by former President William J. Clinton on October 22, 1996 (H. Rept. 107–271); and

Conference report on H.R. 2620, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002, (H. Rept. 107–272). **Page H7851**

Speaker Pro Tempore: Read a letter from the Speaker wherein heappointed Representative Culberson to act as Speaker pro tempore for today. **Page H7725**

Recess: The House recessed at 12:53 p.m. and reconvened at 2 p.m. **Page H7727**

Private Calendar: Agreed to dispense with the call of the Private Calendar. **Page H7728**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Patent and Trademark Office Authorization Act: H.R. 2047, amended, to authorize appropriations for the United States Patent and Trademark Office for fiscal year 2002; **Pages H7728–30**

Need-Based Educational Aid: Agreed to the Senate amendments to H.R. 768, to amend the Improving America's Schools Act of 1994 to make permanent the favorable treatment of need-based educational aid under the antitrust laws (agreed to by a yea-and-nay vote of 400 yeas with none voting "nay," Roll No. 426)—clearing the measure for the President; and **Pages H7730–32, H7780**

Financial Services Antifraud Network: H.R. 1408, amended, to safeguard the public from fraud in the financial services industry, to streamline and facilitate the antifraud information-sharing efforts of Federal and State regulators (agreed to by a yea-and-nay vote of 392 yeas to 4 nays, Roll No. 427). **Pages H7732–45, H7780–81**

Suspensions—Proceedings Postponed: The House completed debate on the following motions to suspend the rules. Further proceedings were postponed until Nov. 7:

Radio Free Afghanistan: H.R. 2998, amended, to authorize the establishment of Radio Free Afghanistan; **Pages H7745–48**

Nathaniel R. Jones and Frank J. Battisti Federal Building and United States Courthouse, Youngstown, Ohio: H.R. 852, to designate the Federal building and United States courthouse to be constructed at 10 East Commerce Street in Youngstown, Ohio, as the "Nathaniel R. Jones and Frank J. Battisti Federal Building and United States Courthouse";and **Pages H7748–50**

Preservation of Anti-Dumping and Countervailing Duty Laws: H. Con. Res. 262, expressing the sense of Congress that the President, at the WTO round of negotiations to be held at Doha,

Qatar, from November 9–13, 2001, and at any subsequent round of negotiations, should preserve the ability of the United States to enforce rigorously its trade laws and should ensure that United States exports are not subject to the abusive use of trade laws by other countries; **Pages H7750–54**

Recess: The House recessed at 4:05 p.m. and reconvened at 5:45 p.m. **Page H7754**

Airport Security Federalization Act: The House passed S. 1447, to improve aviation security, after striking all after the enacting clause and inserting in lieu thereof the text of H.R. 3150, as passed the House. H.R. 3150, was then laid on the table. Subsequently, the House insisted on its amendment and asked for a conference with the Senate. Appointed as conferees: Young of Alaska, Petri, Duncan, Mica, Ehlers, Oberstar, Lipinski, and DeFazio.

Pages H7754–79

By a a recorded vote of 397ayes with none voting "no," Roll No. 428, agreed to the Oberstar motion to instruct conferees to make every effort to resolve all differences between the two Houses as soon as possible, and no later than Friday, Nov. 9, 2001.

Pages H7781–82

Quorum Calls—Votes: Three yea-and-nay votes developed during the proceedings of the House today and appear on pages H7780, H7780–81, H7781–82. There were no quorum calls.

Adjournment: The House met at 12:30 p.m. and adjourned at 11:03 p.m.

Committee Meetings

CHARITABLE CONTRIBUTIONS FOR SEPTEMBER 11: PROTECTING AGAINST FRAUD, WASTE, AND ABUSE

Committee on Energy and Commerce: Subcommittee on Oversight and Investigations held a hearing entitled "Charitable Contributions for September 11: Protecting against Fraud, Waste, and Abuse." Testimony was heard from J. Howard Beales III, Director, Bureau of Consumer Protection, FTC; Eliot Spitzer, Attorney General, State of New York; and public witnesses.

PRESIDENTIAL RECORDS ACT IMPLEMENTATION

Committee on Government Reform: Subcommittee on Government Efficiency, Financial Management and Intergovernmental Relations held a hearing on the implementation of the Presidential Records Act of 1978. Testimony was heard from John W. Carlin, Archivist of the United States, National Archives and Records Administration; M. Edward Whelan III, Acting Assistant Attorney General, Office of Legal Counsel, Department of Justice; and public witnesses.

GERALD B. H. SOLOMON FREEDOM CONSOLIDATION ACT

Committee on Rules: Granted, by voice vote, a modified closed rule providing 1 hour of debate in the House on H.R. 3167, Gerald B.H. Solomon Freedom Consolidation Act of 2001. The rule waives all points of order against consideration of the bill. The rule provides that the amendment recommended by the Committee on International Relations now printed in the bill shall be considered as adopted. The rule provides for consideration of only the amendment in the nature of a substitute printed in the Congressional Record, if offered by Representative Lantos or his designee, which shall be considered as read and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Chairman Hyde.

MISCELLANEOUS MEASURES

Committee on Transportation and Infrastructure: Subcommittee on Economic Development, Public Buildings and Emergency Management approved for full Committee action the following: H.R. 2841, to designate the building located at 1 Federal Plaza in New York, New York the "James L. Watson United States Court of International Trade Building;" H.R. 2972, to designate the Federal building and United States courthouse located at 550 West Fort Street in Boise, Idaho, as the "James A. McClure Federal Building and United States Courthouse;" H.R. 3093, to designate the Federal building and United States courthouse located at 501 Bell Street in Alton, Illinois, as the "William L. Beatty Federal Building and United States Courthouse;" the GSA Fiscal Year 2002 Capital Investment and Leasing Program; remaining committee resolutions and several 11(b) resolutions.

REPORT—VA CLAIMS PROCESSING TASK FORCE

Committee on Veterans' Affairs: Held a hearing to receive the report of the VA Claims Processing Task Force (Cooper Report). Testimony was heard from Vice Adm Daniel L. Cooper, USN (Ret.) Chairman, VA Claims Processing Task Force.

Joint Meetings

APPROPRIATIONS—VA/ HUD/ INDEPENDENT AGENCIES

Conferees agreed to file a conference report on the differences between the Senate and House passed

versions of H.R. 2620, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, November 2, 2001, *p. D1093)*

H.R. 146, to authorize the Secretary of the Interior to study the suitability and feasibility of designating the Great Falls Historic District in Paterson, New Jersey, as a unit of the National Park System. Signed November 5, 2001. (Public Law 107–59)

H.R. 1000, to adjust the boundary of the William Howard Taft National Historic Site in the State of Ohio, to authorize an exchange of land in connection with the historic site. Signed November 5, 2001. (Public Law 107–60)

H.R. 1161, to authorize the Government of the Czech Republic to establish a memorial to honor Tomas G. Masaryk in the District of Columbia. Signed November 5, 2001. (Public Law 107–61)

H.R. 1668, to authorize the Adams Memorial Foundation to establish a commemorative work on Federal land in the District of Columbia and its environs to honor former President John Adams and his legacy. Signed November 5, 2001. (Public Law 107–62)

H.R. 2217, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002. Signed November 5, 2001. (Public Law 107–63)

H.R. 2904, making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2002. Signed November 5, 2001. (Public Law 107–64)

COMMITTEE MEETINGS FOR WEDNESDAY, NOVEMBER 7, 2001

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Agriculture, Nutrition, and Forestry: business meeting to mark up S. 1628, to strengthen the safety net for agricultural producers, to enhance resource conservation and rural development, to provide for farm credit, agricultural research, nutrition, and related programs, to ensure consumers abundant food and fiber, focusing on trade provisions, 8:30 a.m., SR–328A.

Committee on the Budget: business meeting to consider S.J. Res. 28, suspending certain provisions of law pursuant to section 258(a)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985, 3:15 p.m., SD–562.

Committee on Foreign Relations: to hold hearings on the nomination of John Marshall, of Virginia, to be Assistant Administrator of Management, the nomination of Constance Berry Newman, of Illinois, to be Assistant Administrator for Africa, both of the United States Agency for International Development; the nomination of Cynthia Shepard Perry, of Texas, to be United States Director of the African Development Bank; the nomination of Jose A. Fourquet, of New Jersey, to be United States Executive Director of the Inter-American Development Bank; and the nomination of Jorge L. Arrizurieta, of Florida, to be United States Alternate Executive Director of the Inter-American Development Bank, 3 p.m., SD–419.

Committee on Governmental Affairs: Subcommittee on International Security, Proliferation and Federal Services, to hold hearings to examine current and future weapons of mass destruction proliferation threats, 2:30 p.m., SD–342.

Select Committee on Intelligence: to hold closed hearings to examine intelligence matters, 3:30 p.m., S–407, Capitol.

Committee on the Judiciary: to hold hearings on the nomination of Joe L. Heaton, to be United States District Judge for the Western District of Oklahoma, the nomination of Clay D. Land, to be United States District Judge for the Middle District of Georgia, the nomination of Frederick J. Martone, to be United States District Judge for the District of Arizona, the nomination of Danny C. Reeves, to be United States District Judge for the Eastern District of Kentucky, the nomination of Julie A. Robinson, to be United States District Judge for the District of Kansas; and the nomination of James Edward Rogan, to be Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, 10 a.m., SD–226.

Subcommittee on Antitrust, Business Rights, and Competition, to hold hearings to examine international aviation alliances, focusing on market turmoil and the future of airline competition, 12:30 p.m., SD–226.

House

Committee on the Budget, hearing on Ensuring Domestic Security: Issues and Potential Costs, 1 p.m., 210 Cannon.

Committee on Energy and Commerce, Subcommittee on Commerce, Trade, and Consumer Protection, hearing entitled "Challenges Facing the Federal Trade Commission," 10 a.m., 2123 Rayburn.

Subcommittee on Oversight and Investigations, hearing entitled "HHS Inspector General's Review of Physical Security at NIH and CDC Facilities," 10 a.m., 2322 Rayburn.

Committee on Financial Services, to mark up H.R. 3210, Terrorism Risk Protection Act, 10 a.m., 2128 Rayburn.

Committee on Government Reform, Subcommittee on National Security, Veterans Affairs, and International Relations, hearing on "Chemical and Biological Defense: DoD Medical Readiness," 10 a.m., 2154 Rayburn.

Committee on International Relations, hearing on the Future of Afghanistan, 10:15 a.m., 2172 Rayburn.

Committee on the Judiciary, Subcommittee on Crime, hearing and mark up of H.R. 3209, Anti-Hoax Terrorism Act of 2001, 2 p.m., 2237 Rayburn.

Committee on Resources, to mark up the following bills: H.R. 2828, Klamath Basin Emergency Operation and Maintenance Refund Act of 2001; and H.R. 3208, to authorize funding through the Secretary of the Interior for the implementation of a comprehensive program in California to achieve increased water yield and environmental benefits, as well as improved water system reliability, water quality, water use efficiency, watershed management, water transfers, and levee protection, 10 a.m., 1324 Longworth.

Subcommittee on Forests and Forest Health, oversight hearing on the views and vision of the Under Secretary, Natural Resources and Environment, Department of the Interior, 4:15 p.m., 1334 Longworth.

Committee on Science, hearing on the Space Station Task Force Report, 10 a.m., 2318 Rayburn.

Committee on Transportation and Infrastructure, to consider the following: H.R. 525, Preparedness Against Domestic Terrorism Act of 2001; H.R. 2841, to designate the building located at 1 Federal Plaza in New York, New York the ''James L. Watson United States Court of International Trade Building;'' H.R. 2972, to designate the Federal building and United States courthouse located at 550 Wet Fort Street in Boise, Idaho, as the ''James A. McClure Federal Building and United States Courthouse;'' H.R. 3093, to designate the Federal building and United States courthouse located at 501 Bell Street in Alton, Illinois, as the ''William L. Beatty Federal Building and United States Courthouse;'' H.R. 2546, Real Interstate Driver Equity Act of 2001; H.R. 2776, to designate buildings 315, 318, and 319 located at the Federal Aviation Administration's William J. Hughes Technical Center in Atlantic City, New Jersey, as the ''Frank R. Lautenberg Aviation Security Complex;'' S. 378, to redesignate the Federal building located at 3348 South Kedzie Avenue, in Chicago, Illinois, as the ''Paul Simon Chicago Job Corps Center,'' miscellaneous public building resolutions, including: 27 GSA Leases Resolutions; two repair and alteration resolutions; seven Construction Resolutions; and two 11(b) Public Building Resolutions, 11 a.m., 2167 Rayburn.

Committee on Ways and Means, to mark up H.R. 2269, Retirement Security Advice Act of 2001, 2 p.m., 1100 Longworth.

Next Meeting of the SENATE

10 a.m., Wednesday, November 7

Senate Chamber

Program for Wednesday: Senate will continue consideration of H.R. 2944, District of Columbia Appropriations Act, with votes on certain amendments to occur thereon.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, November 7

House Chamber

Program for Wednesday: Consideration of motion to go to conference on H.R. 2506, Foreign Operations Appropriations Act for Fiscal Year 2002;

Consideration of H.R. 3167, Gerald B. H. Solomon Freedom Consolidation Act (modified closed Rule, one hour of debate);

Complete consideration of Suspensions (votes):

(1) H.R. 2998, Radio Free Afghanistan Act;

(2) H.R. 852, Nathaniel Jones & Frank Battisti Federal Building & Courthouse, Youngstown, Ohio; and

(3) H. Con. Res. 262, Preservation of Anti-Dumping and Countervailing Duty Laws.

Extensions of Remarks, as inserted in this issue

HOUSE

Bass, Charles F., N.H., E2005
Blunt, Roy, Mo., E2009
Boehlert, Sherwood L., N.Y., E2020
Clyburn, James E., S.C., E2016
Costello, Jerry F., Ill., E2006
Diaz-Balart, Lincoln, Fla., E2018
Etheridge, Bob, N.C., E2016
Hinchey, Maurice D., N.Y., E2018
Israel, Steve, N.Y., E2015
Issa, Darrell E., Calif., E2008
Johnson, Nancy L., Conn., E2015
Langevin, James R., R.I., E2017
Lantos, Tom, Calif., E2019
McInnis, Scott, Colo., E2018, E2020, E2020, E2021, E2021, E2021, E2021, E2021, E2022, E2022
Maloney, James H., Conn., E2014
Manzullo, Donald A., Ill., E2005
Miller, Jeff, Fla., E2017
Morella, Constance A., Md., E2005
Ney, Robert W., Ohio, E2009
Norton, Eleanor Holmes, D.C., E2007
Pastor, Ed, Ariz., E2017
Putnam, Adam H., Fla., E2016
Radanovich, George, Calif., E2005, E2006, E2008, E2009
Reyes, Silvestre, Tex., E2014, E2015
Riley, Bob, Ala., E2015
Roukema, Marge, N.J., E2009
Royce, Edward R., Calif., E2015
Schaffer, Bob, Colo., E2018
Skelton, Ike, Mo., E2014, E2018
Stark, Fortney Pete, Calif., E2007
Traficant, James A., Jr., Ohio, E2010

Congressional Record The public proceedings of each House of Congress, as reported by the Official Reporters thereof, are printed pursuant to directions of the Joint Committee on Printing as authorized by appropriate provisions of Title 44, United States Code, and published for each day that one or both Houses are in session, excepting very infrequent instances when two or more unusually small consecutive issues are printed at one time. ¶Public access to the Congressional Record is available online through *GPO Access,* a service of the Government Printing Office, free of charge to the user. The online database is updated each day the Congressional Record is published. The database includes both text and graphics from the beginning of the 103d Congress, 2d session (January 1994) forward. It is available through GPO Access at www.gpo.gov/gpoaccess. Customers can also access this information with WAIS client software, via telnet at swais.access.gpo.gov, or dial-in using communications software and a modem at (202) 512–1661. Questions or comments regarding this database or GPO Access can be directed to the GPO Access User Support Team at: E-Mail: gpoaccess@gpo.gov; Phone 1–888–293–6498 (toll-free), 202–512–1530 (D.C. area); Fax: 202–512–1262. The Team's hours of availability are Monday through Friday, 7:00 a.m. to 5:30 p.m., Eastern Standard Time, except Federal holidays. ¶The Congressional Record paper and 24x microfiche will be furnished by mail to subscribers, free of postage, at the following prices: paper edition, $197.00 for six months, $393.00 per year, or purchased for $4.00 per issue, payable in advance; microfiche edition, $141.00 per year, or purchased for $1.50 per issue payable in advance. The semimonthly Congressional Record Index may be purchased for the same per issue prices. To place an order for any of these products, visit the U.S. Government Online Bookstore at: bookstore.gpo.gov. Mail orders to: Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250–7954, or phone orders to (202) 512–1800, or fax to (202) 512–2250. Remit check or money order, made payable to the Superintendent of Documents, or use VISA, MasterCard, Discover, or GPO Deposit Account. ¶Following each session of Congress, the daily Congressional Record is revised, printed, permanently bound and sold by the Superintendent of Documents in individual parts or by sets. ¶With the exception of copyrighted articles, there are no restrictions on the republication of material from the Congressional Record.