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 and down the Mall, our employee’s 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 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

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.
STRENGTHENING IMMIGRATION

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

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 is an important first step, it is an important 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 commitment 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 foil counterterrorism 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 and we do not even know how many of those crossings 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 but 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 United States 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, 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 the problems on 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 terrorism in other significant ways. The consumption and 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 serious 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 EXCLUSIVEITY 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 come 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 doctors and the families, 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 purpose of these exclusivity programs is to get the information out to the doctors and patients and to get the information out to the doctors and families so they know there really was an advantage. In fact, the safety and effectiveness were 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. Propofol 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 the way what we know what it is going to do to the patient, so the doctor knows what to do, and what the patient can understand? 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 1, 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.

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.

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

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.

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.

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 TRADMARK OFFICE AUTHORIZATION ACT OF 2002

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that the call of the House be suspended 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 Oct
ber 1, 2002,
1. enhance patent and trademark quality; and
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 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.

(a) 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.

(b) EFFECTIVE DATE.—This Act shall take effect on October 1, 2001.

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

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

Mr. SENSENBERGER. Mr. Speaker, I ask unanimous consent that all Members be granted 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. SENSENBERGER. 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 as much 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 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 raising the patent fees to fund other programs is one of the negative consequences of reducing government revenues through irresponsible tax cuts below the revenue 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 by other agencies of Commerce. 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 legislation 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 BERNERMAN 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 alone 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 $500 million in fees has been diverted since 1992. This coming fiscal 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; now it 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. The bill also provides the PTO with the speed-up it needs to modernize its 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. Speaker, I yield back the balance of my time.

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

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 dependent 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, those students would not be able 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 for all students.

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, who so diligently stayed on this bill 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 who 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 the 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 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 complicated 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, and it is 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 renewed 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 the same institution, 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, use a common financial aid application form, and allow the exchange of the student's financial information through a third party. It also permitted 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 yeas and nays were ordered.

Mr. SENSENBRENNER. 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:

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 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:

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.
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 B—Potential Establishment of Antifraud Subcommittee
Sec. 107. Establishment.
Sec. 108. Powers of the Antifraud Subcommittee.
Sec. 109. Chairperson; term of chairperson; meetings; officers and staff.
Sec. 110. Nonagency status.
Sec. 111. Liability provisions.
Sec. 112. Authorization for identification and criminal background check.
Sec. 113. Definitions.
Sec. 114. Technical and conforming amendments to other acts.
Sec. 115. Audit of State insurance regulators.

Subtitle D—Anti-Terrorism

Sec. 116. Preventing international terrorism.

TITLE II—SECURITIES INDUSTRY COORDINATION

Subtitle A—Disciplinary Information
Sec. 201. Investment Advisers Act of 1940.
Sec. 203. Securities Act of 1933.
Sec. 204. Municipal Securities Rulemaking Board.

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

(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.
ties, where appropriate, to promote uniform standards for sharing information with the network under this section.

(b) Financial Regulatory Control of Access.—

(1) In General.—Except as provided in paragraph (4), each participant that allows access 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 regulatory, supervisory, 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, before providing information through the network under this section, other than information described in subsection (b)(1), from such participant to another participant or a complainant that the information accessed may be unsubstantiated and 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.

(c) 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 section 100(l), determines that:

(A) the Federal financial regulators have submitted a plan which substantially meets the requirements of subsections (a) and (b); and

(B) the participants shall 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.

(d) 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 Securities Regulators, 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.
(5) A designee of the Chairman of the Federal Financial Institutions Examination Council.

(b) FINANCIAL LIAISONS.—The following shall be liaison members of 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.

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

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

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

(d) A representative of State thrift supervisors designated by the National Association of State Credit Union Supervisors.

(e) A representative of the National Conference of Insurance Commissioners.

(f) A representative of the National Association of State Savings Supervisors.

(g) A representative of the National Credit Union Administration Board.

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

(5) USE OF CENTRALIZED DATABASES.—

(A) notify the person of the identity of the financial regulator which is accessibility the ensured privacy and confidentiality safeguards exist.

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

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

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

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

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

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

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

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

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

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

(Z) notify the person of the right to a reasonable opportunity to respond to such information.
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 specific type or category of information in the database (whether for reasons of cost reimbursement, data security, efficiency, or otherwise); and
(C) any other participant of any type or category of information that may be accessed by the participant.
(2) Compliance. Each participant may establish the parameters described in paragraph (1) by regulation, order, or guideline or on a case-by-case basis.
(3) Omission. (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) Committee 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 circumstances in which any such disclaimer shall be made.
(4) Final disciplinary and formal enforcement actions taken or to be taken by another State insurance commissioner or any network or database designated by such Association as a successor to such Database.
(C) The disclosure by any other participant of the data maintained by the National Association of Insurance Commissioners or any network or database designated by such Association as a successor to such Database.
(2) Consumer complaints, such as the Complains Database maintained by the National Association of Insurance Commissioners or any network or database designated by such Association as a successor to such Database.
(3) Frequency of disclaimers under this paragraph. (A) Appropriate governing the location, wording, and frequency of disclaimers in any database that such State insurance commissioner shall be eligible to access the network unless the State insurance department and the appropriate governing the location, wording, and frequency of disclaimers under this paragraph.
(B) 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.
(2) Omission. Each participant may establish the parameters described in paragraph (1) by regulation, order, or guideline or on a case-by-case basis.
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(B) Committee 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 circumstances in which any such disclaimer shall be made.
(4) Final disciplinary and formal enforcement actions taken or to be taken by another State insurance commissioner or any network or database designated by such Association as a successor to such Database.
(C) The disclosure by any other participant of the data maintained by the National Association of Insurance Commissioners or any network or database designated by such Association as a successor to such Database.
(2) Consumer complaints, such as the Complains Database maintained by the National Association of Insurance Commissioners or any network or database designated by such Association as a successor to such Database.
(3) Frequency of disclaimers under this paragraph. (A) Appropriate governing the location, wording, and frequency of disclaimers in any database that such State insurance commissioner shall be eligible to access the network unless the State insurance department and the appropriate governing the location, wording, and frequency of disclaimers in any database that such State insurance commissioner shall be eligible to access the network unless the State insurance department and the

No provision of this section shall require a member or liaison to create a new database or otherwise incur significant costs in modifying existing databases for the networking of information.

The provisions of subparagraph (1)(B) of this section shall not become effective until 3 years after the date of enactment of this Act.

No State insurance commissioner shall be eligible to access the network unless the State insurance department participates in a centralized database for broker-dealers, broker-dealer agents, investment advisers, such as the Regulatory Informa-
(c) Reimbursement of Participant Costs.—Before allowing access by the Subcommittee or a participant to any information described in subsection (b)(1) of such section, a member or liaison may request the reimbursement of reasonable costs for providing such access.

II. 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 any person engaged in the business of conducting financial activities, including examinations, inspections, 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, in a form or condition in which the information is created, conveyed, or maintained:—

(A) Any report of examination, inspection, visitation, 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 requested 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.

(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 confidential supervisory information or documents prepared or collected 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;

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

(i) such a disclosure 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 NOT WAIVED.—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 originating financial regulator to assert any privilege that such financial regulator may claim with respect to such information.

(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 DISCLOSURE.—No person in possession of confidential supervisory information may disclose such information, in whole or in part, with respect to such information.

(C) ACQUISITION OF INFORMATION.—If a person seeks to compel production of confidential supervisory information by duly authorized committees of the Congress or the Comptroller General of the United States, or any Federal financial regulator, such action shall not affect the ability of the financial regulator to assert the privilege described in paragraph (1) to prevent access to confidential supervisory information by such person.

(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 the privilege against any person.

(d) Treatment of Foreign Supervisory Information.—In any proceeding before a Federal or State court, or in a regulatory or administrative proceeding, civil action, or investigation, or in any other action or proceeding 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 shall not waive, destroy, or otherwise affect any privilege such person may claim with respect to such information under Federal or State law.

(f) Discovery and Disclosure of Information Available Only from Financial Regulator.—

(1) IN GENERAL.—No person (other than the financial regulator that created the information) shall request the information from a person engaged in the business of conducting financial activities (other than a financial regulator) unless that person engages in the business of conducting financial activities of any individual.

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

(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.—No financial regulator which is described in subparagraph (P), (Q), or (R) of section 115(3) shall be treated as a financial regulator for purposes of paragraph (1) in connection with any investigation, or in a proceeding before a Federal or State court, or in a regulatory or administrative proceeding, civil action, or investigation.
(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 (a) of subsection (1) to be followed by the financial regulator in complying with the requirements of section 100, 102, and 111 of this title.

(2) Federal court jurisdiction over disputes.—

(A) Declaratory judgment.—If a party seeks a declaratory judgment proceeding to compel disclosure of confidential supervisory information, a financial regulator may in a civil action for a declaratory judgment seek to prevent or enjoin any action, or require or order any person or entity to do, or to refrain from doing, any act which would constitute a violation of this section, or any other provision of law, including any State open record law, of which the financial regulator has knowledge.

(B) Judicial review.—Judicial review of the final action of a financial regulator regarding the disclosure of confidential supervisory information shall be before a district court of the United States of competent jurisdiction, subject to chapter 75 of part I of title 28, 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, the financial regulator may intervene in any 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) reviewing such party’s compliance 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) Authority to obtain information.—Any court order that compels production of confidential supervisory information may be immediately appealed by the financial regulator and the order for compelling production shall be automatically stayed, pending the outcome of such appeal.

(1) Regulations.—

(2) Authority to require notice.—Any regulations prescribed by a financial regulator under paragraph (1) may require any person to describe 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.

(3) 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; and

(2) such waiver shall not affect any other privilege or confidentiality protection conferred by such party or asserted by any person other than such financial regulator.

(k) Sharing of confidential supervisory information among federal financial regulators.—A Federal financial regulator (as defined in section 509 of the Gramm-Leach-Bliley Act) shall, upon request, provide any confidential supervisory information created by it with another Federal financial regulator subject only to any existing legal restrictions on the regulator’s authority to share or disclose information and to the following paragraphs:

(1) Request to regulator.—A Federal functional regulator may seek information described in this subsection solely from the Federal financial regulator that created it (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 and whether 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 to 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.

(i) 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 other 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.

(j) 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.

(k) No waiver of any privilege of any other party.—No provision of this Act shall be construed as providing any financial regulator any new authority to request or obtain information.

(l) No liability for good faith disclosure.—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 any good faith action of any officer or employee, while acting within the scope of his or her office or employment, relating to collecting, furnishing, or disseminating supervisory information concerning persons engaged in the business of conducting financial activities, to or from another financial regulator, whether directly or through the computer databases maintained by the Federal functional regulator.

SEC. 113. LIABILITY PROVISIONS.

(a) No liability for good faith disclosure.—Any financial regulator, and any officer or employee of any financial regulator, seeking to prevent or enjoin any act which would constitute a violation of this section, or any other provision of law, including any State open record law, of which the financial regulator has knowledge.

(b) Criminal liability for intentional unlawful disclosures.—

(1) In general.—It shall be unlawful for any person to disclose to any person any information concerning persons engaged in the business of conducting financial activities knowing the disclosure to be in violation of applicable law, including any State open record law.

(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 of open record laws.—Information described in subsection (a) of this section 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.

(c) 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 this section, with respect to such information and material; and

(d) Duties 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 of 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. 114. CONFIDENTIALITY OF INFORMATION.

(1) Financial regulators.—Except as otherwise provided in 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 or material has been disclosed through the network to another participant or, if subtitle B has taken effect, to the extent that—

(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) CRIME OF VIOLENCE DEFINED.—For purposes of subparagraph (B)(i)(V), the term ‘crime of violence’ means a burglary of a dwelling and a criminal offense that has as an element conduct constituting a violation 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) ATTORNEY GENERAL AUTHORIZATION.—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 1032(e)(1)(A) of such title.

(b) PENALTY.—The determination of whether or not a State has uniform or reciprocity laws and 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 such 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 and 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.

(4) CLARIFICATION OF SECTION 1033.—This section—

(A) authorizes an insurance regulator to require fingerprinting and supply identification information for use in background checks under this section in good faith.

(B) applies to any financial regulator that performs criminal background checks under this section.

(C) does not have in effect uniform or reciprocity laws or regulations in effect for purposes of subparagraph (A) shall include a copy of any necessary identification information required by State insurance commissioners to reduce the use, attempted use, or threatened 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. All felony convictions.

(ii) list of such information to appropriate regulatory and law enforcement purposes.

(III) failure to comply with child support obligations.

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

(C) CRIME OF VIOLENCE DEFINED.—For purposes of subparagraph (B)(i)(V), the term ‘crime of violence’ means a burglary of a dwelling and a criminal offense that has as an element conduct constituting a violation 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) ATTORNEY GENERAL AUTHORIZATION.—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 1032(e)(1)(A) of such title.

(b) PENALTY.—The determination of whether or not a State has uniform or reciprocity laws and 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 such 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 and 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.

(4) CLARIFICATION OF SECTION 1033.—This section—

(A) authorizes an insurance regulator to require fingerprinting and supply identification information for use in background checks under this section in good faith.

(B) applies to any financial regulator that performs criminal background checks under this section.

(C) does not have in effect uniform or reciprocity laws or regulations in effect for purposes of subparagraph (A) shall include a copy of any necessary identification information required by State insurance commissioners to reduce the use, attempted use, or threatened 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.

(i) list of such information to appropriate regulatory and law enforcement purposes.

(III) failure to comply with child support obligations.

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

(C) CRIME OF VIOLENCE DEFINED.—For purposes of subparagraph (B)(i)(V), the term ‘crime of violence’ means a burglary of a dwelling and a criminal offense that has as an element conduct constituting a violation 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) ATTORNEY GENERAL AUTHORIZATION.—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 1032(e)(1)(A) of such title.

(b) PENALTY.—The determination of whether or not a State has uniform or reciprocity laws and 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 such 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 and 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.

(4) CLARIFICATION OF SECTION 1033.—This section—

(A) authorizes an insurance regulator to require fingerprinting and supply identification information for use in background checks under this section in good faith.

(B) applies to any financial regulator that performs criminal background checks under this section.

(C) does not have in effect uniform or reciprocity laws or regulations in effect for purposes of subparagraph (A) shall include a copy of any necessary identification information required by State insurance commissioners to reduce the use, attempted use, or threatened 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.

(i) list of such information to appropriate regulatory and law enforcement purposes.

(III) failure to comply with child support obligations.

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

(C) CRIME OF VIOLENCE DEFINED.—For purposes of subparagraph (B)(i)(V), the term ‘crime of violence’ means a burglary of a dwelling and a criminal offense that has as an element conduct constituting a violation 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. All felony convictions.

(ii) list of such information to appropriate regulatory and law enforcement purposes.

(III) failure to comply with child support obligations.

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

(C) CRIME OF VIOLENCE DEFINED.—For purposes of subparagraph (B)(i)(V), the term ‘crime of violence’ means a burglary of a dwelling and a criminal offense that has as an element conduct constituting a violation 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.
(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(a) of the Federal Deposit Insurance Act.

(2) FINANCIAL ACTIVITIES.—

(A) IN GENERAL.—The term ‘‘financial activities’’ means:

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

(ii) the association and supervisory activities, with respect to any person engaged in the business of conducting financial activities, but only to the extent appropriate under the laws applicable with the financial services industry; and

(iii) any other self-regulatory organization that engages in and 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 Commodity Futures Trading Commission or the Securities and Exchange Commission.

(B) RULES OF CONSTRUCTION.—Subparagraph (A) shall not be construed as creating any 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 supervisor of a State bank (as defined in section 3(k) 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 State insurance commissioner;

(N) any State securities administrator, including the National Association of Securities Administrators Association only to the extent such association is acting as the agent of, and is subject to the oversight of, any such State 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 State 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 supervisory activities 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 activities 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 and coordinates regulatory and supervisory activities, with respect to any person engaged in the business of conducting financial activities, but only to the extent of such supervisory and regulatory activities.

(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, 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.

(5) PARTICIPANT.—The term ‘‘participant’’ means any entity described in section 101(a) as being represented by a member of, or a liaison to, the Subcommittee (regardless of whether such entity has an official or customer relationship with a foreign financial regulator or not) who participates in an independent contractor, as determined by the appropriate authority of the Department of Justice, to engage in the business of conducting financial activities.

(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 with the financial services industry, any person engaged in the business of conducting financial activities, but only to the extent of such supervisory and regulatory activities.

(8) STATE.—The term ‘‘State’’ means any State of the United States.

(9) STATE SECURITIES ADMINISTRATOR.—The term ‘‘State securities administrator’’ 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.

(10) STATE SECURITIES COORDINATING COMMITTEE.—The term ‘‘State securities coordinating committee’’ means any committee of the States that participates in an independent contractor, as determined by the appropriate law enforcement authority of the Department of Justice, to engage in the business of conducting financial activities.

(11) STATEically—The term ‘‘Stateically’’ 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.

(12) STATE SECURITIES ADMINISTRATOR.—The term ‘‘State securities administrator’’ 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.

(13) STATE SECURITIES ADMINISTRATOR.—The term ‘‘State securities administrator’’ 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.

(14) STATE SECURITIES ADMINISTRATOR.—The term ‘‘State securities administrator’’ 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.

(15) STATE SECURITIES ADMINISTRATOR.—The term ‘‘State securities administrator’’ 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.

(16) STATE SECURITIES ADMINISTRATOR.—The term ‘‘State securities administrator’’ 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.
(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.

(1) CONFIDENTIALITY.—

(1) IN GENERAL.—The Comptroller General shall maintain the same level of confidentiality and record security, on a record or 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) A VAILABILITY OF INFORMATION AND IN- SPECTION OF RECORDS.—The right of access of the Comptroller General to information under section 716 of title 31, United States Code.

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

(1) IN GENERAL.—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.

IV. TITLE D—Anti-Terrorism

SEC. 121. PREVENTING INTERNATIONAL TER- RORISM.

(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 international terrorists.

(b) REPORT REQUIRED.—The entities described in section 101(a) shall report to the Comptroller General of the United States within 6 months of the enactment of this Act, and shall provide to the Congress any additional information that the Congress may request.

IV. 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”;

(b) by adding at the end the following:

(b) FILING DISCLOSURE.—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 the filing and the establishment and maintenance of the systems required by subsection (c).

(c) ACCEES TO DISCIPLINARY AND OTHER IN- FORMATION IN DISCIPLINARY ACTIONS AND PRO-CEEDINGS OF ANY STATE INSURANCE REGULATORY AUTHORITY.

(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;

(B) to respond promptly to such inquiries.

(2) RECOVERY OF COSTS.—An entity designated by the Commission under subsection (b)(1) shall make 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-3(a) is amended—

(A) by striking subsection (d); and

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


SEC. 202. SECURITIES EXCHANGE ACT OF 1934.

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

“(i) MAINTENANCE 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 members, a reasonable fee 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)(3) is amended—

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

“(F) is subject to an 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 by 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 regula-

tion regarding securities, banking, thrift ac-

tivities, 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 board of trade; or

(iii) aided, abetted, counseled, com-

manded, induced, or procured the violation by any other person of any provision of any statute, regulation, provision enacted by a foreign government, or rules or regulations there-

under, regarding securities, banking, thrift ac-

tivities, 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 board of trade to which it has failed reasonably to super-

vise, with a view to preventing violations of such statutory provisions, rules, regulations, and 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 thereof) that prevents unwarranted invasions of personal privacy.

(H) is subject to any final order of a State securities commission (or any agency or officer thereof) that prevents unwarranted invasions of personal privacy.

(iii) constitutes a final order based on violations of any laws or regulations that pro-
hibit fraudulent, manipulative, or deceptive conduct.”; and

(2) in paragraph (6)(A)(i), by striking “or omission enumerated in subparagraph (A), (D), (E), (G), or (H)’’ 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)(3) 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)”;

(B) in paragraph (3)—

(1) in paragraph (3)(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)”;

(2) by striking “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)”;

(3) by striking “in paragraph (3), 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. 78u-1(c) is amended—

(1) in subparagraph (A), by striking “em-umerated 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 subpara-
graph (A), (D), (E), (G), or (H)”; and
(B) by striking “ten years” and inserting “10 years”.
(e) DEFINITION OF STATUTORY DISQUALI-
FICATION.—(1) The definition of “Disqualifica-
tion” in section 3(a)(39)(F) of the Securities
omitted any act enumerated in subparagraph
(D), (E), (G), or (H)”, or is subject to an order or finding, enumerated in subpara-
graph (A), (D), (E), (G), or (H); and
(B) by inserting “or (3) after “paragraph
(2)”.

SEC. 22. INVESTMENT ADVISERS ACT OF 1940.
(a) AUTHORITY TO DENY OR REVOKE REG-
ISTRATION BASED ON STATE (AND OTHER GOV-
ERNMENTAL) ADMINISTRATIVE ACTIONS.—Sec-
tion 203(e) of the Investment Advisers Act of
1940 (15 U.S.C. 80b-3(e)) is amended by strik-
ing paragraphs (7) and (8) and inserting the fol-
lowing:
“(7) is subject to any order of the Commis-
sion barring or suspending the right of the person to be associated with an investment adviser;
“(8) has been or is subject to any final order of the Commis-
sion to cease and desist from engaging in na-
tional activities; or

Mr. R. W. 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 in-
clude extraneous material in the RECORD.

The SPEAKER pro tempore. Is there no objec-
tion to the request of the gen-
tleman 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 Fi-

nancial Services and the Sub-
committee on Financial Institutions and Consumer Credit, which I have the

honour 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 bipar-
tisanship to develop legislation that commands the broad consensus in the committee and deserves similar sup-
port on the House floor today.
Let me also commend the chairman of the full committee, the gentle-
man from Ohio (Chairman OXLEY), who made this bill one of the committee’s highest pri-
orities upon assuming his chairmanship at the beginning of this year, and then fought valiantly 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 leg-
islation 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 (Chair-
man 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 cap-
abilities 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 archi-
tect and chief sponsor of this legisla-
tion.
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 work-
ing with me and many others to get this bill to the floor today.
I also want to thank the ranking members of the gentle-
man from New York (Mr. LAFalCE) and the gentle-
woman from California (Ms. WATERS) for sit-
ting down and working through the dif-
ficulties that we had on this bill, and for coming up with what I think is a very, very good product that will do great things to protect senior citizens and those who are most at risk of losing their financial savings and in-
vestments around the country.
Mr. Speaker, the chairman of the Committee on the Judiciary, the gen-
tleman from Wisconsin (Mr. SENSEN-
BRENNER), 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 fo-
cusing the energies and resources of this great body on making sure that the President and this country had all the
resources necessary to fight, de-
fend, track down, and stop terrorism, both in the United States and abroad very important issues.
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 harm us and

What we found in this financial serv-
ces 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 few years, 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 regu-
lators of the different industries: the
insurance industry, the securities indus-
try, and the banking industry.
They are all different regulators hav-
ing a horrible time communicating to-
ward the public, and it would be fright-
ening to think that we 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 the same could happen.
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 indus-
try.
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 people 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 the many 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.

He 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 the elderly 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 those very, very precious savings.

But we are going to set up a system. We are going to be the traffic cop that connects allowing 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 time to work on this as well and to implement it. If the regulators fail to do this on their own, H.R. 1408 then creates a Subcommittee with representatives from each of the financial industries to make determinations regarding network establishment.

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.

Additionally, H.R. 1408 expresses a sense of the Congress that the regulators should consider sharing additional anti-fraud information that is publicly available, as well as and two years to implement it. If the regulators fail to do this on their own, H.R. 1408 then creates a Subcommittee with representatives from each of the financial industries to make determinations regarding network establishment.

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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.
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 between the network and the providers.

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 do 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 the tools needed 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 the network, the 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 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 giving, such as September 11, to raise money for charity.

In light of what happened September 11, I think this country has no tolerance for those who go out as a financial force for good, who are raising money for charity.

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) by the gentleman from Ohio (Chairman Oxley) and the ranking member, the gentleman from New York (Mr. LaFalce).

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 in 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 of one person, another person sort of takes up the mantle and they would move to another State. They would start all this 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 many of their retirement years in the process.

Financial fraud costs our nation over 100 billion dollars a year, hurting the lives of millions of Americans. It is 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. SENSENBRNER 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 LAFAIRCLE, 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 the Committee’s 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.
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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 bipartisan provisions that were included in the structure and content of that version. I want to thank my colleagues, 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. CULBERTSON). 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 Afghanistan, such broadcasts to be designated “Radio Free Afghanistan”.

(b) SUBMISSION OF PLAN TO BROADCASTING BOARD.—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 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 titles.

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).

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, was passed by voice vote last Thursday. I would also like to acknowledge the work of my co-author, the gentleman from California (Mr. BERNAN), who is traveling back from business in the district and could not be here yet today.

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 Pearl Harbor.

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 what we have heard in this country. Throughout the region, they heard that the attacks on the World Trade Center were the work of the Israeli Government, the work of the Israelis with help from the Indian Government with the United States trying to cover this up.

Well, 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 had formulated 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.

We 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 has 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 one of hope.”
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 a 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 in 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, 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 and over from these leaders was that this was the most effective single thing that changed the attitudes of the average person in Eastern Europe.

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 who 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 in Europe and in the Middle East. When we talk with leaders of Poland and across Eastern Europe and Radio Free Europe in Poland and 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 in the desert, 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, 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 Democrat, 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 Taliban government of Osama bin Laden and those Taliban leaders. 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. It was a 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 achieve 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 in the desert, 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.

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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 yield 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 "truth is the firmest pillar of all. 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. LANTOS. Madam Speaker, I thank my friend.

Mr. ROYCE. Madam Speaker, I yield 2 minutes to the gentleman from California (Mr. Royce).
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, because they are being filtered through 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 information filled with what 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 to the U.S.-led invasion of Iraq. Iran, 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, and they tell us, “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 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 channel, run by Iranian expatriates. These broadcasts are challenging the power of the oppressive theocracy, the power of the mullahs who 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. We know 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 the Gentleman from California (Mr. ROYCE) 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 미국 플래그의 애국심을 높이기 위한 수단으로 사용된 것일 수 있습니다. In the case of Afghan resistance, RFE/RL can be found. 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 like to thank my House International Relations Committee members, 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 Afghanistanc 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.
H7748

CONGRESSIONAL RECORD—HOUSE

November 6, 2001

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 Clerk was ordered to call the roll.

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.

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, Cleveland-Marshall College of Law, and the 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 University College of Law, and Nova University are also among his alma maters. 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 Northern University in 1970. He 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 School of Law 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, the 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. 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 and ask my colleagues to support it as well.

Madam Speaker, I reserve the balance of my time.

Mrs. Tauscher. 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 come to exemplify 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 of that court.

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.

1969 Roy Wilkins, the 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 a fitting honor 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. Madam Speaker, naming a Federal courthouse in Youngstown after Judge 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 system remedies 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 antibygear protest at Kent State University and ending school desegregation in Cleveland.

Madam Speaker, I thank my colleague, the gentleman from Ohio (Mr. TRAFICANT) and others, for giving us an opportunity to pay tribute to two distinguished Ohioans.

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 ending school segregation in 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 a white man for 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 courthouse to be built in downtown Youngstown, Ohio, and one of its federal buildings and courthouses 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 Sixth Circuit 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 Dom Center project in Cincinnati, Ohio and on other projects. Judge Jones serves as the Co-Chair of the Board of Trustees for the Freedom Dom 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 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 served 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 BATTISTI and Judge Jones.

Mrs. JONES of Ohio. Madam Speaker, it is my pleasure 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 have been joined together to name a federal building. Having first served as judge, 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's 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 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 he lovingly 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 passion 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 every proud mother would be proud of. He has never forgotten his roots. Through it all, he remains a child of Youngstown.

It is appropriate that not 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 grandmother's grave site, 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 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 the yeas and the nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the
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 ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on 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, 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).

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 essential if we are going to try 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 agenda that 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.

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 competitors. We expect the international standards to 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 raising issues 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. We are determined 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 let alone. However, the agenda in Doha, as well as the balance of our trading partners, we will not tolerate unfair trade practices, we will provide a level playing field for our workers, and we will not leave our markets vulnerable to predatory trade practices.

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 let alone. However, the agenda in Doha, as well as the balance of our trading partners, we will not tolerate unfair trade 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 the gentleman for that.

Madam Speaker, I reserve the balance of my time.

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

Ms. HOLIFIELD. 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. CARDDIN), 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, in-depth discussions, 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 first-hand that it was very much give and take. It was a hard 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 affect 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 system. A free market system needs to be protected. Subsidies undercut a free market system. A free market system should resist efforts to unravel that agreement.

Mr. ENGLISH. Madam Speaker, I rise in support. I hope we will have strong support from this Congress. One bill does that; another bill does that; and another bill does that. 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 clearer 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 of the WTO.

I wish 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 clearer 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 of the WTO.

The bill that the gentleman from New York (Mr. RANGELEY) 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. The gentleman from California does not say that clearly. While the bill provides for a strong Fast Track/TPA, the one that we have negotiated it in good faith, and we will not agree to renegotiate it now.

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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 dominate the falling companies and industries. While the World Trade Organization plays a very vital and important role in ensuring that international trade laws are played 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.

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

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 loans from the South Korean government 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 foreign companies 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 rules are played 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.

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.

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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 we care about in this country; 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 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 antisubsidies 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 A. T. 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 further 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 on May 18 of this year, 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 10,000 workers who have lost their jobs. It is not just the 10,000 families and households and mortgages 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 16 months we have seen 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 anyone in this chamber that these facilities are going to disappear. But my 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 that term without qualification 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 this issue. Too many of our steel companies who have a good business and have been advocates of a stronger trade policy, have consistently been advocates of a stronger trade policy for America. They have been consistently willing to stand up for steel. As chairman of our own 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 anti-dumping 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 permanent jobs, permanent jobs, 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 That 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.
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,

SEC. 101. 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:

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 foreign policy.
Sec. 117. Airline computer reservation systems.
Sec. 118. Security funding.
Sec. 119. Incorporating 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 government use.
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. Reporting of 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 new intelligence security technologies and procedures.

Subtitle C—Research and Development of Aviation Security Technology

Sec. 221. Research and development of aviation security technology.

SEC. 102. TRANSPORTATION SECURITY FUNCTION.

(a) IN GENERAL.—The Department of Transportation shall have the following responsibilities:

(1) To coordinate domestic transportation during a national emergency, including aviation, rail, and other surface transportation, and maritime transportation (including port security).

(2) 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.

(3) To establish uniform national standards and practices for transportation during a national emergency.

(4) 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.

(b) 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 otherwise vested in the head of any other Federal agency of the Federal Government under law with respect to transportation or transportation-related matters, whether or not during the preceding year.

"(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 under which a national emergency occurs 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 44905 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 and facilities 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 49802(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:
"(b) 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 necessary to enhance personal 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 4911 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 international community to coordinate intelligence, security, and criminal enforcement activities affecting the safety and security of aviation at all United States airports and navigation facilities involved in air transportation or intrastate air transportation.

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 an aircraft engaged in air transport 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 flight deck while the aircraft is so engaged.
(C) The Secretary of Defense, or the Secretary of Transportation, under the authority of subsection (d) and (e) of section 4907 of title 49, United States Code, shall provide for deployment of Federal air marshals on flights in air transportation and intrastate air transportation;
(2) provide for appropriate training, supervision, and equipment of Federal air marshals; and
(3) 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 international aviation security organizations of foreign governments under section 49007 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 marshals for domestic and international flights, and may use authority provided by section 124 of title 49, United States Code, for such purpose.

(f) REPORTS.—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:
(1) Within 18 months after the date of enactment of this Act, an assessment of the effectiveness of the program carried out under section 4903(d) of title 49, United States Code.
(2) Within 120 days after such date, an assessment of the effectiveness of the security screening process for carry-on baggage and checked baggage.

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(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) ENFORCEMENT.—The Attorney General and the Secretary may, by rule, establish a system of procedures to ensure that drunk driving, drug use, and security concerns are addressed at an airport in order to meet aviation safety and security standards.

(b) 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 for a Federal air carrier, 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 SECURITY.

(a) In general.—Section 4903 of title 49, United States Code, is amended by adding at the end the following:

"(h) AUTHORITY TO APPOINT RETIRED LAW ENFORCEMENT OFFICERS.—Notwithstanding any other provision of law, the Secretary of Transportation, in consultation with the appropriate enforcement authorities, shall order the deployment of at least 1 law enforcement personnel at airport security screening positions at each airport in the United States, in terms of an annual calendar year for which data are available, except that the Attorney General may modify the requirement for any airport in order to meet aviation safety and security requirements.

SEC. 107. ENHANCED ANTI-HACKING TRAINING FOR FLIGHT CREws.

(a) In general.—The Secretary of Transportation shall provide an enhanced anti-hacking training program for flight and cabin crews of aircraft providing air transportation or intrastate air transportation in dealing with attacks that are part of a terrorist attack or that could result in a large-scale attack.

(b) Nonairports.—The Administrator of the Federal Aviation Administration in consultation with the appropriate State or local government law enforcement authorities, shall re-examine the needs of any other airports, including community airports, to reflect a reasonable level of threat to those 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 4903(c)(2)(C) of title 49, United States Code, is amended as follows:

"(C) MAXIMUM USE OF CHEMICAL AND BIOLOGICAL WEAPON DETECTION EQUIPMENT.—The Secretary of Transportation shall require aircraft to carry a device to detect any chemical or biological weapon that will be carried aboard aircraft for air transportation or intrastate air transportation that may take place before boarding and, except as provided in subsection (c), shall be conducted by a Federal government employee (as defined in section 5184(b)(1)(C), United States Code). The Administrator, in consultation with the Secretary, shall provide for the screening of passengers and property at those airports to maximize the use of technology that is approved by the Administrator of the Federal Aviation Administration for the purpose of screening passengers and property at airports.

"(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 in order 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 personnel 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 417(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); and

(B) the training and evaluation of individuals conducting the screening or providing security services meets the standards set forth in section 4905 for training and evaluation of Federal personnel conducting 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 other assistance.

“(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 such 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 establish, as part of the manual process, an explosive detection system screening locations in airports where explosive detection equipment is underutilized, which will augment the Computer-Based Prescreens Prescreen 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 shall make the provisions 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” in subsection (b)(1)(A); and

“(2) by striking “transportation,” in subsection (b)(2)(A) and inserting “transportation,” in subsection (b)(2)(A) and inserting “transportation,” in subsection (b)(2)(A);

“(3) by striking “not federal responsibility” in subsection (e); and

“(4) by striking “shall not be responsible for providing” in subsection (b)(3)(B) and inserting “may provide.”

“(f) CONTINUOUS TRAINING.—In subsection (c)(2) and inserting “flight and security screening functions under section 4901(c) of title 49, United States Code;”.

“(5) by striking “General” in subsection (e) and inserting “General, in consultation with the Secretary of Transportation;”.

“(7) by striking subsection (f).

“(C) TRANSITION.—The Attorney General shall complete the full implementation of section 4901 of title 49, United States Code, as of June 1, 2002, and implementation as practical but in no event later than 9 months after the date of enactment of this subsection. The Attorney General may make or continue such arrangements, including arrangements under the authority of sections 4010 and 4011 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.—

“(1) MANDATORY TRAING.—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, under the Act, standards for hiring 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 provide that an individual to be hired as a security screener undergo an employment investigation (including a criminal history record check) under section 4096(a)(2).

“(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 subsection (a), to determine that an individual who presents a threat to national security is employed as a security screener.

“(D) The individual shall be able to read English language identification media, credentials, airline tickets, and labels on items normally encountered in the screening process.

“(e) 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 possesses 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 possesses basic aptitude, physical, and mental ability to perform the work of a security screener.

“(2) EMPLOYMENT STANDARDS FOR SCREENING PERSONNEL.—

“(A) The individual shall have satisfactorily completed all initial, recurrent, and annual training required by the security program, except as provided in paragraph (2).

“(B) 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—

“(i) is closely supervised; and

“(ii) does not make independent judgments as to whether individuals or property may enter a sterile area or aircraft without further inspection.

“(C) 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.

“(D) ANNUAL PROFICIENCY REVIEW.—The Attorney General shall provide that an annual evaluation of each individual assigned screening duties is conducted and documents whether an individual employed as a security screener may not continue to be employed in that capacity unless the evaluation demonstrates that the individual—

“(1) possesses the security skills and knowledge necessary for the performance of the duties of the position.

“(2) completes all training requirements.

“(3) has successfully completed the remedial training required by the security program.

“(4) has satisfactorily completed the annual test and training requirements specified in the security program.
(C) demonstrates the current knowledge and skills necessary to courteous, 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 with 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 such individual on 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) TECHNOCAL 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. Of any airport where 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 44938(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)(1) of title 49, United States Code, is amended—

(A) by inserting “the Attorney General,” after “to paragraph (1); and

(B) by striking “An” in paragraph (3) and inserting “The Attorney General,”.

(3) Section 44936(b)(1)(B)(i) is amended by striking “(B)” and inserting “(ii)”.

(c) TRANSITION.—The Attorney General shall complete the full implementation of sections (i) and (ii) of title 49, United States Code, as amended by subsection (a), as soon as practicable. The Attorney General may make or continue such arrangements as are necessary to train security screeners under that section as the Attorney General determines necessary pending full implementation of that section as so amended.

(d) SCHREINER PERSONNEL.—Notwithstanding any other provision of law, the Attorney General may employ, appoint, discipline, and remove any employee, any consultant, and any independent contractor under the Federal criminal law and the terms, conditions and 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 44936 of United States Code, prohibited from participating in a strike or asserting the right to strike pursuant to sections 7331(3) or 7116(b)(7) of title 5, United States Code.

(f) BACKGROUND CHECKS FOR EMPLOYEES.—

(1) IN GENERAL.—Section 44936(b) of title 49, United States Code, is amended by inserting “or” before “will” in subsection (a)(1)(B).

(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 paragraph (A) or (B) of section 44936(a)(1) of title 49, United States Code.

The Secretary of Transportation may provide by order for a phase-in implementation of the requirements of section 44936 that made applicable to individuals employed in such positions at airports on the date of enactment of this Act.

SEC. 110. RESEARCH AND DEVELOPMENT.

(a) (i) IN GENERAL.—Section 44921 of title 49, United States Code, is amended—

(A) by inserting “the Attorney General,” after “(B)”; and

(B) by striking “(G), respectively, and inserting after subparagraph (E) as subparagraphs (E) through (F) as subparagraphs (G), respectively; and

(ii) the disruption of civil aviation service, including by acts of terrorism, or diversion of civil aircraft or the use of civil aircraft as a weapon; and

(iii) reduce or prevent catastrophic damage to commercial aircraft, commercial aviation facilities, commercial aviation personnel and passengers, and other elements of the commercial aviation system by the next generation of terrorist weapons.

The advisory panel shall consist of individuals who have scientific and technical expertise in—

(i) the development and testing of effective detection systems;

(ii) aircraft structure and experimentation to decide on the type and minimum weights of explosives that an effective explosives detection technology must be capable of detecting;

(iii) the potential threats involving chemical, biological, or similar weapons or devices either within an aircraft or within an airport; and

(iv) other scientific and technical areas the Administrator considers appropriate.

(b) IN GENERAL.—

(A) The Attorney General, an

(B) For purposes of this subsection, items mean an item that

(C) The individual designated under subsection (a)(1) of title 49, United States Code, is amended—

(i) the allocation of funds for engineering, research, and development with respect to security technology and to ensure the expertise of the individuals on the panel is suited to the current and anticipated duties of the panel.

The Administrator shall organize the advisory panel into teams capable of undertaking the review of policies and technologies upon request.

(2) Not later than 90 days after the date of

(3) The Administrator shall conduct all research related to screening technology and procedures in collaboration 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:

(i) ORGANIZATION OF THE AIRCRAFT SECURITY PROGRAMS.

(ii) the allocation of funds for engineering, research, and development with respect to security technology and to ensure the expertise of the individuals on the panel is suited to the current and anticipated duties of the panel.

(iii) ORGANIZATION OF THE AIRCRAFT SECURITY PROGRAMS.

(i) ORGANIZATION OF THE AIRCRAFT SECURITY PROGRAMS.

(ii) the allocation of funds for engineering, research, and development with respect to security technology and to ensure the expertise of the individuals on the panel is suited to the current and anticipated duties of the panel.

(iii) ORGANIZATION OF THE AIRCRAFT SECURITY PROGRAMS.

The Attorney General shall establish a scientific advisory panel, as a subcommittee of the Research, Engineering, and Development Advisory Committee, to review, comment on, and advise the progress of, and recommend modifications in, the program established under subsection (a)(3) of this section, including the necessary long-range research programs to detect and prevent catastrophic damage to commercial aircraft, commercial aviation facilities, commercial aviation personnel and passengers, and other elements of the commercial aviation system by the next generation of terrorist weapons.

The advisory panel shall consist of individuals who have scientific and technical expertise in—

(i) The development and testing of effective detection systems;

(ii) aircraft structure and experimentation to decide on the type and minimum weights of explosives that an effective explosives detection technology must be capable of detecting;

(iii) technologies involved in minimizing airframe damage to aircraft from explosives; and

(iv) the allocation of funds for engineering, research, and development with respect to security technology and to ensure the expertise of the individuals on the panel is suited to the current and anticipated duties of the panel.

The Administrator shall establish a scientific advisory panel, as a subcommittee of the Research, Engineering, and Development Advisory Committee, to review, comment on, and advise the Administrator, an
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) Revestment.—In any case in which the Secretary of Transportation, at such time and in such manner as the Secretary may determine, finds that there is a record of a criminal history for the alien or individual and, if so, a review of the record.

(c) Determination of whether the alien or individual presents a national security risk to the United States.—

(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 purposes of subsection (a) 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 individual whose certification has been issued under paragraph (1).

(d) Covered Training.—For the purposes of subsections (a) and (b), 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)).

(g) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“44393. Training to operate jet-propelled aircraft.”

(h) International Cooperation.—The Secretary of Transportation, in consultation with the Attorney General and 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 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-charter SERVICE.

The Secretary of Transportation shall submit to the Senate Committee on Commerce, Science, and Transportation and the House 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 PERMITTED TRAINING.

(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 this title, or 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 fined for any term of years or life imprisonment.’’

(b) Conforming Amendment.—The chapter analysis for chapter 465 of such title is amended by inserting in the matter 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 a report 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 air carriers and air-carrier agencies, prior to the reissuance, or through electronic revalidation, any identification card used by the Administration, law enforcement agencies, or other persons or entities to access United States 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 with the Secretary of Transportation upon a declaration by the Governor of the State that such agreement, request, modification, or cancellation is necessary to effectuate such agreement, request, modification, or cancellation, without regard to the provisions of section 41308(b) or (c) of that title.

SEC. 116. AIR TRANSPORTATION ARRANGEMENTS IN CERTAIN STATES.

(a) In General.—Notwithstanding any provision of section 41308(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 with the Secretary of Transportation upon a declaration by the Governor of the State that such agreement, request, modification, or cancellation is necessary to effectuate such agreement, request, modification, or cancellation, without regard to the provisions of section 41308(b) or (c) of that title.

(b) 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.

(c) Termination.—An approval under subsection (b) shall terminate upon the earlier of the following:

(1) a date established by the Secretary in the Secretary’s discretion.

(2) October 1, 2003.

(d) Notwithstanding subsection (d), if the Secretary determines that it is in the public interest, the Secretary may extend the termination date under subsection (d) 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, passengers, 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 the House of Representatives Committee on Transportation and Infrastructure on compliance by United States air carriers with the requirements of this section.

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 offsets to annual appropriations for the costs of providing aviation security services.

(b) Annual Collection.—The amount of the user fee 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 the provision of aviation security services and may be used only to the extent provided in advance in an appropriation law.’’

(b) 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 charge.”

The amendment made by paragraph (1) shall apply with respect to transportation beginning after the November 6, 2001
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:

"§ 48301. Aviation security funding

"§ 48301. Aviation security funding

"There are authorized to be appropriated for fiscal years 2002 and 2003 such sums as may be necessary to carry out chapter 449 and related aviation security activities under this title.

(2) General 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 all provisions 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:


(b) Airport Development Funds.

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 (reimbursement amounts made available for obligation under subsection (a)) for the direct costs incurred by the airport operator in complying with any 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 satisfy the Secretary, using sworn financial statements or other appropriate data, that—

(1) the cost is eligible for reimbursement under subsection (a); 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 reimbursement under this section of eligible costs incurred by airport operators.

SEC. 121. ENCOURAGING AIRLINE EMPLOYEES TO REPORT SUSPICIOUS ACTIVITIES.

(a) In General.—Section 449 of title 49, United States Code, is amended by inserting at the end the following:

"§ 44940. Immunity for reporting suspicious activities

(2) Use of 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.

(b) Authority to Arm Flight Deck Crew with Less-Than-Lethal Weapons.—

(1) In General.—If the Secretary, after reviewing the recommendations of the National Institute of Justice, determines, with the approval of the Attorney General of the United States, that it is appropriate and necessary to arm flight crewmembers with such weapons to protect 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.

(c) 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—

(1) prescribe rules requiring that any such crew member be trained in the proper use of the weapon; and

(2) 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, in 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 extra-
terrestrial air transportation needs or con-
cerns if the Secretary determines that the
waiver is in the public interest, taking into
consideration the isolation of all supplies,
including catering and passenger amenities,
placed aboard aircraft providing passenger
air transportation or intrastate air transpor-
tation.
(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) General. This section may be cited as the “Flight Deck Security Act of 2001”.
(b) FINDINGS.—Congress makes the fol-
lowing findings.
(1) On September 11, 2001, terrorists hijac-
hed 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 am-
citizens of other countries were killed or in-
jured 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 bystand-
ers.
(3) These attacks destroyed both towers of
the World Trade Center, as well as adjacent
buildings, and seriously damaged the Pen-
tagon.
(4) These attacks were by far the deadliest
terrorist attacks ever launched against the
United States, targeting symbols of free-
american, clearly meant to intimidate our
Nation and weaken its resolve.
(5) Armed pilots, co-pilots, and flight engi-
neers who are trained 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 ef-
fective in deterring hijackings in other na-
tions 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) FIREARMS ON COMMERCIAL FLIGHTS.—The Federal Aviation Administra-
tion (FAA) is authorized to permit a pilot,
co-pilot, or flight engineer of a commercial
aircraft to carry a firearm on board an aircraft
for the protection of the aircraft under
procedures or regulations as necessary to
ensure the safety and integrity of flight.
(2) AVIATION SECURITY OFFICERS.—(A) In ad-
dition to the protections provided by para-
graph (1), the FAA shall also establish a vol-
untary program to train and supervise com-
mercial airline pilots.
(B) Under the program, the FAA shall make available appropriate training and su-
pervision for all such pilots, which may in-
clude training by private entities.
(C) The power granted to such persons
shall be limited to enforcing Federal law in
the cockpit of commercial aircraft under
reasonable circumstances the pas-
senger compartment to protect the integrity
of the commercial aircraft and the lives of
the passengers and crew.
(D) The FAA shall make available approp-
riate training to any qualified pilot who re-
quests such training pursuant to this title.
(E) The FAA may prescribe regulations
for purposes of this section.
(2) REPORTS TO CONGRESS.—Not later than
six months after the date of enactment of
this Act, the Secretary of Transportation shall
submit to Congress a report on the effective-
ness of the requirements in this section in facili-
tating commercial aviation safety and the
suppression of terrorism by commercial air-
craft.
SEC. 126. AMENDMENTS TO AIRMEN REGISTRY
AUTHORITY
Section 47638(g) of title 49, United States
Code, is amended—
(1) in the first sentence of paragraph (1)—
(A) by striking “pilots” and inserting “air-
men”; and
(B) by striking the period and inserting
“and related to combating acts of ter-
rorism.”
(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 in-
volves 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 com-
mitted within the jurisdiction of the United
States or of any State, and appears to be in-
tended to intimidate or coerce a civilian pop-
ulation to influence the policy of a govern-
ment by intimidation or coercion or to affect
the conduct of a government by assassina-
tion or kidnappings.
“(4) The Administrator is authorized and
directed to work with State and local au-
thorities, and other Federal agencies, to as-
sist in the identification of individuals ap-
plying for or holding airmen certificates.”.
SEC. 127. RESULTS-BASED MANAGEMENT
Subchapter II of chapter 49 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 enact-
ment, the Deputy Secretary for Transpor-
tation Security shall, in consultation with
Congress—
(A) establish acceptable levels of perform-
ance for the FAA in conducting screen-
 ing operations and access control, and
(B) provide Congress with an action plan,
containing measurable goals and milestones,
that outlines how those levels of perform-
ance will be achieved.
(2) BASICS OF ACTION PLAN.—The action
plan shall clarify the responsibilities of the
Deputy Secretary for Transportation, the Fed-
eral 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 MANAGE-
MENT.—
(1) PERFORMANCE PLAN AND REPORT.—
(A) PERIODIC REPORT.—Each year, consis-
tent with the requirements of the Gov-
ernment Performance and Results Act of 1993
(GPRA), the Secretary and the Deputy Sec-
retary shall agree on a performance plan for the suc-
ceeding 5 years that establishes measurable
goals and objectives for aviation security.
The plan shall identify action steps nec-
essary to achieve such goals.
(B) PERFORMANCE REPORT.—(i) Each year, con-
sistent with the requirements of GPRA, the Deputy Secretary for Transpor-
tation Security may prepare a non-
public appendix covering performance goals
and indicators that, if revealed to the public,
will likely impede achievement of those
goals and indicators.
(ii) The report shall be available to the public.
The Deputy Secretary for Transportation Security may prepare a non-
public appendix covering performance goals
and indicators that, if revealed to the public,
will 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 Transpor-
tation Security shall establish a perform-
ance management system which strengthens the department’s effectiveness by provid-
ing for the establishment of goals and objectives
for managers, employees, and organizational
performance consistent with the perform-
ance plan.
(b) ESTABLISHING MANAGEMENT ACCOUNT-
ABILITY FOR MEETING PERFORMANCE GOALS.—
(1) Each year, the Secretary and the Deputy Sec-
retary for Transportation Security shall enter into an annual performance agreement
that sets forth organizational and indi-
vidual performance goals for the Deputy Sec-
retary.
(2) Each year, the Deputy Secretary for Transpor-
tation Security and each senior exec-
tive officer of the Department of Transport-
sation Security shall enter into an annual performance agreement that sets forth
organizational and individual goals for
those employees. All other employee-
es hired under the authority of the Deputy
Secretary for Transportation Security shall
enter into an annual performance agreement
that sets forth organizational and
ind

idual performance goals for those employees.
(c) COMPENSATION FOR THE DEPUTY SEC-
RETARY FOR TRANSPORTATION SECURITY.—
(1) IN GENERAL.—The Deputy Secretary for Transpor-
tation Security is authorized to
provide an annual incentive by level II of the Executive Schedule.
(2) BONUSES OR OTHER INCENTIVES.—In add-
dition, the Deputy Secretary for Transpor-
tation Security may provide an additional
incentive pay by level II of the Executive Schedule, based upon the Secretary’s eval-
uation of the Deputy Secretary’s perform-
ance in relation to the goals set forth in the
agreement. Total compensation cannot ex-
ceed the Secretary’s salary.
(d) COMPENSATION FOR MANAGERS AND
OTHER EMPLOYEES.—(1) IN GENERAL.—A senior manager report-

ing directly to the Deputy Secretary for
Transportation Security may be awarded a
maximum of pay for the Sen-
ior 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 the performance of the concessionaire, including in air transportation, and nuclear devices.

(3) Confidentiality.—If as part of the program under paragraph (1) the Secretary issues a rule or permits registration of law enforcement officers, firefighters, or emergency medical technicians who are willing to provide emergency services on commercial airflights during emergencies.

(4) Procedures for searches and screenings.—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 1 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 subject to any specific maximum certified takeoff weight of 12,500 pounds or less that is not operating as of the date of the implementation of the program required by subsection (a) of this Act.

(2) Use of facilities.—When using facilities covered by the program, and their property to be brought on board such aircraft, before, 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 44938(b) of title 49, United States Code, as added by section III of this title.

(3) Alien defined.—In this subsection, the term “alien” has the meaning given that term in section 44938(c) of title 49, United States Code, as so added.

(d) Appropriate Committees of Congress.—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 Commercial Air Transportation 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 aircraft;

(2) material specific and able to automatically and non-intrusively detect, without human interpretation and without regard to the 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 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 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 air carriers to install, operate, 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 a 6-month assessment, the Deputy Secretary of Transportation, and the Inspector General of the Department of Transportation, regarding the goals and procedures to prevent access to secure airport areas by unauthorized persons. As part of the 6-month assessment, the Deputy Secretary of Transportation, on a confidential basis, 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, regarding the goals and the progress made in achieving those goals within 12 months after the date of enactment of this Act.

(b) Explosive Detection.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration shall require air carriers to install, operate, 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 bulk explosives detection machines that will be purchased by the Federal Aviation Administration for deployment at the Federal Aviation Administration-identified mid-sized 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 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).

(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 Explosive Detection Systems are used for air cargo security per the 6-month assessment. 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, the Government Accounting Office, and the Inspector General of the Department of Transportation, on progress made in deploying recommended upgrades.

(3) STUDY.—The Deputy Secretary for Transportation Security shall conduct a study of recommendations for improving the 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 biometric identification methods determined to be effective.

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 49603 of title 49, United States Code, is amended by adding at the end the following:

(1) SHORT-TERM ASSESSMENT AND DEPLOYMENT OF EMERGING SECURITY TECHNOLOGIES AND PROCEDURES.—

(a) FUNDING.—To augment the programs and activities described in section 4962(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 additional sums as may be necessary for the 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 purposes 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 weapons detection;
(3) acceleration of research, development, testing, and evaluation of threat screening technology for carry-on items such as liquids, 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;
(b) grants—Grants awarded under this subtitle shall identify potential outcomes of the research, and propose a method for quantitatively measuring the effectiveness of the technology or procedure upon completion of the research program. 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 in support of deploying the identified security upgrades recommended upon completion of the grants awarded under subsection (b) shall be submitted to Congress no later than 60 days following the submission of Transportation’s annual budget submission.
(d) defense research—There is authorized to be appropriated $52,000,000 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 threat information 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 moved 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:

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 a section or other provision of law, the reference shall be considered to be made to a section or other provision of the United States Code.
(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

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. Development 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 title VII.
Sec. 117. Savings provision.
Sec. 118. Budget submissions.
Sec. 119. Aircraft operations in enhanced security zones.
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:
“(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 law;”

“(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 security measures at airports and other transportation facilities;”

“(13) perform background checks for air- port 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;”

“(16) carry out such other duties, and exer- cise such other powers, relating to transpor- tation security as the Under Secretary con- sider appropriate, to the extent authorized by law.”

“(f) ACQUISITIONS.—

“(1) IN GENERAL.—The Under Secretary is authorized—

“(A) to acquire (by purchase, lease, con- demnation, 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, con- demnation, 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 per- sonal property and to provide by contract or otherwise for necessary facilities for the welfare of its employees and to acquire main- tain and operate equipment for these facilities;”

“(D) to acquire (by purchase, lease, con- demnation, or otherwise) and to construct, repair, operate, and maintain such 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.—

“(A) 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.”

“(E) ACQUISITION MANAGEMENT SYSTEM.—

“The acquisition management system estab- lished 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 modi- fications to the personnel management sys- tem with respect to such employees as the Under Secretary determines appropriate.”

“(1) AUTHORITY OF INSPECTOR GENERAL.—


“(c) POSITION OF UNDER SECRETARY IN EXECU- TIVE SCHEDULE.—Section 5313 of title 5, United States Code, is amended by adding at the end the following:

“114. Transportation Security Administra- tion.”

“(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 DEVELOP- MENT ACTIVITIES.—Section 40119 is amend- ed—

“(1) in subsection (a) by striking “Adminis- trator of the Federal Aviation Administra- tion” 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 44905(a) by striking “of the Administration” and inserting “of the Transportation Security Administration”;

“(3) in section 44916 by striking “the first sentence by striking “Admin- istrator” and inserting “Under Secretary of Transportation for Security”; and

“(4) in the second sentence by striking “Admin- istrator” and inserting “Under Secretary of Transportation Security Administration”.

“(g) ACQUISITIONS.—

“(1) Title 49—

“(A) Title 49—

“(1) in section 49938(a) and 49938(b) by striking “Assistant Administrator for Transportation Security” and inserting “Under Secretary”;

“(2) in section 49938(b)(1) by striking “As- sistant Administrator” and inserting “Under Secretary”;

“(3) by striking sections 49931 and 49932 and the items relating to such sections in the analysis for such chapter;

“(4) by striking “Administrator” each place it appears in such chapter (except in subsections (f) and (h) of section 49936) and inserting “Under Secretary”;

“(5) by striking “the Administrator” each place it appears in such chapter (except in section 49906) and inserting “of Transportation Security”.

“SEC. 102. SCREENING OF PASSENGERS AND PROPERTY.

Section 49901 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 “and personnel and products related to the Transportation Security Administration”;

“(C) in subsection (b)—

“(1) in section 44916(a) by striking “Federal Security Managers as provided by law;” and inserting “as provided by law;”;

“(2) in section 44904(b)(5) by striking “the Administration” and inserting “the Transportation Security Administration”;

“(2) in the second sentence by striking “of the Administration” and inserting “of the Transportation Security Administration”;

“(3) in section 44916 by striking “in section 44904(b)(5) by striking “the Administration” and inserting “the Transportation Security Administration”;

“(4) in each of sections 49938(a) and 49938(b) by striking “Assistant Administrator for Transportation Security” and inserting “Under Secretary”;

“(5) in section 49938(b)(1) by striking “As- sistant Administrator” and inserting “Under Secretary”;

“(6) by striking sections 49931 and 49932 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 sub- sections (f) and (h) of section 49936) and insert- ing “Under Secretary”;

“(8) by striking “of the Federal Aviation Administration” each place it appears in such chapter (except in section 49906) and inserting “of Transportation Security”.

“SEC. 103. SUPERVISION OF SCREENING.

The Under Secretary shall have the power to order the dismissal of any individual that screens passengers or prop- erty, or both, at an airport under this sec- tion (except in section 49906) and insert- ing “of Transportation Security”.

“(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, is performed by an employee or agent of an air carrier, intra- state air carrier, or foreign air carrier shall be assumed by the Under Secretary.

“(2) RELATIONSHIP TO THE NATIONAL SECURITY ADMINISTRATION.—

The Under Secretary may perform any such additional screening of passengers and prop- erty on passenger aircraft in air transpor- tation that originates in the United States or intrastate air transportation that the Under Secretary deems necessary to enhance air- transportation security.

“The Under Secretary shall de- pute, for enforcement of such Federal laws as the Under Secretary determines appro- priate, any Federal air 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 air-ports” 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 re-quire”.

SEC. 104. EMPLOYMENT STANDARDS AND TRAIN-ING.

(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”; and
   (2) by striking “and” at the end of para-graph (4); and
   (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;”.

(1) a preference for hiring any individual who is a member or former member of the armed forces who is entitled, under statute, to retired, retirement, or retainer pay on account of service as a member of the armed forces; and

(2) a preference for the hiring of any indi-vidual who is a former employee of an air carrier and whose employment with the air carrier was terminated as a result of a reduc-tion in force on or after the date of enactment of the Airport Security Federal-ization Act of 2001.”.

(b) INTERIM RULES ESTABLISHING TRAINING STANDARDS FOR SCREENERS.—Section 44935(e)(1) is amended by striking “May 31, 2001” and inserting “January 1, 2002”.

(c) EMPLOYMENT STANDARDS FOR SCREEN-ERS: UnIFORMS.—Section 44905 is amended by adding at the end the following:

“(g) TRAINING FOR ALL SCREENERS, SUPER-VISORS, 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 indi-vidual to participate in 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 OPE-RATING TEST.—If, as a result of 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.

(4) EFFECT OF SCREENER’S FAILURE OF OPERATING TEST.—If, as a result of 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.

(5) EFFECT OF SCREENER’S FAILURE OF OPERATING TEST.—If, as a result of 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.

(6) EFFECT OF SCREENER’S FAILURE OF OPERATING TEST.—If, as a result of 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.

(7) EFFECT OF SCREENER’S FAILURE OF OPERATING TEST.—If, as a result of 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.

(8) EFFECT OF SCREENER’S FAILURE OF OPERATING TEST.—If, as a result of 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.

(9) EFFECT OF SCREENER’S FAILURE OF OPERATING TEST.—If, as a result of 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.

(10) EFFECT OF SCREENER’S FAILURE OF OPERATING TEST.—If, as a result of 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.

(11) EFFECT OF SCREENER’S FAILURE OF OPERATING TEST.—If, as a result of 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.

(12) EFFECT OF SCREENER’S FAILURE OF OPERATING TEST.—If, as a result of 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.

(b) INTERIM MEASURES.—Until the Under Secretary implements complete-
flight crew to use to defend an aircraft against acts of criminal violence or aircraft piracy.

(2) After consultation with the Administrator, develop implementation methods to:

(A) restrict the opening of a cockpit door during a flight;

(B) fortify cockpit doors to deny access from the flight deck to the cockpit;

(C) use video monitors or other devices to alert pilots in the cockpit to activity in the cabin; and

(D) require 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 capabilities that are capable of 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 safety or security from boarding the aircraft of an air carrier or foreign air carrier in air transportation or intrastate air transportation.

(6) Provide the background 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 threat image projection or similar devices for 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 for 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 verifies the identity of each employee and law enforcement officer who enters a secure area of an airport.

(11) In 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 threat in the cabin.

(12) Update training procedures used by the Federal Aviation Administration, law enforcement agencies, air carriers, and flight crews regarding hijackings to include measures relating to suicidal hijackers and other extremely dangerous events not currently described in the training procedures.

(13) Require thorough background checks of individuals seeking instruction (including a flight of an air carrier) who enter a secured area of an airport.

(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 49396(a) and paragraph (1) and (2) of section 4936(a), including a review of immigration records, law enforcement databases, and records of other governmental and international agencies to help determine whether the person may be a threat to civil aviation.

(16) Establish a uniform system of identification and background check of 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, the supervision of the Under Secretary, could implement trusted traveler programs using acceptable technologies to expedite the security screening of passengers who participate in such programs, thereby reducing the 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 to carry personal electronics instrument on a flight of an air carrier to transport the instrument in the passenger cabin of the aircraft, notwithstanding any size or weight 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 line wire data technologies enabling the private and secure transmission of threats to aid in the screening of passengers and other individuals on airport property who are identified as a threat to civil aviation, and in consultation with the National Transportation Safety Board, adopt procedures for having an integrated response coordination of various authority security forces.

(21) Address airworthiness objections by FAA.—

(a) 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.

(b) 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 such an action.

(c) View of NTSB.—In taking any action under subsection (a) that could affect safety, the Under Secretary shall solicit and give weight to the views of the National Transportation Safety Board.

(d) Property security program.—

(1) Creation of 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) Use of explosive detection equipment.—Until the Under Secretary has installed enough explosive detection equipment at airports to ensure that all checked baggage is screened, each air carrier shall require all 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 on 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 Secretary of Transportation.

(3) 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, on the progress the Under Secretary is making in carrying out subsection (d), and

(4) 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 "REPORTS"; and

(B) by striking "(a) TRANSPORTATION SECURITY,"— and all that follows through "(b) SCREENING AND FOREIGN AIR CARRIER AND AIRPORT SECURITY,"— and inserting "The Under Secretary of Transportation for Security".

(2) Chapter analysis.—The analysis for chapter 4 is amended by striking the item relating section 49398 and inserting the following:

"4938. Report.

SEC. 107. CRIMINAL HISTORY RECORD CHECK FOR SCREENERS AND OTHERS.

Section 4938(a) is amended—

(1) in paragraph (1)(B) by striking "by the Secretary" and substituting "by the Under Secretary" except that at such an airport, the airport operator, air carriers, and certified screening companies may elect to implement the requirement 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 safety and security responsibilities to the Under Secretary) approves of such early implementation and if the airport operator, air carriers, and certified screening companies agree 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 has not been 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  

(b) 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 include 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.—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 pursuant to section 44901(d), the Under Secretary may impose a fee on air carriers to pay for the difference in the cost of the screening of passengers incurred by their employees. Such fee shall be determined pursuant to section 44901(d).  

(b) SCHEDULE OF FEES.  

(1) IN GENERAL.—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 pursuant to section 44901(d), the Under Secretary may impose a fee on air carriers to pay for the difference in the cost of the screening of passengers incurred by their employees. Such fee shall be determined pursuant to section 44901(d).  

(2) DUE DATE FOR REMITTANCE.—A fee collected under this section shall be remitted within 60 days following the calendar month in which the remittance is due.  

(3) DUE DATE FOR REMITTANCE.—A fee collected under this section shall be remitted within 60 days following the calendar month in which the remittance is due.  

(4) DUE DATE FOR REMITTANCE.—A fee collected under this section shall be remitted within 60 days following the calendar month in which the remittance is due.  

(c) REMITTANCE.—Section 44915 is amended by striking "and 44938" 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.—The Transportation Security Administration shall be authorized to collect for each calendar month the following:  

(1) to provide for the functions of the Transportation Security Administration under this title, to pay for the costs of providing services for the transportation security activities described in paragraph (1) as determined by the Under Secretary and submitted to Congress,  

(2) to pay for the costs of providing services for the transportation security activities described in paragraph (1) as determined by the Under Secretary and submitted to Congress,  

(3) to pay for the costs of providing services for the transportation security activities described in paragraph (1) as determined by the Under Secretary and submitted to Congress,  

(4) to pay for the costs of providing services for the transportation security activities described in paragraph (1) as determined by the Under Secretary and submitted to Congress,  

(b) CONFORMING AMENDMENT.—The analysis for chapter 449 is amended by adding after the item relating to section 44938 the following:  

"44999. Passenger and baggage screening fee."  

(c) EXEMPTIONS.—Section 44915 is amended by striking "and 44938" and inserting "44936, and 44939."

SEC. 110. LIMITATION ON LIABILITY FOR ACTS TO THwart CRIMINAL VIOLENCE OR AIRCRAFT PIRACY.  

Section 44963 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 crewmanifest containing the information specified in this paragraph.  

(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 fax 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 determines.  

(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 after chapter 449—

"SUBCHAPTER III—TRANSPORTATION SECURITY OVERSIGHT BOARD"

§44951. Transportation Security Oversight Board

(a) IN GENERAL.—There is established a Transportation Security Oversight Board, to be known as the "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 141(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 and airway programs; and

(C) compensation being paid to airport security screening personnel;

(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 the hearing of the Board to the public when classified, sensitive security information, or information protected in accordance with section 40119(b), will be discussed.

§449502. Advisory council

(a) ELIGIBILITY.—The Under Secretary of Transportation for Security shall establish an advisory council to be known as the "Transportation Security Advisory Council".

(b) MEMBERS.—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 affected or involved in the transportation security process.

(c) DUTIES.—The Council shall provide advice and counsel to the Under Secretary on issues affected by the operations of the Transportation Security Administration. The Council shall function as a resource for management, policy, spending, and regulatory matters affecting the operation 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 STAFF.—The Under Secretary may give the Council appropriate access to relevant documents and personnel of the Administration, and the Under Secretary may 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 1005 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) DUTY OF PERSONNEL FROM THE ADMINISTRATION.—The Under Secretary shall make available to the Council, in a timely and efficient manner, 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.

(f) CONFORMING AMENDMENT.—The analysis in chapter 451 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 for 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 re-imbursing for surveillance or enforcement personnel at a non-hub or small hub airport (as defined in section 4731).

(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 PDC 1063A 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 such indebtedness that such payments are necessary to prevent a default on the indebtedness.”.

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 4406(c) (as redesignated by section 201(d) of such Act) is amended by inserting "the interest of air commerce or national security" before "to carry out federal policy".

(c) FEDERAL CREDIT INSTRUMENTS.—Section 102(c)(2)(A) of such Act is amended by striking "representatives" and inserting "representatives".

(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 103(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) 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 measurable, 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 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 functions 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 provided under section 45102(a) shall require testing of such personnel by their employers instead of by air carriers and foreign air carriers.

(b) APPICIBILITY 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 with respect to security duties and powers designated to be carried out by the Under Secretary or Administrator.

(1) by striking “Secretary of Transportation and Administrator” and inserting “Secretary of Transportation and the Administrator of the Federal Aviation Administration”.

(c) ADMINISTRATION.—Section 40113 is amended—

(1) in subsection (a)—

(A) by inserting after “or” the following: “the Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary or Administrator”;

(B) by striking “the Under Secretary or Administrator” and inserting “the Under Secretary, or Administrator”;

(2) in subsection (b)—

(A) by striking “the” the following: “the Under Secretary or Administrator”;

(B) by striking “Secretary” and inserting “Under Secretary, or Administrator”;

(3) in subsection (c)—

(A) by striking “the” the following: “the Under Secretary or Administrator”;

(B) by striking “Secretary” and inserting “Under Secretary, or Administrator”;

(4) in subsection (d)—

(A) by striking “Chapter 449 is amended by inserting after “the following:”的 following: “the Under Secretary or Administrator”;

(B) by striking “Secretary” and inserting “Secretary, or Administrator”;

(5) in subsection (e)—

(A) by striking “the” the following: “the Under Secretary or Administrator”;

(B) by striking “Secretary” and inserting “Secretary, or Administrator”;

(6) in subsection (f)—

(A) by striking “as amended” and inserting “as amended”;

(B) by striking “Secretary” and inserting “Secretary, or Administrator”;

(7) in subsection (g)—

(A) by striking “the” the following: “the Under Secretary or Administrator”;

(B) by striking “Secretary” and inserting “Secretary, or Administrator”;

(8) in subsection (h)—

(A) by striking “the” the following: “the Under Secretary or Administrator”;

(B) by striking “Secretary” and inserting “Secretary, or Administrator”;

(9) in subsection (i)—

(A) by striking “the” the following: “the Under Secretary or Administrator”;

(B) by striking “Secretary” and inserting “Secretary, or Administrator”;

(10) in subsection (j)—

(A) by striking “the” the following: “the Under Secretary or Administrator”;

(B) by striking “Secretary” and inserting “Secretary, or Administrator”;}
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 for or against any officer thereof in his official capacity, shall abate by reason of the enactment of this Act.

(i) Exercise of Authorities.—Except as otherwise provided by law, an officer, employee, or agent 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 function immediately before the effective date of the transfer of the function under this Act.

(j) 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 10618 issued by the Federal Aviation Administration, and any other regulation, order, or directive that restrains or restricts any 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 that day reimposing the restriction and explaining the reasons for the restriction.

SEC. 120. WAIVERS FOR CERTAIN ISOLATED CONFLICTS.

(a) In General.—In any case in which a restriction is imposed on an air carrier (as defined in section 4002 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 by patients, medical personnel, medical emergency supplies, and medical emergency medical supplies (and associated personnel) on flights to or from a community that is not accessible by road, or that is more remote 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 subsection is 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 AIR-

PORTS.

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 authority concludes that the appropriate State or local law enforcement authorities, determines that safeguards are in place to sufficiently protect public safety, the airport authority may submit a request 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 after 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 an airport with scheduled passenger service, the Under Secretary 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, 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) Waiver of 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) Transportation 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 allow 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 machines, 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 or any political subdivision thereof.

TITLE II—VICTIMS COMPENSATION

SEC. 201. LIMITATION ON LIABILITY FOR DAMAGES ARISING OUT OF CRASHES OF AMERICAN AIRLINES FLIGHTS 11 OR 175, ON SEPTEMBER 11, 2001.

(a) General Limitation of Liability.—Except as provided in this section, no Federal court or agency or State court or agency shall in any way limit any liability of any person—

(1) by reason of the hijacking and subsequent crashes of American Airlines flights 11 or 175, on September 11, 2001;

(2) for damages arising out of the hijacking and subsequent crashes of American Airlines flights 77 or 1175, on October 28, 2001;

(3) for damages arising out of the hijacking and subsequent crashes of American Airlines flights 93 or 175, on September 11, 2001;

(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—

“(1) by reason of the hijacking and subsequent crashes of American Airlines flights 93 or 175, on September 11, 2001;

“(2) by reason of the hijacking and subsequent crashes of American Airlines flights 77 or 1175, on October 28, 2001;

“(3) by reason of the hijacking and subsequent crashes of American Airlines flights 93 or 175, on September 11, 2001;

“(4) by reason of the hijacking and subsequent crashes of American Airlines flights 77 or 1175, on October 28, 2001;

“(5) for any act or omission prior to the effective date of the enactment of this Act.

(b) Limitation on Liability.—It is the sense of Congress that the limitation on liability established by this section should continue negotiating in good faith with the parties to the court-approved settlement made of any claim, compensation, or damages intended to punish or deter; and

(c) Court Approval.—If any party to any action brought under this subsection is determined to be liable—

“(1) 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 by the Secretary of Transportation 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 93, or 175, or United Airlines flights 93, or 175, on September 11, 2001;

“(2) no such party shall not be liable for interest prior to the judgment or for punitive damages intended to punish or deter; and

“(d) Court Approval.—If any party to any action brought under this subsection is determined to be liable—

“(1) 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 by the Secretary of Transportation 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 93 or 175, on September 11, 2001;

“(e) Court Approval.—If any party to any action brought under this subsection is determined to be liable—

“(2) for damages arising out of the hijacking and subsequent crashes of American Airlines flights 93 or 175, on September 11, 2001;

“(2) for damages arising out of the hijacking and subsequent crashes of American Airlines flights 77 or 1175, on October 28, 2001;

“(3) for damages arising out of the hijacking and subsequent crashes of American Airlines flights 93 or 175, on September 11, 2001;

“(4) for damages arising out of the hijacking and subsequent crashes of American Airlines flights 77 or 1175, on October 28, 2001;
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.

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, and 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, I yield myself such time as I may consume.

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.

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, 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, 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.

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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.
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. Let me pass to 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 passed an aviation security bill, 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.

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 conference that is before us today.

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 do 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 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. We have to have clear to the 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 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 in favor of voting for security at a Federal level. We ought to try to create 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 incidents, 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. Speaker, if we get back to this O'Hare situation, Mr. Speaker, I yield 2 minutes to the distinguished gentleman 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 travelers 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 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 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. There has to be a new way 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.

We need 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, and then they 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 make it 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 the 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 would have been supporting the other bill. 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 cannot 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.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman 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 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 bill through 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.

I would like to remind people we did something when it was already in trouble and when the latest unemployment figures tell us that the whole Nation is in trouble. We know 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 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. I vote in the House and that is an overwhelming majority. I am very proud of the overwhelming majority. I am very proud of the Congress has voted overwhelmingly, the Congress has voted against the House bill.

To yield myself such time as I may consume.

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 changed their mind, or we will have a big problem. It is going to be little difficult. But what we did last week does not call for this to do.

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 recur, and we should not panic every time.

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; sent it back to the President; 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. 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 in agency jurisdiction, the need to federate 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 death of 3,000 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 joins 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 dwelled 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. 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 against the House bill. If we put the Senate bill through 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.

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Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Tennessee (Mr. FORD).

Mr. Speaker, the picture is clear: our airlines and airports simply lack the capacity and funding to fulfill this vital public function.

We have heard it from all of our colleagues at the House and by the Republicans, it was 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.

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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 conferences.

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 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 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.

Mr. OBERSTAR. Mr. Speaker, the gentleman is on the right-hand side of about.

Mr. Speaker, let me reserve the balance of my time.

Mr. Speaker, the gentleman from Florida (Mr. MICA) and that is it.

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, 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. 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. Speaker, I cannot understand it because I can hear them perfectly well, and I think they can hear me.

Maybe some of you, 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.

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. 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. Speaker, Mr. Speaker, I yield 1 minute to the distinguished gentleman 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 after two 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 then?

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. Speaker, Mr. Speaker, I yield 1 minute to the distinguished gentleman from Maine (Mr. ALLEN).

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. The 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 distinguished gentleman from California (Mrs. TAUSCHER).

Mrs. TAUSCHER. Mr. Speaker, I rise in strong support of the Democratic motion to instruct conferences 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 conferences will strike the provision requiring that airport security screeners must be a citizen for 5 years before being eligible for employment. They do not have a language 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 amount of time before being 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 able to serve.

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 conferences 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 legislation prior to September 11, 15 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, same low wages, submits the same high turnover rates in terms of the workers.

The bottom line is that right now we have a really 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 conferences.

Mr. Speaker, the American people will not allow themselves to be bamtuous. 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. One of the ways of accomplishing 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. Americans 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 conferences. 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 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 more time?

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Minnesota has 3 minutes remaining.

Mr. OBERSTAR. Mr. Speaker, may I ask how much more time?

Mr. YOUNG of Alaska. Mr. Speaker, 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 think 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 airports. 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. 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, the same high turnover rates in terms of the workers. 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 can do it and 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) 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 re-paired 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. And I 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 conferences.

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. 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 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 (Mr. OBERSTAR) all says 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, thebaggage handling, 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 have that kind of protection?

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 the line of duty 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 Departmeant 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 budgeted enforcement. The 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 job is to look at this argument over 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 all of the 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.

I 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. 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 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 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 as a whole. It was the governmental oversight and involvement and back-ground screening and passenger profiling. The private sector should really yield 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 one thing we should yield on is 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 this position in the Department of Transportation security checkpoint work to the lowest bidder, who put in place an effective, federally managed system. I believe that baggage screening and public safety is part of our national defense. 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 screening 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 screening 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 should not contract out airline security.

As I said last week, we 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 her bag at the 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 its system despite 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 San Francisco, she will not only suffer the inconvenience of being several hours late through no fault of her own, but Marianne will have to begin 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 conference. This motion simple asks the conference 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 reassure 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 who 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 conference.

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, 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 amendment 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.

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.

The vote was taken by electronic device, and there were—yeas 408, nays 0, not voting 32, as follows: [Roll No. 436] YEA$—400

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 conference, if ordered.

FINANCIAL SERVICES ANTIFRAUD NETWORK ACT OF 2001

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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] YEA$—392

A motion to reconsider was laid on the table.

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.
ANNOUNCING THE DEATH OF THE HONORABLE EDDIE 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, 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 campaign and wanted 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. MARKNEY), the dean of the Massachusetts delegation.

Mr. MARKNEY. 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 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. ORourke

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. ORourke).

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 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—Boyce
Adcock—Boyce (TX)
Akin—Brown (FL)
Allen—Brown (OH)
Andrews—Brown (NC)
Armey—Burr
Bachus—Burr
Balderston—DePaio
Baldacci—DeLe€tte
Baldwin—DeLauro
Barbon—Delay
Baucus—DeMint
Becerra—Dicks
Benten—Dingle
Bereuter—Dole
Berkley—Doolittle
Berman—Doyle
Berry—Dreier
Bicig—Duncan
Biggert—Dunn
Bilirakis—Evers
Bish—Farr
Bolton—Fattah
Boxer—Ferguson
Browne—Filner
Brady—Flake
Braun—Flake
Brooks—Flake
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Browner—Flake
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### 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. 427, H.R. 1408, the Financial Services Need-Based Educational Aid Act; (2) Rollcall No. 426, H.R. 768, the Need-Based Educational Aid Act; (3) Rollcall No. 425, H.R. 343, the Multi-Million Dollar Expansion of Recreational Fishery Act; (4) Rollcall No. 424, the motion to instruct conferees on H.R. 1089, the Federal Premium Firearms Program Act; and (5) Rollcall No. 422, the motion to instruct conferees on H.R. 2374, the Aviation 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 Anti-fraud 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 Airline Security Act.

### 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. I have heard the arguments that fast track will stimulate our economy. I have heard the arguments that fast track will reduce layoffs. I have heard the arguments that 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 now before this body.

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.
enacted, companies have greater leeway, even incentive, to relocate overseas, taking advantage of weak or nonexistent labor and environmental standards. That can only be denounced vividly by what we did in NAFTA and what happens when the jobs 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, during 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 services 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 together are taking 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, and 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.

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, enlistin 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 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 co-founded 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 and 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 that 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 path 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.
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 rights and environmental protection. 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. Totalitarian 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, the percentage 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 low wages, low working conditions, 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 low labor 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 global standards, workers' rights, 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 a stock market 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 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 by beginning to mark up their version of a farm bill.

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 global standards, workers' rights, fair wages, for worker safety, and for environmental protection.

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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.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

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 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 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.

We 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 gentleman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

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 Commissions Close Second 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 restrictions of the export market, times are tough in agriculture country.

My farmers tell me that they want to get their income from the market to their pockets through 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 already assisted farmers by passing the Farm Security Act last month. Now it is up to the U.S. Senate to realize the need for legislation.

The President said that he is not opposed to signing a farm bill into law this year, and 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.

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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.
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.

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 utilized 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.

Priding 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 systematically starve to death millions of innocent people 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 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 hope to contribute 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 any other food distribution, peasants were effectively starved to death. Ukraine was forced to starve unmercifully. 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.
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 has quickened 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 a 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 possible to prolong life by a tiny bit just enough to keep him from making mischief. Twenty years ago, people chose to use the Death With Dignity Act 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 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 unraveled attacks and also protect our civil liberties and our states right at the same time, which he is certainly not doing with this decision.

GREATER AIRLINE SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. STUPAK) is recognized for 5 minutes.

Mr. STUPAK. Madam Speaker. 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.

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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 to his behavior. 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 who had purchased one-way tickets 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.

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 Senate must move as quickly as possible, and we are waiting for the Senate. The Senate must move as quickly as possible and join the House in conference and get this work done. And I am sure 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.

November 6, 2001
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 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:

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:

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:

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. chapters 11, 13, 18, 31, 53, 55, and 61); pension benefits to, or on behalf of veterans as authorized by law (38 U.S.C. chapters 15, 31, 53, 55, and 61; 92 Stat. 2598); and burial benefits, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment in accordance with section 171 of title 53, the payment of compensation benefits to and emergency and other officers' retirement pay, adjusted-service credits and certificates, payment in accordance with section 171 of title 53, the payment of compensation benefits to, or on behalf of veterans as authorized by law (38 U.S.C. chapter 31, 33, 34, 35, 36, 39, 51, 53, 55, and 61), $2,133,000,000, to remain available until expended: Provided, 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 necessary inpatient and outpatient care provided to beneficiaries as authorized.

REIMBURSEMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to veterans as authorized by law (38 U.S.C. chapters 21, 30, 31, 34, 35, 36, 39, 51, 53, 55, and 61), $2,133,000,000, to remain available until expended: Provided, 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 necessary inpatient and outpatient care provided to beneficiaries as authorized.

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 $300,000,000, to be derived from 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 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 of the department, or the use of the department's facility, engineering and architectural activities not charged to project cost; repairing, altering, improving or providing facilities in the several hospitals and domiciliaries 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 38 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 due the department; and for the administrative expenses of 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 $500,000,000 shall be available until September 30, 2004: Provided further, That of the funds made available under this heading for non-recurring maintenance and repair (NMR) activities, $15,000,000 shall be available without 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 made, 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 payment against 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. 2102) shall be used for payments to the contractor, to that region.

In addition, in conformance with Public Law 106–33 establishing the Department of Veterans Affairs Medical Care Appropriations Committee, 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, by 38 U.S.C. chapters 73, 79, 81, 82, and 83, to remain available until September 30, 2003, $717,000,000, plus reimbursements.

**MEDICAL ADMINISTRATION AND MISCHELUNARY EXPENSES**

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities authorized by law; administrative expenses in support of capital policy activities, $69,731,000, plus reimbursements: Provided, That technical and consulting services offered by the Facilitating Field Service, in connection with 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 expenses of the Department of Veterans Affairs, not otherwise provided for, including administrative expenses in support of Department-wide capital planning, management activities, uniforms or allowances therefor; to allow $25,000 for official representation and travel expenses; hire of passenger motor vehicles; and reimbursement of funds advances to state veterans homes for security guard services; and the Department of Defense for the cost of overseas employee mail, $1,191,728,000: Provided, That expenses for services authorized by law; administrative expenses, uniforms or allowances therefor; to exceed $51,000,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of funds advances for state veterans homes for security guard services, shall be provided to Department of Veterans Affairs, not otherwise provided for, including administrative expenses in support of capital policy activities, $69,731,000, plus reimbursements: Provided, That technical and consulting services offered by the Facilitating Field Service, in connection with 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.

**OFFICE OF INSPECTOR GENERAL**

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1976, as amended, $52,796,000.

**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, 8104, 8105, 8106, 8108, 8109, 8110, and 8122 of title 38, United States Code, including planning, architectural and engineering services, construction, 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), 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; Montgomery, Alabama; Philadelphia, Pennsylvania; and Detroit, Michigan: Provided, That the amount made available under this heading for CARES activities, up to $40,000,000 shall be for construction, interior spinal cord injury center at the Hines Veterans Affairs Medical Center pursuant to the Veterans Integrated Service Network (VISN) 12 CARES study, and the Secretary may make a wholly or a partially authorized, as herein 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 consultation 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 strategies, to 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 budget process and funded in this account until the time limitations established above: Provided further, That no funds from any other account except those for CARES activities and the land acquisition fund may be obligated or expended, or may be transferred to any other of the mentioned appropriations.

**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 assessment activities, $25,000,000, to remain available until expended, 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 the appropriation for the Department of Veterans Affairs for 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 the direct effects of a natural disaster, or (2) temporary measures necessary to prevent or to minimize further loss by such causes.

**PARKING REVENGEY FUND**

For the parking revolving fund as authorized by 38 U.S.C. 8109, the $1,589,000 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.

**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 a new hospital, nursing home, domiciliary, or medical care account at such rates as may be fixed by the Secretary of Veterans Affairs.

SEC. 104. No appropriations in this Act for the Department of Veterans Affairs shall be available for hospitalization or examination of any veteran 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. 7411-7420, unless reimbursement pursuant to the provisions of title 38 U.S.C. 7121, 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 the amount provided under this heading, up to $52,700,000, shall be available on or after the date of enactment of this Act, and shall apply with respect to grants under title 38, United States Code. This section shall pose the purposes of making grants to States in expanding or maintaining veterans cemeteries. Mandan, North Dakota, as a veterans cemetery under title 38, United States Code, is the only veterans cemetery in North Dakota.

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 103–395 until October 1, 2001: 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 leases in the Federal property inventory that are available for the payment of costs incurred by that account during a prior fiscal year for providing enhanced-use lease services, may be obligated during the fiscal year in which they 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 available to reimburse the Office of Resolution Management and the Office of Employment Discrimination Complaint Adjudication for all services provided at rates which do 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 available under this heading shall be for use by the office that provided the service.

SEC. 111. The Secretary of Veterans Affairs shall not obligate the Franchise Fund, 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 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, or other expenses incurred by that account during a prior fiscal year for the payment of enhanced-use lease services, may be obligated during the fiscal year in which they are received.

SEC. 109. Amounts deducted from enhanced-use leases in the Federal property inventory that are available for the payment of costs incurred by that account during a prior fiscal year for providing enhanced-use lease services, may be obligated during the fiscal year in which they are received.

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TITLE II—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PUBLIC AND INDIAN HOUSING

HOUSING CERTIFICATE FUND (INCLUDING TRANSFER 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, or other 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 they are received.

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SEC. 111. The Secretary of Veterans Affairs shall not obligate the Franchise Fund, 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 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, or other 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 they are received.

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SEC. 111. The Secretary of Veterans Affairs shall not obligate the Franchise Fund, 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.
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 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 by section 402(b) thereof, and as amended further, That notwithstanding any other provision of law, amounts made available in the previous proviso shall be awarded to public housing agencies and to residents: Provided, That the Secretary may use up to $5,000,000 for each of the periods ending September 30, 2003 and September 30, 2004, for each of the periods ending September 30, 2003 and September 30, 2004, for contracts with NARH to support the inspection of Indian housing units, contract expertise, training, and technical assistance in the training, oversight, and management of inspection activities under this provision: Provided, That the amount provided under this heading, $5,987,000 shall be made available for the cost of guaranteeing notes and providing related services 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 determined under section 24(d)(1)(G) of the United States Housing Act of 1937, as amended, for the purposes, $5,000,000,000, to remain available until September 30, 2004: Provided, That of the total amount provided under this heading, $5,987,000 shall be provided to the Office of Inspector General: Provided further, That the Secretary of Housing and Urban Development may provide technical and financial assistance to Indian tribes, tribally-designated housing entities in accordance with the provisions of NAHASDA for emergency housing, housing assistance, and other assistance to address issues determined by the Secretary: 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

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 notes and other obligations, shall be as determined in section 24 of the United States Housing Act of 1937, as amended, amended under title I of the Housing and Community Development Act of 1992, as amended (the “Act” herein) (42 U.S.C. 5301 et seq.): Provided further, That the Secretary of Housing and Urban Development may make guarantees under this section: Provided further, That of the total amount provided under this heading, $5,987,000 shall be made available for the cost of guaranteeing notes and providing related services 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 determined in section 24(d)(1)(G) of the United States Housing Act of 1937, as amended, for the purposes, $5,000,000,000, to remain available until September 30, 2004: Provided, That of the total 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 1992, as amended (the “Act” herein) (42 U.S.C. 5301 et seq.): 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.

COMMUNITY DEVELOPMENT FUND

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, 2003: Provided, That the Secretary shall renew all expiring contracts and activities that meet all program requirements before awarding funds for new contracts and activities that are to be carried out 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.

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 may be used by the Secretary to award grants 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 “Empowerment Zones”, as authorized in section 139(g) of the Internal Revenue Code of 1986 (26 U.S.C. 139(g)), including $3,000,000 for each of the Empowerment Zones for use in conjunction with economic development activities consistent with the strategic plan of each empowerment zone.

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 and activities that meet all program requirements before awarding funds for new contracts and activities that are to be carried out 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.

COMMUNITY PLANNING AND DEVELOPMENT

For grants in connection with a second round of Empowerment zones and enterprise communities, $45,000,000, to remain available until expended, for “Empowerment Zones”, as authorized in section 139(g) of the Internal Revenue Code of 1986 (26 U.S.C. 139(g)), including $3,000,000 for each of the Empowerment Zones for use in conjunction with economic development activities consistent with the strategic plan of each empowerment zone.
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 those made available in this heading) shall be made available 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 made available to the Planning and Development Management Program, 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 for Community Development and Affordable Housing for LISC and the Enterprise Foundation for activities as specified in 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, $294,200,000 shall be made available for grants to foster the development of Youthbuild programs in underserved and rural areas: Provided further, That $10,000,000 shall be available for grants to establish YouthBuild programs in underserved and rural areas: Provided further, That not less than $50,000,000 shall be made available for grants to establish YouthBuild programs in underserved and rural areas: Provided further, That no more than ten percent of any grant made under this heading shall be used to establish YouthBuild programs that demonstrate an ability to leverage private and nonprofit funding shall be a priority for YouthBuild funding: Provided further, That local YouthBuild programs that demonstrate an ability to leverage private and nonprofit funding shall be a priority for YouthBuild funding: Provided further, That the amount $50,000,000 shall be available for grants to establish YouthBuild programs in underserved and rural areas: Provided further, That the amount provided under this paragraph, $2,000,000 shall be set aside and made available for a YouthBuild demonstration project for community 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 made available for grants for the Economic Development Initiative (EDI) to finance a variety of targeted economic investment activities with the conditions specified in the statement of managers accompanying this conference report.

**COMMUNITY DEVELOPMENT LOAN GUARANTIES PROGRAM ACCOUNT**

**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 811(b)(1) 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 811(d)(2) of such Act: Provided further, That these grants shall be available to provide assistance for the elderly, as authorized by 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, 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. 170q–2) for conversion of eligible projects under section 202 to assisted living or related use: Provided further, That the amount provided under this heading, $240,865,000 shall be for capital advances, 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 of the Cranston-Gonzalez National Affordable Housing Act, for rental assistance for 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: Provided further, That the amount provided under this heading, $1,122,525,000, to remain available until September 30, 2004: Provided, That 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 such 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, for rental assistance for the elderly 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, 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. 170q–2) for conversion of eligible projects under section 202 to assisted living or related use: Provided further, That the amount provided under this heading, $240,865,000 shall be for capital advances, 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 of the Cranston-Gonzalez National Affordable Housing Act, for rental assistance for 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: Provided further, That the amount provided under this heading, $1,122,525,000, to remain available until September 30, 2004: Provided, That 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 such 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, for rental assistance for the elderly 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, 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. 170q–2) for conversion of eligible projects under section 202 to assisted living or related use: Provided further, That the amount provided under this heading, $240,865,000 shall be for capital advances, 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 of the Cranston-Gonzalez National Affordable Housing Act, for rental assistance for 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: Provided further, That the amount provided under this heading, $1,122,525,000, to remain available until September 30, 2004: Provided, That the amount provided under this heading, $294,200,000 shall be made available for grants 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 those made available in this heading) shall be made available 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 made available to the Planning and Development Management Program, 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 for Community Development and Affordable Housing for LISC and the Enterprise Foundation for activities as specified in 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, $294,200,000 shall be made available for grants to foster the development of Youthbuild programs in underserved and rural areas: Provided further, That local YouthBuild programs that demonstrate an ability to leverage private and nonprofit funding shall be 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 the amount provided under this paragraph, $2,000,000 shall be set aside and made available for a YouthBuild demonstration project for community 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 made available for grants for the Economic Development Initiative (EDI) to finance a variety of targeted economic investment activities with the conditions specified in the statement of managers accompanying this conference report.
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 impeded the ability to develop, operate, or administer projects assisted under these programs, and may make provisions 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(a) 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 multifamily obligations and 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 of $13,566,000, to remain available until expended, to be derived from the Manufactured Housing Fees Trust Fund: Provided further, That 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 $250,000,000,000: Provided, That the foregoing limits for loans to nonprofit persons 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 programs, $160,000,000, of which not to exceed $18,321,000 shall be transferred to the appropriation for "Salaries and expenses"; and of which not to exceed $50,000,000 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 $1,400 for administrative contract expenses shall be available for each $1,000,000 in additional guaranteed loan commitments over $8,426,000,000 (including for each $1,000,000 in additional guaranteed loan commitments over $8,426,000,000, to remain available until expended, to be derived from the Manufactured Housing Fees Trust Fund: Provided further, That to the extent guaranteed loan commitments exceed $20,000,000,000 shall be for loans to nonprofit persons and governmental entities in connection with sales of single family real properties owned by the Secretary and formerly insured under such Act: and of which not to exceed the total amount appropriated under this heading, $8,750,000 shall be for the Partnership for Advancing Technology in Housing (PATH) Initiative.

**FAIR HOUSING AND RESIDENTIAL OPPORTUNITY**

**FAIR HOUSING ACTIVITIES**

For contracts, grants, and other assistance, not otherwise provided for, as authorized by the Residential Opportunity and Fair Housing Act of 1996, as amended by the Housing and Community Development Act of 1994, as amended, $45,899,000, to remain available until Sep- tember 30, 2001, to carry out activities pursuant to such section 561: Provided, That no funds made available under this heading shall be for the use of any State, local, or legislative branch 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, $199,758,000, to remain available until Sep- tember 30, 2001, 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 1974, for research, studies, testing, and demonstration efforts, including education and outreach concerning lead-based paint poisoning and other hazards associated with lead, $40,000,000 shall be provided: Provided, That 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, as provided for, including not to exceed $25,000 for official reception and representation expenses, $1,097,292,000, of which $350,457,000 shall be provided for the various units of the Federal Housing Administration, $9,383,000 shall be provided from funds of the Government National Mortgage Association, $1,000,000 shall be pro- vided 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" ac- counted for, the amounts made available in any prior year may be transferred to the General Fund of the Treasury to provide for: Provided further, That the Secretary shall establish and administer a trust fund to carry out the functions of the Secretary under section 501(a)(1)(i) of Reorganization Plan No. 2 of 1965, $50,250,000, to remain available until September 30, 2002: Provided further, That the Secretary shall meet the requirements of section 1017(h) of the Housing and Community Development Act of 1974, as amended, with respect to the books and records of such fund: Provided further, That the Secretary shall meet the requirements of section 1017(h) of the Housing and Community Development Act of 1974, as amended, with respect to the books and records of such fund: Provided further, That the Secretary shall meet the requirements of section 1017(h) of the Housing and Community Development Act of 1974, as amended, with respect to any loan or loan guarantee made or insured by the Secretary: Provided further, That no unexpended balances of the funds referred to in this Act shall be available during any period of availability otherwise applicable to such amounts.

**GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE PROGRAM ACCOUNT**

**(INCLUDING TRANSFERS 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. 1710(q)), 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 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 Community Development Act of 1970, as amended (12 U.S.C. 1715z-1), and by section 501 of the Housing and Community Development Act of 1988, as amended by the Affordable Housing and Community Development Act of 1998, to be derived from the General Fund, $45,899,000, to remain available until December 31, 2001: Provided, That the funds made available under this Act shall be used to establish and operate research centers and cooperative agreements and shall be used to support the Partnership in Happy Communities Fund.

**OFFICE OF INSPECTOR GENERAL**

For necessary expenses of the Office of Inspector General in carrying out the Inspector General and Special Risk Program Account.
General Act of 1978, as amended, and $93,896,000, 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 (Recession)

Of the balances remaining available from fees and charges under section 1(f) 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, and not to be derived from the Federal Housing Enterprises Oversight Fund: Provided, That not to exceed such amount shall be available from the general fund to take action to incur obligations and make expenditures pending the receipt of collections to the Fund: Provided further, That the general fund amount shall be credited to the collections at the time the obligations are incurred 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, and therefore 50 percent of the cash amounts associated with such budget authority, that are recaptured from projects described in section 102(a) of the Stewart B. McKinney Homeless Assistance 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 Department 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 (12 U.S.C. 1709(c)) any mortgagee that is engaged in solely for the purpose of filing or maintaining of a non-frivolous legal action, any action to recover or obtain any other monetary benefit, or any action to enforce or assert any right under the Common Interest Community Associations Act (11 U.S.C. 1377) 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 county in which the mortgagee 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 a fee in an amount not 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. 1735–11) is amended to read as follows:

“(a) In general.—(1) Payment of fees, costs, and expenses. 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. 12903(c)) in that area.

(d)(1) The Secretary may insur inure under this subsection a mortgage that meets the requirements of this subsection, except that the effective rate of interest—

(A) shall be fixed for a period of not less than the first three years of the mortgage term; and

(B) shall be charged on a mortgage 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 on the rate of early defaults and claims for insured single family mortgage loans originated or underwritten by the mortgagee under this Act. Any interest rate charged under this Act. Any interest rate charged in the area with the rate of early defaults and claims for insured single family mortgage loans originated or underwritten in the area. For purposes of this section, the term ‘area’ means each geographic area in which the mortgagee is authorized to originate insured single family mortgages.

(c) Construction of specific congressional directions.—(1) In general. In making determinations under this Act, the Secretary may make determinations that it believes were beyond its control and that caused the excessive default and claim rates.

Sec. 210. Except as specifically 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 Act of 1989.

Sec. 211. Public housing agencies in the States of California, Idaho, and Mississippi shall be required to comply with section 2(b) of the United States Housing Act of 1937, as amended, during fiscal year 2002.

Sec. 208. 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 or used by elderly or disabled persons, 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 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 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; and

(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 "$43,818", "$50,255", "$57,465", and "$65,328", respectively.

(b) Section 213 limits.—Section 213(b)(2) of the National Housing Act (12 U.S.C. 1716b(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 "$43,818", "$50,255", "$57,465", and "$65,328", respectively.

Sec. 214. Of the amounts appropriated in the Consolidated Appropriations Act, 2001 (Public Law 106-422), including 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 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) by striking paragraph (d) and (2) by striking paragraphs (f) through (h). (3) by striking paragraph (d)(4)(ii) of the National Housing Act (12 U.S.C. 1715v(c)(2)) and (2) by striking paragraphs (d)(3)(ii) of the National Housing Act (12 U.S.C. 1715v(c)(2)).

(4) by striking "$85,328".

Sec. 216. Notwithstanding the requirement regarding commitment of funds in the first sentence of section 286(b) of the Home Investment Partnerships Act (42 U.S.C. 13828(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 "ADFAs") 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 ADFAs has fully carried out its responsibilities as described in section 286(a); and

(4) the Secretary has approved the certification that meets the requirements of section 286(c) with respect to those projects.

Sec. 217. Notwithstanding any other provision of law, the Secretary may, by notice, on or before the first day of the fiscal year, approve the use of any other local assistance received by the Secretary for development efforts at Hollander Ridge in Baltimore, Maryland, with funds appropriated for fiscal year 1996 under the heading Public Housing Demolition, Site Reutilization 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 Secretary as necessary to preserve the property law as nonimpacted census tracts or (2) designated by said authority as either strong neighborhoods experiencing private investment or new community development.

Section 218.—Section 218 of the National Housing Act (12 U.S.C. 1715z-12) 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 "$43,818", "$50,255", "$57,465", and "$65,328", respectively.

Sec. 219. Of the amounts appropriated in the Consolidated Appropriations Act, 2001 (Public Law 106-422), including 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 for the operation of an historical archive at the University of South Carolina, without fiscal year limitation.

Sec. 220. Section 247 of the National Housing Act (12 U.S.C. 1715z-12) is amended—

(1) by striking paragraph (d) and (2) by striking paragraphs (f) through (h). (3) by striking paragraph (d)(4)(ii) of the National Housing Act (12 U.S.C. 1715v(c)(2)) and (2) by striking paragraphs (d)(3)(ii) of the National Housing Act (12 U.S.C. 1715v(c)(2)).

(4) by striking "$85,328".

Sec. 221. Of the amounts appropriated in the Consolidated Appropriations Act, 2001 (Public Law 106-422), including 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, without fiscal year limitation.

Sec. 222. Of the amounts appropriated in the Consolidated Appropriations Act, 2001 (Public Law 106-422), including 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, without fiscal year limitation.

Sec. 223. Of the amounts appropriated in the Consolidated Appropriations Act, 2001 (Public Law 106-422), including 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, without fiscal year limitation.

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 interests in land in the United States in 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, $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 Cemeteries 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; Safety and Hazard of 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 in the Executive Office of the President of the United States, $50,000, 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 National Safety and Hazard of Investigation Board shall not have more than three career Senior Executive Service positions:

Provided further, That, hereafter, there shall be an Inspector General of the Board; and

Provided further, That 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, and, for assistance to Native American, Native Hawaiian, and Alaska Native communities, and up to $9,500,000 may be used for administrative expenses, including costs 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 140(h) 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 $1,000,000.

CONSUMER PRODUCT SAFETY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Consumer Product Safety Commission, including hire of passen-
ger 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, pur-
chase of equipment and materials, travel expenses, including uniforms, or allowances therefor, 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, procurement of laboratory animals, rental or purchase 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; procurement of laboratory animals, rental or purchase of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed $500 for official reception and representation expenses, $54,000,000.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Corporation for National and Community Service (the “Cor-
poration”) in carrying out programs, activities, and initiatives under the National and Community Service Act of 1990 (the “Act”) (42 U.S.C. 25101 et seq.), $401,980,000, to remain available until expended. Provided, That not more than $10,000,000 shall be available for administrative expenses authorized under section 501(a)(4) of the Act (42 U.S.C. 25101(a)(4)) with not less than $2,000,000 targeted for the acqui-
sition of a cost accounting system for the Corporation’s financial management system, an in-
tegrated grants management system that provides comprehensive financial management infor-
ination for all Corporation grants and coop-
erative agreements, and the establishment, oper-
ation, and maintenance of a central archives service to maintain records for all grants, coop-
erative 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 Na-
tional Service Trust, $5,000,000 shall be available for national fellowships 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 to the Corporation under the National Service Trust program authorized under subtitle C of title I of the Act (42 U.S.C. 25121 et seq.) (relat-
ing to activities including the AmeriCorps pro-
gram)—provided that not more than $47,000,000 shall be used to administer, reimburs, or support any national service program authorized under sec-
tion 121(d)(2) of such Act (42 U.S.C. 25121(d)(2)); not more than $25,600,000 shall be made avail-
able to activities dedicated to developing com-
puter and information technology skills for stu-
dents 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 au-
thorized under title III of the Act (42 U.S.C. 25161 et seq.), of which not more than $2,500,000 may be used to establish or support an endow-
ment fund, the corpus of which shall remain in-
 tact and the interest income therefrom which shall be used to support activities described in title III of the Act, provided that the Foundation may in-
vest the corpus and income in federally insured bank accounts, certificates of deposit, municipal bonds, mutual funds, obligations of the United States, and other market instruments and se-
curities in an amount not to exceed in the aggregate $7,500,000: Provided further, That notwith-
standing 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 na-
tional service program authorized under section 121(b)(6) of such Act (42 U.S.C. 25171(b)): Provided further, That to the maximum extent feasible, funds appropriated under this heading shall be available in the appropriate fiscal year and may be made available under section 121(e) if such action is pro-
vided in a manner that is consistent with the recom-
pendations of peer review panels in order to ensure that priority is given to programs that demonstrate effectiveness, innovation, replicability, and sustainability: Provided further, That not more than $25,000,000 of the funds made avail-
able under this heading shall be available for the Civilian Conservation Corps, Inc., (42 U.S.C. 2611 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. 25122 et seq.): Provided further, That not more than $38,488,000 shall be available for quality and innovation activities authorized under subtitle H of title I of the Act (42 U.S.C. 25153 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. 2639): Provided further, That to the maximum extent practicable, the Corporation shall increase significantly the level of support for state, local, and community contributions provided by the private sector, and shall reduce the total Federal costs per participant in all pro-
grams: Provided further, That not more than $7,500,000 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 fur-
ther, That not more than $1,000,000 of the funds made available under this heading shall be made available to Parents As Teachers National Coordinating Office, to support research and development activities, which shall 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 Veterans Claims as authorized by 38 U.S.C. 7251–7298, $529,000, to remain available until September 30, 2003.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For necessary expenses for the National Insti-
tute of Environmental Health Sciences in car-
ying 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), 110(c)(4), and 111(c)(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), 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. 9607). Pro-
vided, That notwithstanding any other provi-
sion of law, in lieu of performing a health as-
seessment under section 104(i)(6) of CERCLA, the Administrator of ATSDR may conduct other ap-
propriate health study activities, including, without limitation, biomedical testing, clinical evaluations, medical moni-
toring, and referral to accredited health care providers: Provided further, That not more than $5,000,000 be used for activities other than any other 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 fur-
ther, That none of the funds appropriated under this heading shall be available for ATSDR to issue in excess of 40 toxicological pro-
files pursuant to section 104(i) of CERCLA dur-
ing fiscal year 2002, and existing profiles may be updated as necessary.

ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

For science and technology, including re-
search and development activities, which shall include research and development activities under the Comprehensive Environmental Re-
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 maxi-
mum rate payable for senior level positions under 5 U.S.C. 5376; preproduction equipment and supplies; other operating exp-
enses in support of research and development; construction, alteration, repair, rehabilitation, and renovation of facilities; not to exceed $75,000 per project, $694,089,000, which shall re-
main available until September 30, 2003.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For environmental programs and manage-
ment, including necessary expenses, not other-
wise 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 maxi-
mum rate payable for senior level positions under 5 U.S.C. 5376; hire of passenger ve-
cicles; hire, maintenance, and operation of air-
craft; purchase of reprints; library memberships

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.
in societies or associations which issue publica-
tions 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, $2,654,511,000, which shall remain available until September 30, 2003.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of In-
spector General in carrying out the provisions of the Inspector General Act of 1976, as amended and for construction, alteration, repair, rehabili-
tation, and renovation of facilities, not to ex-
cede $75,000 per project, $34,019,000, to remain available until September 30, 2003.

BUILDINGS AND FACILITIES

For construction, repair, improvement, exten-
sion, alteration, and purchase of fixed equip-
ment or facilities of, or for use by, the Environ-
mental Protection Agency, $25,318,000, to remain available until expended.

HAZARDOUS SUBSTANCE SUPERFUND

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Com-
prehensive Environmental Response, Com-
monwealth of Puerto Rico, 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 con-
struction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project; $1,370,000,000 of which $100,000,000 shall not become available until September 1, 2002, shall become available for official reception and representation expenses, $6,000,000, to remain available until expended.
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 Management 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; and further provided, that these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $2,500,000.

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; uniform, or allowances thereof, 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. 5370; expenses of attendance of cooperators; official reception and representation expenses; transportation in connection with the continuity of Government programs to the same extent as in the same manner as authorized in the Federal Emergency Management Agency Act of 1978, as amended; and for administrative costs, not to exceed ½ percent of the total appropriation.

National Flood Insurance Fund (Including Transfers of Funds)

For activities under the National Flood Insurance Act of 1968 (42 U.S.C. 5001 et seq.), $536,750,000: Provided, That total administrative costs shall not exceed 10 percent of the amounts appropriated for expanded under section 1366 of the Act, which amount shall be available for transfer to the National Flood Insurance Fund under 5 U.S.C. 3102; and for the cost of direct loans, $405,000 as authorized by section 5196(e) and (i), $25,000,000: Provided, That for purposes of prevention and control of emergencies, 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 law; travel expenses; purchase and hire of passenger motor vehicles; not to exceed $30,000,000 for research and representation expenses; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, $8,512,400,000, 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, fabrication 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 Transfers 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 modifications; installation of new facilities; renovation of existing facilities and additions to existing facilities; facility planning and design, environmental compliance and restoration, and acquisition or condemnation of facilities, 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 law; travel expenses; purchase and hire of passenger motor vehicles; not to exceed $20,000,000 for operation and maintenance 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, fabrication 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 its duties, not otherwise provided for, $23,700,000, to be used 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.

General Services Administration

For necessary expenses of the Federal Consumer Information Center Fund, including services authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; not to exceed $20,000,000 for operation and maintenance 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, fabrication 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.

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 to be necessary for the 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 offset the costs of the Cost- offsetting collections and will become available for authorized purposes on October 1, 2002, and remain available until expended.

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, repair and construction of facilities, construction of new facilities and additions to existing facilities, facility planning and design, environmental compliance and restoration, and acquisition or condemnation of facilities, 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 law; travel expenses; purchase and hire of passenger motor vehicles; not to exceed $20,000,000 for research and representation expenses; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, $8,512,400,000, 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, fabrication 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.
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 any 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 such investigations, or 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, 2003 between NASA and a non-government 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 loans to member-credit unions, as authorized by 12 U.S.C. 1755 et seq., shall not exceed $1,000,000,000: Provided, That administrative expenses of the Central Liquidity Facility shall be limited to $200,000: 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); 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; rental of conference rooms in the District of Columbia; reimbursement of the General Services Administration for security guard services; $170,040,000: Provided, That contractors and grantees may expend funds for expenses in fiscal year 2002 for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year, as necessary, without regard to the limitations on administrative expenses as set forth in section 653 of the National Science Foundation Act of 1950, as amended.


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 5 U.S.C. 3109; authorized for civil service employees; and not to exceed $750 for official reception and representation expenses; $25,001,000: Provided, That during the current fiscal year, the President may exempt this appropriation from the requirements of section 653 of the National Science Foundation Act of 1950, as amended, if 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 in connection with the induction of any person into the Armed Forces of the United States.

Selective Service System
Salaries and Expenses

For necessary expenses of the Selective Service System, for travel of personnel attending meetings and of training for uniformed personal 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; $25,001,000: Provided, That during the current fiscal year, the President may exempt this appropriation from the requirements of section 653 of the National Science Foundation Act of 1950, as amended, if 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 in connection with the induction of any person into the Armed Forces of the United States.

Title IV—General Provisions

S. 401. Where appropriations in titles I, II, and III are used for individual travel expenses and no specific limitation has been placed thereon, the expenditures for such travel expenses may not exceed the amounts set forth above for such expenses which were specifically limited for the appropriations: Provided, That this provision does not apply to accounts that do not contain an object classification for travel. Provided further, That the amounts specifically limited for travel per the unobligated funds 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 the activities of an emergency that is determined by the President under the provisions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, or to travel performed by the Selective Service System 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 but the estimates only to the extent such an increase is approved by the Committees on Appropriations.

S. 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 (1) pursuant to hereafter, as authorized by 5 U.S.C. 5901-5902; hire of passenger motor vehicles; and services as authorized by 5 U.S.C. 3109.

As an exception, the Department of Housing and Urban Development Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses as set forth in section 7905 of title 31, United States Code, 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 institution bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811-1831).

S. 403. None of the appropriation contained in this Act shall remain available for obligations beyond the current fiscal year unless expressly so provided herein.

S. 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 was made;

(B) the expenditure of funds pursuant to such certification, and without such a voucher or abstract, is specifically authorized by law; and

(C) the voucher or abstract is audited and certified by the General Accounting Office or is specifically exempt by law from such audit.

S. 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 of the Department of Transportation under 31 U.S.C. 1344 or 5 U.S.C. 7905.

S. 407. None of the funds provided in this Act may be used for payment, through grants or contracts, to recipients who 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.

S. 408. None of the funds provided in this Act may be used, directly or through grants, to pay or provide reimbursement for payment of the salary of a consultant (whether retained by the Federal Government or a contractor) at a rate paid or to be paid by the Federal Government, unless specifically authorized by law.
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 that affect the authorization of the Consumer Product Safety Commission pursuant to section 7 of the Consumer Product Safety Act (15 U.S.C. 2056 et seq.).

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 branch, other than for normal and regular expenses of, or otherwise compensate, non-Federal persons that are funded under this Act, none of which shall be obligated or expended to provide a personal cook, chauffeur, or other personal servant to any officer or employee of such department or agency.

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 servant 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 provide a personal cook, chauffeur, or other personal servant to any officer or employee of such department or agency.

SEC. 414. None of the funds appropriated in 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 executive officer of any entity receiving funds under this Act certifies that none of these funds have been used to engage in the lobbying activities required by section 1626 of the National Defense Authorization Act for Fiscal Year 2001 (enacted into law by Public Law 106-398). Notwithstanding any other provision of law, no person shall, for a purpose 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 accordance with the Act and the regulations promulgated thereunder; and (2) requires any report prepared pursuant to such contract, including plans, evaluations, and manuals, or 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. 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 under this Act, each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) of this section.

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 otherwise provided in the Office of Management and Budget Circular A-21.

SEC. 417. Such sums as may be necessary for fiscal year 2002 for programs funded by this Act shall be absorbed within the limits appropriated in this Act.

SEC. 418. None of the funds made available in this Act may be used to pay the expenses of any program 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. The head of the Department of Housing and Urban Development which are subject to the Government Corporation Control Act are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to such corporation or agency and in accordance with such 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 and activities funded under section 105(a) and amendments thereof 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 any loan or mortgage purchase commitments made by any corporation or agency shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to implement a national policy of the United States Government.

SEC. 420. Nothing in this Act shall prevent the Council on Environmental Quality from using funds made available in this Act, the head of any executive department or agency funded under this Act, or the head of any independent agency, from entering into any contract with, any entity using funds under this Act, if such entity is responsible for generating or disseminating information to the public to educate the public on the health and environmental implications associated with asbestos, products containing asbestos, or asbestos fibers.

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 gestation tolerance processing fees as proposed at 64 Fed. Reg. 31940, or any similar proposals. The Environmental Protection Agency may proceed with the development of a final 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 fee pursuant to section 40(i) 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 corporation or agency funded under this Act shall certify that none of these funds have been used to engage in the lobbying activities of the Federal Government or in litigation against the Government, and no contract or cooperative agreement under any appropriation for the Department of Housing and Urban Development which are subject to the Government Corporation Control Act are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to such corporation or agency and in accordance with such 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 and activities funded under section 105(a) and amendments thereof 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 any loan or mortgage purchase commitments made by any corporation or agency shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to implement a national policy of the United States Government.

SEC. 425. No part of any funds appropriated in this Act shall be used by an agency of the Federal Government for the purpose 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 corporation or agency funded under this Act shall certify that none of these funds have been used to engage in the lobbying activities of the Federal Government or in litigation against the Government, and no contract or cooperative agreement under any appropriation for the Department of Housing and Urban Development which are subject to the Government Corporation Control Act are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to such corporation or agency and in accordance with such 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 and activities funded under section 105(a) and amendments thereof 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 any loan or mortgage purchase commitments made by any corporation or agency shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to implement a national policy of the United States Government.

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 amount of funds required to implement each 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-Source" technologies and procedures in the conduct of their business practices and public service activities.

SEC. 428. Section 104(n)(4) of the Cervo 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." None of the funds provided by this Act may be used for the purpose of implementing any administrative proposal that would affect the ability of a fire department or a fire agency to accept the "choice" for any specified period of time between Department of Veterans Affairs or military health care under the new TRICARE for Life program and the National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398).

SEC. 429. None of the funds appropriated by this Act may be used to delay the national primary drinking water regulation forArsenic published on January 22, 2001, in the Federal Register, 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 minority or other nonprofit or for-profit organizations to establish and conduct such programs.

"(b) ACTIVITIES SUPPORTED.—An eligible non-profit organization may use grant funds, 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 areas most at risk for terrorism and man-made disasters and emergencies; and

"(2) to develop and promote awareness of emergency preparedness programs within minority communities, including development and promotion 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, and that partakes in a partnership with a minority-owned business enterprise or minority business located in a HUBZone.
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3. None of the funds made available by this Act may be used to implement or enforce the provisions of the HOPE VI program to acquire, design, or construct facilities, including the design and construction of such facilities.

4. The amounts subject to the fifth proviso under section 12(c) of the United States Housing Act of 1937, as amended (42 U.S.C. 1437(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 successor program for the revitalization of severely distressed public housing (HOPE VI).

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. 1437(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 successor program for the revitalization of severely distressed public housing (HOPE VI).

Managers on the Part of the House.

Barbara A. Mikulski, Chairman.

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 of agreement with the Senate amendment to the conference report and statement of the managers. Report language included by the House which is not changed by the conference is approved by 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 where 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.

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 pointed out the natural affinity and relationship between these organizations and the Appropriations Committees which makes such a relationship workable. The committees 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 complex; however, a positive, responsive relationship between the Committees and the budget offices is absolutely essential to the appropriations process.

TITLE I—DEPARTMENT OF VETERANS AFFAIRS

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 inde-
VETERANS BENEFITS ADMINISTRATION
COMPENSATION AND PENSIONS
(INCLUING TRANSFER OF FUNDS)
Appropriates $24,941,288,000 for compensation and pensions as proposed by both the House and the Senate. Deletes bill language approved by the Senate allowing funds to be payable for any court order, award or settlement.

VETERANS HEALTH ADMINISTRATION
REASSIGNMENT BENEFITS
Appropriates $2,135,000,000 for reassignment benefits as proposed by both the House and the Senate.

VETERANS HOUSING PROGRAM FUND
(INCLUING TRANSFER OF FUNDS)
Appropriates $26,200,000 for veterans insurance and indemnities as proposed by both the House and the Senate.

VETERANS HEALTH ADMINISTRATION
EDUCATION LOAN FUND PROGRAM
ACCOUNT
(INCLUING TRANSFER OF FUNDS)
Appropriates $1,000 for the costs of direct loans from the vocational rehabilitation loans program account as proposed by both the House and the Senate.

VETERANS HEALTH ADMINISTRATION
VOCATIONAL REHABILITATION LOANS PROGRAM
ACCOUNT
(INCLUING 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.

VETERANS HEALTH ADMINISTRATION
NATIVE AMERICAN VETERANS 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.

VETERANS HEALTH ADMINISTRATION
GUARDIAN TRUST FUND 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
(INCLUING TRANSFER OF FUNDS)
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 Conference understands that the VA has developed an agreement for intellectual property sharing with universities and 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 Conference directs the VA to report to the Committees by March 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 Conference directs the continued partnership with the National Technology Transfer Center at the current level of effort.

VETERANS HEALTH ADMINISTRATION
MEDICAL ADMINISTRATION AND MISCELLANEOUS VETERANS OPERATING
ACCOUNT
Appropriates $66,731,000 for medical administration and miscellaneous operating expenses as proposed by the House instead of $62,400,000 as proposed by the Senate.
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 Commissions and Pensions Task Force and commend the Secretary for announcing his intentions to implement most of the recommendations from Phase I of CARES, which if implemented, could re-institute the recommendations from Phase II of CARES. As a part of the CARES process in VISN 12, VA recently completed a formal consensus process where VA solicited input from a large number of affected and interested parties. The conferees direct the Secretary to certify that the process 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 need 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.

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 Senate instead of $48,308,000 as proposed by the Senate. The conferees have provided up to $125,000 to start initial projects, for CARES initiatives, of which $10,000,000 is required for Phase III, the balance of $10,000,000 is required for Phase II, and $85,000,000 is required for Phase I. Deletes language proposed by the Senate concerning the recent benefits fraud investigation in Albuquerque, New Mexico area to be offset from the working reserve. The conferees have provided up to $225,000 to start initial cemetery planning activities in Albuquerque, but direct that further funding for cemetery construction activities must be considered in the context of funding the country’s national veterans cemetery needs as presented in the Department’s needs assessment report due December, 2001. The conferees expect 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 undertaken 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 the fiscal year 2002 study Phase II fund. Any Phase II studies conducted in support of the Phase I recommendations, the conferees have identified $40,000,000 of the

$60,000,000 provided in construction, major projects 20% move forward with the blind and spinal cord injury center at the Hines VAMC conditional upon the Secretary certifying that a full and open consensus 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 consensus process where VA solicited input from a large number of affected and interested parties. The conferees direct the Secretary to certify that the process 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 need 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 Senate 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 VETERANS CEMETERIES
Appropriates $100,000,000 for grants for construction of state extended care facilities as proposed by both the House and the Senate.

ADMINISTRATIVE PROVISIONS
VETERANS CEMETERIES
Appropriates $8,000,000 for grants for construction of state veterans cemeteries as proposed by both the House and the Senate.

CONTRACT RENEWALS
Retains language proposed by the House eliminating the health services improvement fund.

extends language proposed by the House allowing the 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 Phase III, the Office of Employment Discrimination Compliance Adjudication up to $2,383,000. The Senate proposed a similar provision with technical changes.

Retains 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 conduct a cost and benefit study.

Deletes language proposed by the Senate recognizing the North Dakota Veterans Cemetery as a state cemetery for the Grants for State Veterans Cemeteries Program.

Deletes language proposed by the Senate establishing a 60-day waiting 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 funds 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 approval of devolution 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. Further, the conferees have agreed to instead include reprogramming 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 reorganizations between the Department and any other entity.

PUBLIC AND INDIAN HOUSING
HOUSING CERTIFICATE FUND
(INCLUDING TRANSFER AND RESCISSION OF FUNDS)
Appropriates $15,840,975,000 instead of $15,694,242,000 as proposed by the House and $15,688,769,000 as proposed by the Senate. The conference agreement includes the 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 Senate. 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 it has 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 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 carryovers, including expiring section 8 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 8 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 of section 8 projects be only those projects that programs be discreetly identified in the fiscal year 2003 budget justifications.

Increases $149,379,000 to provide "incremental" section 8 housing assistance vouchers to increase the number of low-income individuals and families receiving assistance, above fiscal year 2002 and $88,623,000 as proposed by the House. 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 a renewal of assistance to non-elderly, disabled residents who are affected by the designation of public and assisted housing as "elderly-only" developments, 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 many of these residents 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).

Non-elderly, disabled residents who are affected by the designation of public and assisted housing as "elderly-only" developments, as proposed by the House. The Senate included similar language.

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 and Operation Safe Home initiatives through the public housing demonstration program (PHDEP) into this account. The conferees note that PHAs are authorized to use their operating and capital funding to meet 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 funds. In lieu of continuing to fund these activities through regular operating and capital funds, the conferees note that HUD is required to be allocated by the United States Attorney General through existing Department of Justice programs, such as the Weed and Seed program, to address 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 combating crime and drug problems in public housing through new opportunities for education and employment opportunities.

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 HOPE VI as a complementary program targeted to the revitalization of distressed public housing. The conferees direct HUD to work by June 15th to report on the implementation of the HOPE VI projects, 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.

The conferees remain concerned with the lack of information about the revitalization of severely distressed public housing (HOPE VI) account, as well as the $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 are an important part of any initiative to achieve that goal and can ameliorate drug and crime problems in public housing through new opportunities for education and employment opportunities.
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 Appropriations Committee recommended any funding for this activity. In addition, $5,650,000 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 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 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 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 converting 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 operating fund account (PHDEP) are authorized activities under the operating and capital fund accounts. In addition, the conferees are aware that some PHAs do not have access to PHDEP funds. 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 drugs, especially in severely distressed areas of 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, funds have been provided to demolish over 100,000 units of the most severely distressed public housing through the Hopewell Initiative. This 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 Drug Free Community Initiative, 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.

Re-Vitalization of Severely Distressed Public Housing (HOPE VI)

Appropriates $573,735,000 for the re-vitalization of severely distressed public housing program (HOPE VI) as proposed by the House and the Senate. Includes language designating $8,250,000 for technical assistance and contract expertise instead of $3,000,000 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 $150,000,000 provided under the public housing operating fund account 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 public housing. The conferees encourage HUD to continue this initiative.

Native American Housing Block Grants (Including Transfers of Funds)

Appropriates $88,399,000 for grants to Native American tribes and tribal organizations. The conferees direct the HUD Inspector General to support the audit of this 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 and Enterprise Communities

Appropriates $45,000,000 for grants to the second round of empowerment zone funds instead of $75,000,000 as proposed by the Senate. Includes language requiring $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 for Community Development grants for various activities funded in this account, instead of $4,811,993,000 as proposed by the House and $5,012,983,000 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 service area grants instead of $45,000,000 as proposed by the House and $45,500,000 as proposed by the Senate. Within the amount provided for section 107 grants, the conferees direct that the Department 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; and —$3,000,000 for tribal colleges and universities; and.

Indian Housing Loan Guaranty Fund

Program Account

(Provision for Transfers of Funds)

Appropriates $5,987,000 for guaranteed loans for Native American housing on trust lands as proposed by the House and the Senate.
$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 area; $250,000 for the City of Wildwood, New Jersey, for revitalization of the Pacific Avenue Business District; $1,000,000 for the City of Syracuse, New York for the Neighborhood Initiative Program; $5,000,000 for Home Headquarters in Syracuse, New York for a Home Equity Assurance Pilot Program and other Neighborhood Initiative projects; $230,000 to the City of Canandaigua, New York, for Lagoon Park development; $230,000 to the City of Albany, New York, for the Corning Park Revitalization Project; $390,000 to the City of Philadelphia, Pennsylvania, to support the Neighborhood Transformation Initiative, which will demolish many abandoned homes as well as revitalize the areas; $230,000 to Universal Community Homes, Philadelphia, Pennsylvania to continue the conversion of more than 500 parcels of land into small-scale 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 Menomonee 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: $90,000 to the Kenai Peninsula Borough in Alaska for construction of low-income housing for senior citizens; $900,000 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 located there; $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; $490,000 to the Hillsborough County, Alabama Boys and Girls Club; $50,000 to Gunterville, 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; $50,000 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 City Port Authority; $100,000 to the Tuskegee Area Health Education Center in Alabama for a rural HIV/AIDS prevention program; $115,000 to the Birmingham Building Trade Towers, Inc. for renovation the Birmingham Building Trade 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 the industrial park; $125,000 to Winfield, Alabama for site work preparation of land for industrial use; $150,000 to Family Connection, Inc. in 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; $230,000 to Jasper, Alabama for recreational park construction; $230,000 to the City of Marshall, Alabama, for establishment of the Forestry Museum; $490,000 to the Shoals Economic Development Authority for the reconstruction of a joint economic development facility to be used by SEDA and the Shoals Chamber of Commerce; $115,000 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 Eufaula, Alabama for downtown revitalization; $435,000 to BiTech 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 third phase of the Covington County Farm Center; $350,000 to the Housing Authority of the City of Andalusia to expand their existing housing program and 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 West End Cultural Center;  
$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 USB Alabama Battleground 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 Park for a new facility;  
$1,000,000 or the City of DeQueen, Arkansas for the development of a cultural awareness center;  
$500,000 to the Tohono O’odham Tribe in Arizona for development of a veterans memorial monument and park;  
$300,000 to the Boys & 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 Comuter Census;  
$30,000 to the Cuban Resource Center in Los Angeles, California for community center improvements;  
$500,000 to Easter Seals Tri-Counties in California for the Easter Seals Child Development Center;  
$50,000 to Environment Now in Santa Barbara, California for continued development of the Ballona Creek Trail and Bikeway;  
$50,000 to the City of Anaheim, California for the Santa Ana River Basin 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 softball/soccer field complex at Spring Valley Lake in Victorville;  
$50,000 to the County of San Bernardino, California for the Snow Bowl Center;  
$50,000 to the Mothers of East LA Santa Isabel in Los Angeles, California for improvements to a community garden;  
$50,000 to the National Community Center in Garden Grove, California for construction costs;  
$75,000 to the Angelus Plaza Senior Housing Complexes, 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 Temeucha, California for the Valley 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;  
$150,000 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 Monterey, California for economic development re-use activities at the former Port 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;  
$100,000 to the Leimert Park Markets 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 Bakersfield, California for activities;  
$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;  
$196,000 to the City of Riverside, California for the construction of parks and Recreation for the Citrus Park project;  
$200,000 to the City of Eureka, California for Fisherman Dock Area Harbor capital improvement project;  
$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 County of Yuba, California for the Southside Community Park;  
$240,000 to the City of Diamond Bar, California for construction of a senior center;  
$250,000 to the San Diego County Department 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 Day OutReach and Community Service Center;  
$250,000 for the Center Theatre Group, of Los Angeles, California, for the Culver City Town 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;  
$300,000 to the City of Stockton, California for the historic restoration of the Fox Theatre;  
$300,000 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 renovation of the Ravenswood Industrial Area;  
$300,000 to the City of Salinas, California for the 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;  
$400,000 to El Centro Regional Medical Center in Imperial County, California for construction of a heliport;  
$400,000 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;  
$750,000 to the City of Redding, California for the Stillwater Industrial Park;  
$490,000 to the Sweetwater Authority in California for the Sweetwater and Loveland Recycling and Energy 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 to the City of East Palo Alto, California to redevelop the Ravenswood industrial area;  
$750,000 for the West Angles 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 to the City of Denver, Colorado for revitalization;  
$50,000 to the City of Hartford, Connecticut for redevelopment of the North Star Plaza and in the North End community of Hartford;  
$75,000 to the University of Hartford, in Hartford, Connecticut for the Hartford 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 Association of Hartford, Connecticut, for neighborhood revitalization in Hartford;  
$380,000 to Norwich Community Development Corporation in Norwich, Connecticut, for rehabilitation of the historic Capenhead Mill;  
$575,000 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 to Pinellas Park, Florida, for community hurricane evacuation infrastructure improvements; $500,000 to the City of Safety Harbor, Florida, for construction of a new residential ost-module lodge;  
$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 the City of Daytona Beach, 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 the College Partners, Inc. in Atlanta, Georgia, for community development and revitalization initiative;  
$200,000 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 the City of Atlanta, 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 Centennial 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 Kalili 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 Pana`a, Nanakuli and Paukukalo;  
$800,000 for the Filipino Community Center, Inc. of Honolulu, Hawaii, to develop a new community center;  
$900,000 for the City of Des Moines, Iowa, for the redevelopment of the Des Moines Adventure Science Center;  
$500,000 for City of Cedar Rapids, Iowa, for brownfields revitalization;  
$500,000 for the City of Council Bluffs, Iowa, for the Kaleman neighborhood redevelopment project;  
$500,000 for the City of Davenport, Iowa, for the East Davenport Development Corporation mixed-income housing development;  
$2,000,000 for Dusable Museum, Chicago, Illinois, 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 rent eligible homes;  
$1,000,000 for Dubuque Museum of Fine Art, Iowa, for the development of an American River Museum;  
$900,000 for the City of Jersey, 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 as a Community College Center 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 Evanville, 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 Missions, as a Riverfront Redevelopment partnership for redevelopment efforts;  
$100,000 to the Westside 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;  
$100,000 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 shelter for the City;  
$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 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 to 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 Prudential Home Services, Inc. in Will County, Illinois for the reconstruction of a warehouse into a developmental training center for adults with disabilities;

$290,000 to DePaul College of Illinois for the Bridging Community, Economic and Workforce Development Through Local Partnerships Project;

$300,000 for Captain 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 renovation and revitalization in the Studbaker 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 for 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 Kansas City, Missouri;

$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;

$230,000 to the Southern Star Development Corporation for construction of a multipurpose community facility;

$225,000 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 gymnasm;

$290,000 to the Canaan Community Development Corporation and 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-basin-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;

$5,450,000 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 Dillard University, New Orleans, 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., in 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 Globalpex Intermodal Terminal Facility;

$275,000 to the Mirage Family Learning Center, Inc., of New Orleans, Louisiana, for expansion of facilities and services;
the Forrest Park and Lauraville neighborhoods of Baltimore, Maryland; $300,000 for the Living Classrooms Founda-

tion of Baltimore, Maryland, for expansion of the Development Corporation for $300,000 for the Deutsch Enrich Library Sys-

tem of Garrett County, Maryland, for construc-

tion of the new Grantsville Branch library; $300,000 to the Spring Dell Center in La Plata, Maryland for construction of a new fa-

cility; $755,000 to the Bowie Regional Arts Vision Association in Bowie, Maryland for construc-
tion of a new concert hall; $400,000 for the Women’s Industrial Ex-

change of Baltimore, Maryland, for redevelop-

ment of the property; $500,000 for the Kennedy Krieger Institute of Baltimore, Maryland, for development of a new community behavioral health center; $500,000 for the Montgomery County Depart-
artment of Housing and Community Af-

dairs, Maryland, for streetscaping and revi-
talization efforts in Wheaton; $500,000 for the Montgomery County Depart-
artment of Housing and Community Af-

dairs, Maryland, for the Stewarts Town 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 Shelby Community De-

velopment Corporation of Baltimore, Mary-

land, for construction of a multi-purpose center; $500,000 for Way Station, Inc., of Frederick, Maryland, for development of the Way Sta-
tion Community Mental Health and National Education Center; $750,000 for the Fells Point Creative Alli-
ance of Baltimore, Maryland, for develop-
ment of the Patterson Center for the Arts; $500,000 for the City of Westbrook, Maine for downtown revitalization efforts including the construction of a parking garage; $50,000 to the International Northeast Bio-
technology Corridor in Fairfield, Maine for economic development efforts directed at biotechnology companies; $100,000 to the Franco-American Heritage Center in Mary’s in Lewiston, Maine for the redevelopment of the St. Mary’s Church into a learning center, museum and perform-
ing arts space; $1,000,000 for the City of Lewiston, Maine for the funding of a community and eco-

nomic development center; $1,000,000 for the Wiscasset Regional De-

velopment Corporation for the Maine Yanke

e Power Plane Reuse Initiative; $140,000 to the Livingston Arts Council for renovations of the Downtown Howell Opera House in Howell, Michigan; $110,000 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 Au-

thority for the development of a community

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 FOCUS: H.O.P.E. of Detroit, Michi-
gan, for facility renovation; $750,000 to the National Center for Manu-

facturing Sciences in Ann Arbor, Michigan for infrastructural improvements of the develop-

ment and deployment of advanced tech-

nologies to the manufacturing base; $100,000 to Bemidji State University in Minnesota for the American Indian Cultural Resource Center; $100,000 to the Boys and Girls Club of Det-

roit Lakes, Minnesota for facility needs; $250,000 to the 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; $300,000 to Fairview Southdale Hospital in Edina, Minnesota for the Fairview Health Services’ “Healthy Mothers and Babies Tech-

nology Demonstration” initiative; $600,000 for the Mesabi Academy and Martin

Hughes School of Buhl, Minnesota, for fa-
cility renovation and program expansion; $600,000 to the Reuben Lindh Family Serv-

ices in Minneapolis, Minnesota for facilities rehabilitation; $175,000 for the American Indian Opportu-

nities Industrial Center in Minneapolis, Min-

nesota for rehabilitation of facilities; $50,000 for an 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 re-

development of the former U.S. Courthouse; $200,000 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 project; $250,000 for the Cuba, Missouri Tourism Center for the historic district improvement project; $250,000 for the Sparta, Missouri Communi-
ty Development Organization for the de-

velopment of an industrial park; $250,000 for the Anderson County Museum and Historical Society in Missouri for expan-

sion 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 con-

struction 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 Indus-

trial Development Authority to renovate building to serve as a Center for Industry and Education; $350,000 to Midland Central Missouri Food Bank in Columbia, Missouri for construction of fa-
cilities; $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 revi-
talization 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 redevelop-

e; $500,000 for the Community Development Corporation of Kansas City, Missouri, for continued revitalization of the northwest corner of 79th and Prospect Avenue; $500,000 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 redev-

elopment area; $250,000 for Missouri Western State College in St. Joseph, Missouri for planning and ren-

ovation of the Agenstein Science and Math Build-

ing; $50,000 to the City of Jackson, Mississippi for the linking of cultural and entertainment districts through the extension of Oakley Park; $150,000 to Mississippi State University in consultation with the Mississippi Mainstreet Association to promote small town revital-

ization by utilizing the resources of the Small Town Center; $200,000 to Community Connections in Mis-

issippi for a pilot low income housing project in Southern Mississippi; $200,000 to Leake County, Mississippi for site preparation and infrastructure improve-

ments 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 Af-

rican 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; $200,000 to 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 Missouri Center for Advanced Ve-

cular Systems and Engineering Extension Facility; $2,000,000 for the University of Southern Mississippi for its National Center for Excel-

lence in Economic Development, Education, Research and Community Service; $240,000 to the University of Montana Mis-

soul for the research and economic develop-

ment enterprise; $1,000,000 for Great Falls, Montana for the Missouri Riverfront Park Enhancement project; $1,000,000 for MSU-Billings for the develop-

ment of the Billings Technology Training and Technology program as a business incu-

bator;
leverage economic development opportunities in North Dakota.

$200,000 to the University of Nebraska at Omaha for the Peter Kiewit Institute and the Omaha Innovation Science and Technology to conduct research in the area of computer security.

$250,000 to Walthall, Nebraska for the Walthall Public Library for construction and equipping of two science laboratory classrooms and facilities.

$300,000 to the Northeast Family Center of Lincoln, Nebraska, for facility renovataions.

$400,000 to Doane College in Crete, Nebraska for the rehabilitation of the historic Whitcombe Building.

$500,000 to the Girls and Boys Town USA in Omaha, Nebraska to address the needs of at-risk boys and girls.

$1,000,000 to the Whitcomb Conservator 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 Community Library in New Hampshire for facility improvements.

$190,000 for the Front Range Valley Economic Council’s “Technology Village Incubator.”

$290,000 to the University of New Hampshire in Manchester, New Hampshire for the relocation of the Engineering Technology Laboratory.

$500,000 to Lebanon College in Lebanon, New Hampshire to implement a medical and dental training program.

$500,000 for the New Hampshire Community Technical College and 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.

$500,000 to Hopewell Township, New Jersey for renovations to the Historic Hunt House.

$500,000 to the Boys and Girls Club of Central New Jersey, for design and construction of a new library.

$500,000 to the Alice Paul Centennial Foundation for continuation of the Paul Re- habilitation Project in Mount Laurel, New Jersey.

$900,000 to Fanwood Township, New Jersey for downtown revitalization.

$1,000,000 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 Community Corporation.

$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 City of North 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.

$250,000 for 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 Ridgefield Children’s 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 properties.

$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.

$250,000 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 Paterson, New Jersey.

$300,000 for the Rio Grande Community Development Corporation, of Albuquerque, New Mexico, for construction of the South Valley Economic Development Center.

$60,000 for Currie 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 Espejialia, 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.

$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 Gal- lup/McKinley County, New Mexico, for facility construction.

$200,000 for the Reno Veterans Memorial Project, of Reno, Nevada, for construction of a memorial.

$500,000 to the City of Henderson, Nevada for the expansion of a downtown arts district and heritage preservation.

$1,000,000 to the Nevada Science Technology Center in Las Vegas, Nevada, for development assistance 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 Ne- vada to establish a housing division.

$200,000 for 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 construction of a Leadership 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; $200,000 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 continuation of construction of a museum/interpretive center chronicling the Fort Ontario Emergency Refugium; $50,000 to the Collins Public Library Board of Trustees for a library site in New Town of Collins, New York Public Library; $50,000 to the County of Onondaga, New York for an interpretive center at Baltimore Woods; $80,000 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 facility needs; $70,000 to the Legacies and Landmarks Consortium of Greater Rochester, New York for activities to promote regional tourism; $75,000 to the Child Care Corporation in New Hyde Park, New York for improvements to the existing facility; $75,000 to the 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 Student 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 repair and improvements; $100,000 to the City of Auburn, New York for a housing market study; $100,000 to the City of Auburn, New York for the provision of shelter and other services to the elderly by VIVE La Casa; $100,000 to the City of Ogdensburg, New York for infrastructure improvements to the Village of Tuckahoe, New York for school facilities improvements; $100,000 to the State University of New York at Potsdam for the creation and operation of the New York Travel and Tourism Research Center to be located at the Merwin Rural Services Institute; $100,000 to the St. John’s University Foundation 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; $225,000 to the National Lighthouse Center and Museum in New York City, New York for a program to rebuild the public school athletic facilities; $250,000 to the Independent Development Corporation for rehabilitation needs of the Renaissance Ballroom and Theater Complex in Harlem, New York; $150,000 to the City of 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 Parksie 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 in the Joyce Kilmer Park restoration project; $150,000 to the City of Rochester, New York for expansion and upgrade of museum facilities; $150,000 to the City of Freeport, New York for the downtown revitalization project; $125,000 to the WXXI Public Broadcasting Corporation 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 Otsego County, New York for infrastructure improvements to the Village of Tully’s Water System; $200,000 to the Battle of Plattsburgh Association in Plattsburgh, New York to rehabilitate a building to create an interpretive center; $100,000 to the Village of Buffalo, New York for the purchase of audiophones for displays and exhibits at the Buffalo and Erie County Historical Society; $100,000 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 Darig Undergraduate Theatre, 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 construction and 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; $300,000 to the City of Syracuse, New York for the construction of utility service, boat launch and bulk-head along the Hudson River; $250,000 to the Cornell Agriculture and Food Technology Park—Geneva Station in Ontario County, New York to continue infrastructure and facilities construction; $250,000 to the Lehman 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 Education Project; $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; $250,000 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; $300,000 to Carrie 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 the design and construction 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 bridges; 
$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, Albany, New York for the Union-Schenectady Neighborhood Initiative; 
$490,000 to the City of Rome, New York for site improvements at the Carousel Center; 
$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/warehouse training center; 
$700,000 to the City of Auburn, New York for Phase I of the Oswaco Riverfront Park Project; 
$990,000 to St. Bonaventure University of St. Bonaventure, New York for renovations of Delarocco Hall; 
$750,000 to the City of Syracuse, New York for the design, development and construction of an International Tourism Center at the Carrier Dome; 
$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; 
$340,000 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 the renovation of public accommodations; 
$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, Champaign, 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 Southeastern Ohio Development Corporation, Ohio for expansion of the Southeastern Ohio Regional Health Project; 
$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 in Cleveland, Ohio for the New 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 Educational Development Center at Klippelwood; 
$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 Neighborhoed Revitalization Initiative to improve housing opportunities, public safety/crime reduction, and “Gateway Center” facilities; 
$700,000 to Franklin County, Ohio for purchase of park land; 
$1,000,000 for Wellsville, Ohio for improvements to the near downtown historic district; 
$1,000,000 for the City of Dayton, Ohio for the revitalization of historic main street; 
$1,600,000 to the St. Francis Hospice 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 University of Cincinnati for improvements to the near downtown historic commercial district, and to leverage the potential of not-for-profit community and economic development partnerships; 
$150,000 to the City of El Reno, Oklahoma for development of a trolley system; 
$300,000 to the City of Oklahoma City for the Oklahoma City Community Development Corporation; 
$490,000 to the City of Bennington, Oklahoma for construction of a multipurpose building; 
$1,000,000 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; 
$380,000 to Dales, 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 to the Oregon Health Authority of Portland, Oregon to develop affordable housing; 
$35,000 to the Dormont Historical Society in Dormont, Pennsylvania for organizational support; 
$20,000 to the McKeesport Little Theater in McKeesport, Pennsylvania for facility renovations; 
$30,000 to the Senior Adult Activities Center of Montgomery, Pennsylvania for facility renovations; 
$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 15; 
$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 Millerton, Perry County, Pennsylvania for improvements to the Borough Municipal Building, which will allow the Borough to implement much needed 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; 
$100,000 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 Waynesboro, 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 operation of the former YMCA pool;  
$200,000 to the Urban Redevelopment Authority in conjunction with North Side 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 capital renovation needs;  
$240,000 to the Beaver County, Pennsylvania Corporation for Economic Development for the Riverfront Development Project;  
$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 Sunny Side Neighborhood Development Project;  
$250,000 to the City of Chester, Pennsylvania for revitalization of its waterfront;  
$250,000 to the County of Cambria, Pennsylvania for the construction of a garage and retail facility at the new hotel/convention center;  
$250,000 to the City of Williamsport, Lycoming County, Pennsylvania for infrastructure development for industrial expansion;  
$250,000 to the Good Shepherd School in Braddock, Pennsylvania for facility renovation;  
$250,000 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 rehabilitations 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 the City of Wilkes-Barre, Pennsylvania for housing and economic development efforts in northeast Pennsylvania;  
$400,000 to the City of Reading, Pennsylvania for 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;  
$400,000 to the City of Harrisburg, Pennsylvania for the CORRIDORone Regional Rail program of the Modern Transit Partnership in downtown Harrisburg, Pennsylvania;  
$400,000 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 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 the 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 interior 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 Journalism 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 Woosocket Fire Department in the Woosocket, 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 adult care 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;  
$1,000,000 for the City 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;  
$150,000 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;  
$460,000 to the Town of Indian River 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;  
$1,000,000 for the Sea Island Comprehensive Health Care Corporation, Inc., of Johns Island, South Carolina, for affordable housing and economic development;  
$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 Lestcher building;  
$400,000 for the City of Brookings, South Dakota, for renovations and rehabilitation for the historic Brookings Medical Center;  
$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;  
$300,000 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 construction 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;  
$150,000 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 renovations to the Old Abilene Stockyards; $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; $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 Willacoochee County Boys and Girls Club in Willacoochee 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 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 Hospital; $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 to 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 Pearlard 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 to 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; $150,000 to the Fort Worth, Virginia for a Workforce Training and Business Development Center on the Eastern Shore of Virginia; $200,000 to the Nelson Center in Lovington, Virginia for renovation and expansion of facilities; $150,000 to Winchester County, Virginia for the historic renovation of the Winchester County Courthouse; $175,000 to the Arlington Housing Corporation in Arlington, Virginia to improve and expand community; $500,000 to 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; $250,000 to the City of Chesapeake, Virginia for the redevelopment of Campostella Square; $250,000 to the Virginia Air and Space Center in Hampton, Virginia for expansion of facilities including the Aviation Gallery and the World’s Fairs Commerce; $250,000 to Edgehill Recovery Retreat Center, in Winchester, Virginia for facilities needs; $250,000 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; $400,000 to the Virginia Commonwealth University of Harrisonburg, Virginia for the University Commons project; $500,000 to the Glen Burnie Foundation to establish the Glen Burnie Museum of the Shenandoah Valley at Glen Burnie in Winchester, Virginia; $600,000 to the Arlington 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 Danville and Pittsylvania County, Virginia for the infrastructure improvements for the City/Country 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; $150,000 to the Vermont Housing Conservancy to cover the development 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 Poultney, Vermont for improvements to the Poultney library; $50,000 to the Nooksack Indian Tribe in Washington for expansion of the Youth Leaders Center for facility; $80,000 to the YWCA in Bremerton, Washington for facilities expansion; $90,000 to the City of Duval, 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 new water treatment plant 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 development project; $200,000 to Whitman College in Spokan, Washington for construction of the Regional Learning and Resource Center; $750,000 to Bates Technical College for upgrade of transmission equipment for KPTC-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; $50,000 to the City of Middleton, 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 Wisconsin for downtown revitalization efforts; $80,000 to the Ashland County Sheriff’s Department in Ashland, Wisconsin for an Ice Angler Contest; $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 Comunidad Unida in Wisconsin for construction of an alternative school for at risk students; $290,000 for Adams County, Wisconsin for the construction of an industrial park; $220,000 or the City of Beloit, Wisconsin for urban renewal activities; $220,000 to the Wausau Kayak/Canoe Corporation in Wausau, Wisconsin for course upgrade; $240,000 to St. Norbert College in De Pere, 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 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 Greenbriar 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; $705,000 to the Newell 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 to 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 Facilities; $2,450,000 to the Institute for Software Research, Inc. for operational and programmatic support and facilities needs; $3,960,000 to Steeler College in Shalerstown, 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 to Beckley, 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; $550,000 to the Teton County Housing Authority for 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 reiterate the direction included in the Conference 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 language included in the House report requiring HUD to conduct a detailed examination of HUD’s administrative oversight of CDBG and to inform State and local jurisdictions that people with disabilities must participate in developing the Consolidated Plan and to evaluate plans for such inclusion.

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The conferees reiterate language included in the Conference report requiring HUD to conduct a detailed examination of HUD’s administrative oversight of CDBG and to inform State and local jurisdictions that people with disabilities must participate in developing the Consolidated Plan and to evaluate plans for such inclusion.
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, housing patterns in the utilization of assistance, and document the effectiveness of the systems. The conferees believe that it is critical to develop an understanding of the homeless population and direct HUD to contract with experienced academic institutions to analyze the data and provide annual reports to the Committee.

The conferees expect that HUD staff field will oversee the implementation of homeless programs funded under this title. This oversight will include 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 population. Specifically, one-third of the homeless population are veterans, the conferees believe that increased coordination is necessary between the Departments 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 and recommendations 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 the data on contractual authorizations 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 Allocations that set aside 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 it as a separate account as proposed by the Senate. The House did not include funding for this account.

HOUSING PROGRAMS
HOUSING FOR SPECIAL POPULATIONS
(Approvision of Transfers of Funds)
Appropriates $1,021,151,000 for housing for special populations as proposed by the House instead of $1,001,005,000 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 and $100,000,000 is for additional operating expenses, $49,800,000 as proposed by the House; $50,000,000 is for conversion of eligible section 202 projects to assisted living as proposed by the Senate; 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 as proposed by 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 for the elderly from funds provided for section 202 conversions.

Includes $250,865,000 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, $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 continue their 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 and $5,000,000 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
(Approvision of Transfers 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 $13,366,000 for authorized activities under this account 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 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 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
(Approvision of Transfers of Funds)
Appropriates $336,700,000 for administrative expenses as proposed by the Senate instead of $330,888,000 as proposed by the Senate.

Transfers $332,676,000 of this amount to the salaries and expenses account as proposed by the Senate, instead of $326,896,000 as proposed by the Senate.

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 $150,000,000 from this account and the general and special risk insurance programs to augment the amounts to be transferred from each account.

GENERAL AND SPECIAL RISK PROGRAM ACCOUNT
(Approvision of 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 proposed by the Senate; and up to $6,919,000 for the section 221(d)(3) program;

$377,000 for the section 202 operating loss loans for apartments programs;

$2,977,000 for the section 2 property improvements program.

The conferees find that HUD’s funding for these programs 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. Instead, it is required 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 appropriate committees to ensure that the functions 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 both programs.

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 for the rental of 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 to the Housing and Urban Development Information Technology 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 to expedite utilization of dilapidated homes and the payment of demolition costs.

The conferees reiterate the recommendation included in the Senate report encouraging HUD to bundle and sell defaulted loans through public auction in non-Asset Control Areas.

The conferees agree to allocate funds as follows:

- $6,000,000 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 lead hazard control programs.
- $5,000,000 for grants to State and local governments, and Native American tribes, for lead-based paint abatement in private low-income housing.
- $5,000,000 for technical assistance and support to State and local government agencies.
- $10,000,000 for the Healthy Homes Initiative.

The conferees agree to allocate funds as follows:

- $50,000,000 for research and development and maintenance of information technology systems, instead of $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.

The conferees understand that most of the WCF increase requested for fiscal year 2002 is not included in the Senate report regarding the annual budget justifications submission.

The conferees reiterate the direction included in the Senate report requiring HUD to improve its approach to utilizing staff resources and reducing 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 also reiterate the direction included in the Senate report regarding HUD's efforts to address the defined chronicity perennially cited by the Inspector General and General Accounting Office (GAO). 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 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.

The conferees understand that most of the WCF increase requested for fiscal year 2002 is not included in the Senate report regarding the annual budget justifications submission.
for the planning and development activities related to the re-competition of the HUD Integrated Information Processing Service (IIPS) contract. This point little information has been provided about the appropriateness of using HUD’s plans for re-competition of IIPS and the costs associated with implementation of the IIPS re-competition. Therefore, it is expected to provide a comprehensive report on the status, strategy, status, and out-year funding requirements for IIPS 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 2001 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 Reform (OMHAR), the conferees are seriously concerned with the manner in which OMHAR is currently being managed. The conferees are desirous of learning that OMHAR, an office which has enjoyed a unique amount of autonomy in the management of its staffing and the allocation of its funds, is not being controlled nor directed. 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.

OPHEO’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 regulatory change. The appropriate resources will 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. The conferees direct HUD to submit a staffing plan to the Committees on the ability of this plan to improve oversight and management of HUD programs.

Does not include language proposed by the Senate relating to extension section 236 excess income eligibility. The House did not include a similar provision.

Does not include language proposed by the Senate extending section 229(c) 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 mortgage insurance on Hawaiian homelands. The Senate proposed 50% and the House proposed 50%. The Senate proposed the same changes with similar technical language differences related to implementation.

Includes language authorizing the Secretary to waive the 100 percent income 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 on 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.

Does not include language proposed by the Senate on 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.

Includes language requiring OMB to provide OMB’s Office of Management and Budget budget guidance to HUD.

The conferees direct HUD to work with PHAs and other housing residents to develop plans to protect victims of domestic violence from being discriminated against in receiving or maintaining public housing because of their status as victims. 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 status as victims.

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 $32,000,000 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 conference chamber on the American Battle Monuments Commission.
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 surrounding 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. 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 characteristics of 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.

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; $70,000,000 as proposed by the Senate. Of the amount appropriated, $2,500,000 is available until September 30, 2003 and $5,500,000 is available until September 30, 2002. (Sen.Rept. 106-363). The conferees expect this fiscal year which limits the number of career Senior Executive Service positions to three.

DEPARTMENT OF THE TREASURY
OFFICE OF INSPECTOR GENERAL

CLAIMS

7. $500,000 for the Consortium for Plant Biology.
6. $750,000 for the Geothermal Heat Pump Consortium.
5. $750,000 for the Integrated Public/Private Water Resource Capacity Development Project.
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.
3. $5,000,000 for the American Water Works Association Research Foundation;
2. $1,000,000 for the Water Environment Research Foundation;
1. $2,500,000 for EPSCoR;

The conferees have agreed to the following increases above the budget request:

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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 programs 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 eliminate $1,000,000 in funds for the School-Based and Community-Based Services Learning Programs. Of the amount appropriated, $2,500,000 is 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; $290,492,000 for AmeriCorps 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; $25,488,000 for quality care awards. Section 104(i) 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 for communities the five campuses currently in operation.

The conferees deleted without prejudice funds for the Veterans Mission for Youth Program as proposed by the Senate and agreed to not fund the Silver Scholarship Program. The conferees believe that the authorizing legislation should evaluate and legislate these programs in the overall consideration of the Corporation’s reauthorizations.

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 Committees. 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 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 Foundation; $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 to coordinate 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

SALARIES AND EXPENSES

Appropriates $13,221,000 for salaries and expenses as proposed by both the House and the Senate.

DEPARTMENT OF DEFENSE—CIVIL
CEREMONIAL EXPENSES, ARMY

SALARIES AND EXPENSES

Appropriates $2,500,000 for salaries and expenses as proposed by both the House and the Senate instead of $8,000,000 as proposed by 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 of activities or projects, 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 minor health studies and ongoing health effects study on the consumption of Great Lakes fish.

Finally, the conferees have agreed again 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 $598,000,000 for science and technology instead of $580,410,000 as proposed by the House and $665,672,000 as proposed by the Senate.

The conferees have agreed to the following:

1. $2,500,000 for EPSCoR;
2. $1,000,000 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. $1,500,000 for the Consortium for Plant Biotechnology Research; 
6. $750,000 for the Geothermal Heat Pump Consortium (GHP);
7. $1,000,000 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 on-board systems, including vehicles for the defense and for 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 coal-ash storage high groundwater table and dangers presented by liquefaction;
12. $750,000 to the City of San Bernardino Municipal Water Utility's Enhanced Reliability System of Improvements for water distribution and storage in San Bernardino, California;
13. $400,000 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 water storage system in the City of San Bernardino, California;
15. $750,000 to the City of Glendale, California for a conference 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 Dental Research Center for research on the relationship between indoor and outdoor pollution and the development and testing of respiratory devices;
18. $1,500,000 for the Connecticut River Airshed-Watershed Consortium;
19. $1,250,000 to the University of Miami in Florida for the Proctor Maple Research Center 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 between the University of Illinois 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 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. $1,250,000 for the Center for Air Toxic Metals at the Energy and Environmental Research Center;
30. $3,000,000 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. $750,000 for the Environmental Research 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 a study of hazardous environmental impact 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 River 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 training in 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. $550,000 for the Texas Institute for Applied Environmental Research at Tarleton State University;
46. $5,500,000 for 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 efforts;
49. $250,000 for acid rain research at the University of Kentucky;
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.
53. The conferences 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.
54. The conferences have agreed to provide $1,494,100 below the budget request level.
55. The conference to provide $1,000,000 from within available funds throughout the Science and Technology account, for the research, development, and validation of innovative 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 are designed in coordination with the Office of Pollution Prevention and Toxic Substances.
56. The conferences continue to support the partnership between the National Technology Transfer Center and the Agency to continue the cooperative agreement at the fiscal year 2001 level.
57. The conferences have agreed to provide $750,000 for the National Environmental Programs and Management initiatives.
58. The SIGMA program for environmental programs and management instead of $2,054,599,000 as proposed by the House and $2,061,996,200 as proposed by the Senate.
59. 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 NTBC;
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 107-71, along with EPA’s redirection of $987,700 in fiscal year 2001 EPM funds to the Chesapeake Bay Program for fiscal year 2002 will result in a total of $21,387,000 available in fiscal year 2002 for the Chesapeake Bay Program. This amount is $359,300 above the fiscal year 2001 level.
6. $857,600 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 $32,553,200.
58. The conferences 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 303 of the Clean 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 $2,590,000;
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, cleanup, and pollution prevention programs;
12. $500,000 for the Kenai River Center for continued research on watershed issues;
13. $2,054,511,000 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 Southeast Harbor education and monitoring project;
17. $1,500,000 for the Southeast Center for Environmental Research and Training;
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 develop:
20. $1,000,000 to the Gas Technology Institute for the Agricultural Mixed Waste Thermoderopolymerization BioRefining Project; to the Alabama Department of Environmental Management for the water and wastewater training program; 22. Sierra 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 Golden Gate Field tidal marsh wetlands monitoring and restoration project; 29. $500,000 for MTBE remedial activities in Santa Monica, California; 30. $750,000 to the University of Idaho to determine if a connection exists between elevated levels of illness in Northwest Florida and the levels of toxic pollutants in the area; 31. $500,000 to Columbus Water Works in the DoD site; 32. $250,000 to the City of Lake St. Louis, Missouri for the expansion of water treatment facilities; 33. $250,000 to Miami-Dade County, Florida for lead screening, testing, outreach education and abatement in the Liberty City neighborhood; 34. $500,000 to Miami-Dade County, Florida to expand the existing environmental education program; 35. $500,000 to the Southwest Water Management District 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. $500,000 to Columbus Water Works in Georgia for an Advanced Biosolids Flow-Through Thermophilic Treatment Process demonstration project; 38. $500,000 to 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 to the State of Hawaii and the Hawaii Island Economic Development Board to establish and implement a community development model for renewable resource projects, to be used in 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 sub-tropical agricultural production; 41. $500,000 for the State of Hawaii to promote the control of nuisance seaweed accumulations on the beaches of Kihel, 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 through the University of Northern Iowa; 44. $500,000 for the Center for Agricultural and Rural Development at Iowa State University for the Southern 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 quantify contaminants in drinking water; 47. $900,000 for the Environmental Bio-technology Institute at the University of Idaho to develop selenium control technologies; 48. $2,000,000 for the Courer d’Alene Basin Commission, established by the State of Idaho to carry out a 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, Centrals, Illinois counties to assess the implications of a water supply plan including engineering and design costs; 51. $500,000 to Purdue University in Indiana for the Contaminant Remediation Optimization Program; 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. $1,000,000 for the Lake Pontchartrain Basin Restoration Program; 55. $200,000 for a study of air quality in the Shreve-Boisier 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 George Counties, Maryland; 59. $500,000 for the Michigan Biotechnology Institute for development and demonstration of environmental cleanup technologies; 60. $500,000 for the American Farmland Trust to support the 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 Perque Creek Watershed; 63. $300,000 to Mecklenburg County, North Carolina for the development 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 wastewater infrastructure improvement 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 environmental study of the area’s sanitary sewer collection system; 70. $13,650 for the water quality monitoring program along the New Jersey-New York shore to identify a total maximum loading limit; 71. $1,500,000 to continue the sediment de- contamination technology demonstration in the New York Harbor area; 72. $100,000 for Fallon, Nevada, for arsenic removal technologies; 73. $750,000 to Alfred University, 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 South Shore 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 Water- shed to develop and test the use of emerging technologies in addressing the environmental and ecological problems caused by milfoil, waterchestnuts and other aquatic weeds; 79. $100,000 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 Conservation Program; 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. $200,000 for the U.S. 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 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. $500,000 to the Lake Washington Technical College—Redmond campus for the next phase of the environmental assessment of a DoD site; 90. $1,750,000 for the Green Bay Metropolitan Sanitary District in Wisconsin for a biosolids treatment demonstration project; 91. $900,000 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. $1,000,000 for the demonstration and implementation of the Potomac River Vision Initiative through the Friends of the Potomac; 94. $390,000 to the Polymer Alliance Zone’s MARCEE Initiative with oversight being provided by the Office of Solid Waste. The conference has also included an increased $4,000,000 for the 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 Superfund Reauthorization and Management accounts, bringing the Agency funding total for enforcement to slightly more than the fiscal year 2001 level. The conferees recognize that restoring these enforcement positions is the result of the increased personal 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. $2,097,300 from Direct Public Information and Activities;
3. $2,276,700 from Public Access programs;
4. $2,581,200 from Regional Management activities;
5. $2,096,400 from Reinvention programs;
6. $3,234,800 from Project XL; and
7. $1,290,200 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 believe 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 program. Also, to provide 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 Metropolitan Sewerage Districts 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 registration and Reimbursement programs. Further, up to $9,000,000 requested to support 87 FTEs in the re-registration program may be used to support tolerances activities. All language has again been included in title IV. General Provisions, prohibiting funds for use to promulgate a final regulation to implement 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 provide $1,500,000 from within available funds (other than those funds budgeted and provided specifically for registration, re-registration, and tolerance assessment activities) to integrate the current EPA system 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 Committee on Appropriations a detailed report on the results of this demonstration and any specific plans the Agency may have to expand this program.

The conferees have provided, also from within available funds, $2,000,000 for the Administrator to develop and carry out a lamp recycling program. In order to increase awareness of proper disposal methods among commercial and industrial users of energy efficient mercury-containing lamps, including compact fluorescent 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, and with others or other interests, or collectively through their trade associations.

The conferees have provided the full budget request for the Endocrine Disrupter Methods Validation Subcommittee (EDMVS) of the National Advisory Council for Environmental Protection and Health (NACEPH). The EDMVS will provide a means by which interested parties can participate to express their concerns and work to ensure a scientifically sound screening and testing of 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 note 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 effective- ness of their military capabilities through the extension of the service life of its batteries. In light of this success of the military, the conferees expect EPA to actively establish environmental and financial benefits that could be realized by encouraging government-wide use of pulse technology in the maintenance of the federal vehicle 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. 3620, the Administrator is directed to enter into an inter-agency agreement with other federal agencies and cooperative agreements with states, local governments and non-governmental organizations to achieve 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 House and Senate reports 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 a result of a report of the House in December 2000.

The conferees have agreed to the following fiscal year 2002 funding levels:
1. $910,070,000 for Superfund response and cleanup activities.
2. $139,436,000 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 (including EPA, and the USDA, FEMA, NOAA, the United States Coast Guard, and the Department of the Interior.

By a vote of 10-5, the conferees agreed 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 to children playing on and around CCA-treated wood playground equipment. 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.

The conferees are aware of significant and increasing water quantity problems along the Fox River watershed in Kane, McHenry, Lake, Kendall, DeKalb, and LaSalle Counties, Illinois. The conferees also available funding to initiate the development of aggregated watershed data, a watershed-wide Geographic Information System (GIS), overall watershed 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 for by the House.

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, $11,367,000 is available by transfer from the Office of Inspector General 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. Appropriates $36,891,000 for transfer to the Science and Technology account as a result of a report of the House in December 2000.

The conferees have agreed to the following fiscal year 2002 funding levels:
1. $910,070,000 for Superfund response and cleanup activities.
2. $139,436,000 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 (including EPA, and the USDA, 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 Removal 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 program and for the hazardous substance research centers be maintained for fiscal year 2002.

Once again this year, the conferees support the nation’s youth training program which recruits and trains young persons who live near hazardous waste sites or in communities at risk of exposure to contaminated propens with 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 $71,417,400 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 $3,732,376,000 for state and tribal assistance grants. Instead of $3,136,899,000 as proposed by the House and $3,603,015,900 as proposed by the Senate. Bill language as provided $1,356,000,000 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; $134,900,000 for cost-shared grants for construction of water and wastewater treatment facilities and infrastructure improvements for communities or other governmental entities within the United States; $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 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 shall be made available to a county or other governmental entity for the construction of a new colonia or infrastructure improvements for a colonia that recruits and trains young persons who live near hazardous waste sites or in communities at risk of exposure to contaminated propens with the environmental field.

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 Program shall be made available 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 use undesignated funds appropriated in prior years for specific water and wastewater grants approved for fiscal year 2002, but have not included any provision for 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 time is needed for the Agency to review and refine this proposal for inclusion in a future budget submission. The conferees note that this section 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 appropriated 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, is reserved 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 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 $3,000,000 above the budget request for section 108 assistance grants. $22,593,600 above the budget submission for section 106 water pollution grants and $5,000,000 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 non-point source pollution grants.

The conferees agree that the $345,900,000, together with unallocated funds made available for construction of water and wastewater treatment facilities and infrastructure improvements for communities or other governmental entities for the construction of water and wastewater treatment facilities and infrastructure and for ground water 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 establish an enforceable agreement 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 funds from wastewater infrastructure improvements for the Sawmll Cove Industrial Park; $500,000 to Tuscaloosa County, Alabama for countywide water and sewer facilities; $1,000,000 for the Southeast Alabama Regional Water Authority for a water facility project; $500,000 for Grant, Alabama for wastewater collection and treatment facilities; $1,000,000 for the City of Jackson, Alabama for water system improvements; $1,000,000 for Blount County, Alabama for a wastewater treatment and collection system; $1,000,000 to Rainsville, Alabama for a wastewater treatment facility upgrade and expansion; $500,000 to Arab, Alabama for sewer infrastructure improvements; $300,000 to Guin, Alabama for sewer infrastructure improvements; $250,000 to Franklin County, Alabama for sewer infrastructure improvements; $300,000 to Sumiton, Alabama for water system infrastructure improvements; $500,000 to Sardis City, Alabama for sewer infrastructure improvements; $900,000 to Shelby County, Alabama for wastewater infrastructure improvements; $2,500,000 to the Alabama Regional Water Authority for the Southwest Alabama Rural/Municipal Water System; $1,000,000 to the Town of Citronelle, Alabama South Alabama Utilities for water infrastructure improvements in Mobile County; $500,000 to the City of Jackson, Alabama for construction of a water treatment facility; $250,000 to the Town of Fulton, Alabama for wastewater infrastructure improvements; $500,000 to the Mobile County Water, Sewer and Fire Protection Authority for construction of new facilities and upgrades to existing facilities; $750,000 to the City of Brewton, Alabama for drainage infrastructure improvements; $1,000,000 to the City of Huntsville, Alabama for wastewater infrastructure improvements; $1,000,000 to the City of Tuscumbia, Alabama for drinking water infrastructure improvements; $500,000 to the Limestone County Water and Sewer Authority for drinking water infrastructure improvements; $500,000 to the West Morgan-East Lawrence Water Authority for drinking water infrastructure improvements; $115,000 to the City of Luverne, Alabama for water and wastewater infrastructure improvements; $1,000,000 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 contamination of the Sharp Creek 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. $375,000 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. $950,000 for the Placer County, California, wastewater treatment project;
41. $500,000 for Lake County, California, for the Clear Lake Basin 2000 project;
42. $200,000 for the Olivenhain, California drinking water project;
43. $500,000 for Oxnard, California, area drinking water infrastructure needs;
44. $500,000 to the City of Colton, California for storm drain improvements;
45. $500,000 to the Mission Springs Water District 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. $500,000 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 Business 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 Twentyline Palms, California;
55. $250,000 for the Warren Valley Basin Recharge project in Yucca Valley, California;
56. $500,000 for the Lower Owens River Project in Inyo County, California;
57. $250,000 for 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 address the water infrastructure needs of the City of Hesperia, California;
59. $350,000 for planning and design of a sewage treatment and water reclamation facility in Apple Valley, California;
60. $500,000 for environmental engineering and planning for construction of a regional water recycling facility in Victorville, California;
61. $485,000 to the City of Compton, California for the Willowbrook Water Main Infrastructure Improvement Project;
62. $675,000 to the City of Brea, California for wastewater infrastructure improvements;
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. $2,175,000 for the 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. $5,600,000 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 at the Orleans Parish, Louisiana, sanitary sewer inflow infiltration project;
136. $500,000 for East Baton Rouge Parish, Louisiana, water and sewer infrastructure needs;
137. $485,000 to the City of Denham Springs, Louisiana for wastewater infrastructure upgrades at the Livingston Parish sewer districts Nos. 1 and 2;
138. $900,000 to St. Charles Parish, Louisiana, for express noncompliance issues regarding Luling Oxidation Pond;
139. $200,000 to St. John the Baptist Parish, Louisiana for water and wastewater infrastructure improvements;
140. $900,000 to St. Bernard Parish, Louisiana for water and wastewater infrastructure improvements;
141. $1,000,000 to the City of New Iberia, Louisiana for water and wastewater infrastructure improvements;
142. $300,000 to St. James Parish, Louisiana for wastewater infrastructure improvements;
143. $200,000 to the Bayou Lafourche Freshwater District for drinking water improvement and water pipeline expansion project;
144. $100,000 to the City of Thibodaux, Louisiana for water and wastewater infrastructure improvements;
145. $2,000,000 for the City of Bridgeport, Massachusetts, combined sewer overflow projects;
146. $350,000 to the City of Lowell, Massachusetts for combined sewer overflow infrastructure support;
147. $485,000 to the Pioneer Valley Planning Commission for mitigation of combined sewer overflows at the Connecticut River;
148. $1,800,000 for biological nutrient removal upgrades at the City of Salisbury, Maryland, wastewater treatment plant;
149. $500,000 for biological nutrient removal upgrades at the Conococheague wastewater treatment plant, Washington County, Maryland;
150. $485,000 to the Hartford County, Maryland Division of Water and Sewer for a water and wastewater extension for the Oaklyn Manor and Longdale Road communities;
151. $900,000 to the City of Cambridge, Maryland for a Biological Nutrient Removal upgrade project and a combined sewer overflow project;
152. $2,000,000 for Vinhavien, Maine for wastewater infrastructure improvements;
153. $500,000 for the City of Calais, Maine to develop a safe drinking water system;
154. $3,000,000 for the City of Negaunee, Michigan, for wastewater treatment upgrades;
155. $1,000,000 for the Genesee County, Michigan, wastewater treatment project;
156. $900,000 to the City of Bad Axe, Michigan for regional wastewater infrastructure improvements;
157. $1,800,000 for continuation of the Rouge River National Wet Weather Demonstration Project;
158. $900,000 to the City of Grand Rapids, Michigan, for combined sewer overflow infrastructure improvements at the State of Michigan Pollutant Discharge Elimination System;
159. $875,000 to the Village of Almont, Michigan for mitigation of combined sewer overflows and sanitary sewer overflows into the north branch of the Clinton River;
160. $485,000 to the Detroit, Michigan Water and Sewerage Department for water and wastewater infrastructure improvements;
161. $2,175,000 to Oakland County, Michigan for infrastructure improvements within the George W. Kuhn Drainage District;
162. $1,500,000 to Farmington, Michigan to relieve a wastewater pipeline;
163. $1,000,000 for wastewater infrastructure needs of Minnesota's Mille Lacs regional wastewater treatment plant;
164. $2,000,000 for West Bottoms, Missouri, stormwater improvements;
165. $250,000 for wastewater treatment planning for the Metropolitan Sewer District, Missouri; and
166. $1,500,000 for the City of Lebanon, Missouri, for wastewater infrastructure improvements;
167. $500,000 for Bates County Commission, Missouri, to coordinate and implement efforts to assist local municipalities address their drinking water needs;
168. $1,500,000 for Camden County Missouri Public Waste Water facility for sewer and water improvements;
169. $750,000 for the City of Girard, Missouri, for waste water and sewer improvements;
170. $2,000,000 for the City of St. Louis, Missouri Metropolitan Sewer District for ongoing improvements;
171. $2,000,000 for the City of Kansas City, Missouri for Phase II stormwater sewer system in the Lee's Summit District;
172. $2,000,000 for the Table Rock Lake Wastewater Initiative in Missouri as a National Community Decentralized Demonstration Program;
173. $85,000 to the Clarence Cannon Wholesale Water Commission of Northeast Missouri for water infrastructure improvements;
174. $1,500,000 for Jefferson County, Mississippi for a water and sewer improvements project;
175. $3,000,000 for the City of Ocean Springs, Mississippi for wastewater improvements;
176. $900,000 to the City of Columbus, Mississippi for wastewater treatment infrastructure improvements;
177. $485,000 to the City of Jackson, Mississippi for water and wastewater infrastructure improvements;
178. $500,000 for the City of Picayune, Mississippi for water and wastewater infrastructure improvements;
179. $900,000 to the City of Tupelo, Mississippi for wastewater improvements;
180. $1,500,000 for Lewis and Clark County, Montana for a wastewater development project;
181. $200,000 for Deer Lodge, Montana, sewer infrastructure needs;
182. $500,000 for the Galen Campus sewer upgrade project in Anaconda, Montana;
183. $200,000 for the City of Florence, Montana, for wastewater treatment improvements;
215. $100,000 to the ACEquia Madre De Carmel of New Mexico for the creation of a community water system in the Community of Carmel, Tijeras, New Mexico;
216. $275,000 to 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 Water 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 Narrowburgh Water and Sewer District to replace two sand filter beds servicing the Town of Tusten, Sullivan County, New York;
223. $975,000 to the Town of East Fishkill, New York for drinking water infrastructure improvements;
224. $875,000 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. $1,000,000 to the Village of Antwerp, New York to develop a municipal water system;
229. $200,000 to the Village of Sloans, New York for water and wastewater infrastructure extension of water and wastewater infrastructure needs in the New York City watershed;
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. $485,000 to the Town of Oswego, New York for continued clean water improvements on Onondaga Lake, New York;
234. $1,500,000 to the Town of Oswego, New York for sewer wastewater improvements;
235. $2,000,000 for drinking water infrastructure needs in the New York City watershed;
236. $1,000,000 for water quality infrastructure improvements for Long Island Sound, New York;
237. $1,500,000 to the Cayuga County, New York for continued clean water improvements 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 Byerlyville, Ohio for the Byerlyville Water Treatment Plan;
240. $1,000,000 to 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 sewer 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 water 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 facility and combined sewer overflow improvements;
248. $750,000 to Fulton County, Ohio for the extension of public water and sewer lines to the Village of Pedrow 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 wastewater treatment plant infrastructure improvements;
252. $900,000 to the Northeast Ohio Regional Sewer District for the Doan Brook Watershed Area 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 treatment facility;
256. $485,000 to Defiance 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 Norman, Oklahoma for expansion of wastewater treatment facilities;
259. $1,000,000 for the Lower John Day River in Oregon for a water and wastewater treatment facility for the City of Madras;
260. $1,250,000 for the City of Portland, Oregon green 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 Cougarsport 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 area; and
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 sewage treatment plant;
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 Tittusville, 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. $185,000 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. $720,000 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. $235,000 to Narragansett Bay Commission, Rhode Island, for the combined sewer overflow project;
278. $500,000 to 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 to the Laurens, South Carolina, water and sewer commission;
282. $900,000 to the Laurens, South Carolina, City Utility Districts for to extend extension and relocation of waste 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. $925,000 to the City of Florence, South Carolina for the Pee Dee River surface water facility;
286. $2,000,000 to the Greenville Water System for South Carolina for infrastructure needs related to high levels of uranium in the water supply;
287. $900,000 to 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 to the City of Aberdeen, South Dakota, water and sewer infrastructure needs;
290. $335,000 to North Valley and Summer City Utility District for to extend extension and water service to Bledsoe County, Tennessee;
291. $200,000 to Sequoia 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 ground-water extraction treatment remedial project of $100,000 to Project;
297. $1,000,000 for Sandy, Utah for water and sewer infrastructure improvements;
298. $300,000 to the City of 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;
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303. $500,000 for the City of Norfolk, Virginia, to update wastewater pumping stations;
304. $700,000 for the Caroline County Dawn Sewer Authority in Bowling Green, Virginia;
305. $675,000 to Smyth County, Virginia for wastewater infrastructure improvements in the Abingdon Community Complex;
306. $1,800,000 to Prince William County, Virginia for water and wastewater infrastructure improvements;
307. $700,000 to the Town of South Boston, Virginia for the sanitary sewer overflow abatement project;
308. $250,000 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 in 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 project on projects to control combined sewer overflows polluting Four Mile Run Creek;
314. $495,000 to the County of Northampton, Virginia for wastewater treatment systems improvement and development;
315. $485,000 to the City of Norfolk, Virginia Utilities Department for upgrades to the drinking water distribution system in the Haynes Tract area;
316. $500,000 to the Government of the Virgin Islands for wastewater infrastructure improvements;
317. $2,500,000 for the Pownal, Vermont, wastewater treatment project;
318. $1,000,000 for East St. Johnsburg, 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 upgrade;
321. $1,800,000 to the City of Bremerton, Washington for the combined sewer overflow treatment plant;
322. $3,000,000 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. $1,000,000 to the Village of Marion City, Wisconsin for debt repayment on water and wastewater infrastructure;
327. $1,000,000 for the City of Brook, 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. $200,000 to the Ohio County PSD, West Virginia for water and sewer infrastructure needs in the West Liberty, West Virginia area;
330. $200,000 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. $162,000 for the National Corrections and Law Enforcement Training and Technology Assistance Center (NCLETTC) for water and sewer infrastructure needs;
334. $317,000 for the Barboursville Development Authority in West Virginia for water and sewer infrastructure needs;
335. $1,941,000 for the Mid-Atlantic Aerospace Complex (MAAC) for water and sewer infrastructure improvements.

The conferences expect the Agency to develop a broad working group to review and agree upon 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 containing all matters as outlined in the House Report as well as those additional issues determined appropriate by the working group.

ADMINISTRATIVE PROVISIONS

The conferences have included an administrative provision proposed by the House and the Senate that 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 developing federal environmental programs for tribes. Funds designated for State financial assistance agreements may not be used for such cooperative agreements.

The conferences have also included an administrative provision proposed by the House and modified by the conferences which authorizes the Administrator for fiscal year 2001 to establish a Pesticide Maintenance Program, including the collection of up to $17,000,000 for operation of the registration, re-registration, and tolerance assessment program.

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

Appropriates $5,267,000 as proposed by both the House and Senate. The conferences 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 conferences expect the President’s Science Advisor to address and resolve the matter by February 1, 2002.

COUNCIL ON ENVIRONMENTAL QUALITY

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 conferences have again included language which authorizes the CSA for fiscal year 2001 to establish the Council to operate with one member, that member serving as chairman of the Council. Language proposed by the Senate prohibits the Council from using funding other than those appropriated under this heading has not been included. In lieu of this statutory prohibition, the conferences direct that the Council, by a majority vote, shall designate an individual to serve as the Chair of the Agency, and that such individual shall be a member of the Council and that his or her term of service shall extend through the end of the fiscal year in which he or she was appointed.

Finally, language has been included which provides a representation agreement of up to $750 for the Chairman of the CEQ.

FEDERAL DEPARTMENT CORPORATION OFFICE OF INSPECTOR GENERAL

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 Federal Deposit Insurance Corporation Assessment, the Federal Home 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 TRANSFER OF FUNDS)

Appropriates $661,000,000 for disaster relief, instead of $1,389,399,000 as proposed by the House, and $359,399,000 as proposed by the Senate. In addition, appropriates $1,500,000 in contingent emergency funding for disaster relief instead of $1,300,000 as proposed by the House, and $950,000 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 conferences 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 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 conferences are aware that on March 1, 2001 FEMA issued its Clarification on SHMP Immediate Occupancy Requirement for using SHMP Funding to Seismically Upgrade Existing Buildings. This Clarification defined parameters for the determination of whether a building’s “occupancy” requirement in the Seismic Hazard Mitigation Program for Hospitals (the SHMP Program) would be met by a subgrantee. The conferences urge FEMA to recognize that prior to the announcement of the clarification, many subgrantees in the SHMP program worked diligently to move the program forward with their designs and construction in the belief that their plans met the defined immediate occupancy requirement in the SHMP Program. The conferences urge FEMA to work with those subgrantees to ensure no disruption in their design or building schedule as a result of this clarification.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

The conferences 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 $500,000 for the disaster assistance direct loan program account. The foregoing are the same as provided by both the House and 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.
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 (ONP) at FEMA. The conferees will entertain such funding in the future when it has had an opportunity to evaluate a comprehensive plan outlining FEMA and DHS’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 98-168. The conferees have included bill language which provides that up to five percent of the funds may be used for salaries and expenses of administration 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 readiness programs.

The conferees also expect states and localities to maintain their current level of funding support for local fire departments and companies. 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 allowable 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 simplifying the application and 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 assistance and implement and administer 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, information technology, and pedagogy to the core curriculum 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 (NTTCC) and FEMA and the public emphasis on the cooperative agreement at the current level of effort. Additionally, NTTCC shall submit a report no later than July 1, 2002 that outlines the current programs in the commercialization of technology and the cooperation between NTTCC 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 urge 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 Emergency Management Act of 1978 shall seek to delegate the work of the American Red Cross. Support shall include, but not be limited to the following: means of transportation; appropriate security and disaster site protection; 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 this 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.

RADILOGICAL EMERGENCY PREPAREDNESS

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 $139,892,000 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 $26,796,000, $76,381,000 for flood mitigation activities, a limitation of $55,000,000 for operating expenses and $40,000,000 for salaries and expenses 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 $150,000,000 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 to provide $2,500,000 to be used in this program shall be used to buy-out flood prone properties in Austin, Minnesota.

GENERAL SERVICES ADMINISTRATION

FEDERAL CONSUMER INFORMATION CENTER FUND
Appropriates $7,297,000 as proposed by both the House and Senate.

The conferees are very supportive of the Federal Consumer Information Center and strongly urge FEMA to continue operating the center with important information on government services and publications. The conferees are concerned that a change to the organization, and should not be subject to the current function or mission mandate of FCIC could potentially compromise the outstanding services that FCIC currently provides. Therefore, the conferees urge FEMA to continue providing this service for a limited period of time and consider the advisability of the current structure. The conferees are pleased that the conferees have included bill language which authorizes the National Flood Insurance Program through December 31, 2002. Both the House and Senate had agreed 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 to provide $2,500,000 to be used in this program shall be used to buy-out flood prone properties in Austin, Minnesota.
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 provide no less than $40,000,000 for the X-38 vehicle.

The conferees direct that no less than $237,000,000 be available for System Safety Upgrades, unless NASA outlines in a fiscal year 2002 Operating Plan adjustment, agreed to by the House and Senate Committee on Appropriations, realization 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 stated mission critical requirements for crew supportability; and (4) improve the system.

The conferees agree that further clarification on NASA’s shuttle upgrade program is required in order to determine 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 appropriation.

When the House and the Senate drafted their respective bills, the Administration had not provided budget details related 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 involved approximations 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 Committee, 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-on 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 an assessment of the probable cost-benefit ratios of those programs, compared with earthbound research which could be funded in lieu of research conducted in space.

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 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 Estimate is based on the ISS Operations Architecture (August 2000) both called for significant reductions in personnel associated with the program. Yet NASA and the ISS program management refused 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 within its means by administrators who cannot be reluctant to take this approach, but find that the intrusive management cannot be trusted to make the tough decisions on their own. The conferees support costs 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 to the direction being 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 get credit for the current investment in aeronautics. For this reason, the conferees direct NASA to reestablish a consolidated aeronautics and space (ATD) fund to be available to extra-mural entities in industry and academia through full and open competition, with the five-year profile for this competition specified in this fiscal year 2003 budget submission. NASA should proceed with the selection of Europa Orbiter (EO) mission to be sole sourced incrementally, provided that NASA Administrator certifies to the Committees on Appropriations of the House and the Senate in the fiscal year 2002 operating plan that such certification is essential to maintained said core capabilities. The conferees expect that in making any such determination, the Administrator will guarantee that there is a specific, demonstrable plan to ensure that sufficient core and focused program outer planetary Advanced Technology Development (ATD) funds will be available to extra-mural entities in industry and academia through full and open competition, with the five-year profile for this competition specified in this fiscal year 2003 budget submission. NASA should proceed with the selection of Europa science instruments as planned and shall cap the total EO program cost at $1,000,000,000 and expenditure rate (EAR) 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 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 CSOC and direct NASA to continue this effort by transferring no less than five percent of the non-critical positions back toward increasing this percentage in future years if warranted. In addition, the conferees transfer TMOD to the Office of 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 in the budget:

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-Atlantic Regional Spaceport 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 Aerospace Technology. The fiscal 2007 space propulsion augmentation and $9,000,000 is derived from the Office of Aerospace Technology in-space propulsion program. The funds from 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 and Space Physics. 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 Solar and Space Physics. NASA should consolidate management for this mission with its existing SEC/Living With a Star program in lieu of the proposed termination. 

7. An increase of $3,000,000 for the Earth Science program for Living With a Star (LWS) program for Solar and Space Physics. NASA should consolidate management for this mission with its existing SEC/Living With a Star program in lieu of the proposed termination. 

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 conference directs NASA to proceed with its plan for source selection, but the conference understands that 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 conference directs NASA to consolidate PKB development efforts within the Outer Planets line beginning in fiscal year 2008. 

The conferees have provided the budget request of $62,100,000 for advanced technology development at 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 delay a launch of NGST beyond the proposed fiscal year 2007 mission, the conference wishes 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 start 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 should proceed with the submission to the Committees on Appropriations of the House and Senate concurrently with the submission of the President’s fiscal year 2007 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 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 $355,450,000 to the budget request. 

The conference has 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 direct NASA to make such transfer as part of the operating plan to the extent such a transfer is needed. 

The conference agrees 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.

3. An increase of $5,750,000 for Earth University to research Chagas disease.

4. An increase of $1,450,000 for the development of machine/human-interface devices to provide advanced diagnosis and countermeasures at the University of Louisville.

5. An increase of $600,000 for the Center for Research and Training in gravitational biophysics at North Carolina State University.

6. An increase of $3,000,000 for the NSF Keck Centralized Research and Training at the University of Missouri.

7. An increase of $750,000 for the Clustering System Science whereby both the Solar Dynamics Observatory and the Geospace Missions Network will proceed in a coordinated manner. The conference program objectives for LWS and SEC program funds in 2002 should be used exclusively for relevant ATD, science support and spacecraft development activities. The conferees request the support of the program, apart from the standard de minimis facility requirements 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. 

8. An increase of $3,000,000 for the Center on Life in Extreme Environments at Montana State University.

9. An increase of $1,000,000 for the development of advanced materials for batteries and fuel cells, to be conducted by Virginia Commonwealth University. 

10. An increase of $30,000,000 for the Pluto Kuiper Belt (PKB) mission. The conference directs NASA to proceed with its plan for source selection, but the conference understands that 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 conference directs NASA to consolidate PKB development efforts within the Outer Planets line beginning in fiscal year 2008. 

The conferees have provided the budget request of $62,100,000 for advanced technology development at 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 delay a launch of NGST beyond the proposed fiscal year 2007 mission, the conference wishes 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 start 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 should proceed with the submission to the Committees on Appropriations of the House and Senate concurrently with the submission of the President’s fiscal year 2007 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 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 $355,450,000 to the budget request. 

The conference has 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 direct NASA to make such transfer as part of the operating plan to the extent such a transfer is needed. 

The conference agrees 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.

3. An increase of $5,750,000 for Earth University to research Chagas disease.

4. An increase of $1,450,000 for the development of machine/human-interface devices to provide advanced diagnosis and countermeasures at the University of Louisville.

5. An increase of $600,000 for the Center for Research and Training in gravitational biophysics at North Carolina State University.

6. An increase of $3,000,000 for the NSF Keck Centralized Research and Training at the University of Missouri.

7. An increase of $750,000 for the Clustering System Science whereby both the Solar Dynamics Observatory and the Geospace Missions Network will proceed in a coordinated manner. The conference program objectives for LWS and SEC program funds in 2002 should be used exclusively for relevant ATD, science support and spacecraft development activities. The conferees request the support of the program, apart from the standard de minimis facility requirements 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 $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 design modifications 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 the Triana program. 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 Earth Sciences budget toward the costs of necessary spacecraft modification and launch integration efforts to accomplish such a launch.

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 Syn-ergysat 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 capability.

15. An increase of $2,425,000 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 National Resource Training and Data Center.

17. An increase of $500,000 for the Morehead State University Space Science Center for...
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 Idaho Engineering Research program at Syracuse University.
21. An increase of $1,500,000 for Idaho State University for the Temporal Landscape Change Research program.
22. An increase of $1,200,000 for Utah State University to develop an Inter-Mountain Region Digital Image Archive and Processing Center for Landscape Analysis, Planning and Monitoring.
23. A general reduction of $17,205,000.

24. 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 $2,669,570,000 for aerospace programs, an increase of $17,053,000 from 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 Propulsion Systems Program, an increase of the 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 $1,700,000 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 Glenn Microsystem Initiative.
8. An increase of $2,850,000 for the Polymer Energy Storage System.
9. An increase of $475,000 for continued development of nickel metal hydride battery technology.
10. An increase of $1,300,000 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 network, $400,000 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 $2,000,000 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 $1,800,000 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 integrated lightweight sandwich materials and structural concepts.
20. An increase of $1,695,000 for the Dryden Flight Research Center Intelligent Flight Control System research project.
21. An increase of $5,000,000 for advanced composite materials for a super lightweight prototype structure and a generic carrier family orbital plane.
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 flight testbed at Kennedy Space Center and for APRIL to conduct an evaluation of the ability of 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. A decrease of $12,500,000 for NASA’s rotocraft program, including funding for the NASA-Army university centers component.
29. An increase of $2,500,000 for the Hubble Telescope Project, Composite Technology Institute at Bridgeport, West Virginia.
30. 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.
31. An increase of $2,000,000 for a study of NASA’s aeronautical test and evaluation facilities.
32. An increase of $2,000,000 for advanced research in opto-electronics at Montana State University.
33. An increase of $2,500,000 for the Delaware Aerospace Education Foundation in Kent County, Delaware.
34. An increase of $1,500,000 to the Stennis Space Center E-complex propulsion test facilities, of which $1,500,000 is for completion of the Test Operations Building.
35. 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.
36. An increase of $1,700,000 for the Independent Verification and Validation Facility in Fairmont, West Virginia.
37. An increase of $2,000,000 for non-destructive evaluation research at Iowa State University.
38. An increase of $1,000,000 for polymer research at Tulane University in New Orleans, Louisiana.
39. An increase of $2,000,000 for photonics research at the University of Maryland, Baltimore County.
40. An increase of $3,000,000 for nanotechnology programs at Purdue University.
41. An increase of $3,000,000 for the purchase of two upgraded jet engines which will allow for aerodynamic and propulsion research, and flight testing. NASA is directed to provide a long-range research and development plan for 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.
42. An increase of $1,500,000 for a visitor’s center at Langley Flight Research Center.
43. 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 support of the Committees on Appropriations of the House and Senate.
44. 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 capacities of ATC 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.
45. A decrease of $10,000,000 from the Space Launch Initiative.
46. A decrease of $10,000,000 from the V-22 Osprey program.
47. A decrease of $100,000,000 from the Space Launch Initiative.
48. A decrease of $100,000,000 from the V-22 Osprey program.

Academic Programs

Within the Academic programs portion of this account, the conferees recommend a total funding level of $201,500,000, a net increase of $77,110,000 to the budget request. The conferees agree that Lincoln and Cheney University 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 $500,000 for the Carl Sagan Discovery Science Center at the Children’s Hospital at Montefiore Medical Center to implement the educational programming for the Discovery 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 $500,000 for the Sci-Port Discovery Center at Shreveport, Louisiana.
7. An increase of $3,000,000 for the 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.
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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 $750,000 for academic and infrastructure needs at St. Thomas University in Miami, Florida.


15. An increase of $1,900,000 for the Von Braun Hands-on Science Center.


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 $1,500,000 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 North­east 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, Hau­waii.

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 $1,000,000 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 processes.

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 first year of construction.

40. An increase of $500,000 for the Southeast Missouri State University NASA Educator Resource Center.

41. Training of $1,000,000 for a Chal­lenger Learning Center in Ferguson/Florissant, Missouri.

42. An increase of $750,000 for the Science, Engineering, Math and Aerospace Academy programs in Dade County, Florida.

OFFICE OF INSPECTOR GENERAL

The conferees agree to appropriate $27,500,000 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 maintaining the science program at which time it will re-evaluate the foregoing prohibition.

NATIONAL CREDIT UNION ADMINISTRATION

CENTRAL LIQUIDITY FACILITY

(Including Transfer Among 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 this Consensus 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 funds were 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 support having 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 the National Credit Union Administration (NCUA) provide detailed budget justifica­tions for the loan program and technical as­sistance grants. 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 $3,938,340,000 for research and related activities instead of $3,662,340,000 as provided by the House and $3,947,340,000 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. $508,860,000 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. $315,800,000 for Computer and Informa­tion Science and Engineering. Up to $15,000,000 of the above level may be used for operational support of the two terasealce facilities.

3. $467,510,000 for Engineering. Of this amount, $451,650,000 for the IST Program.

4. $922,190,000 for Mathematical and Phys­i­cal Sciences. Of the appropriated amount, $80,000,000 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 continue its program of upgrading, on a priority basis, its astronomical facilities and equip­ment, including the Greenbank Observatory and Robert C. Byrd Green Bank Tele­scope, 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.

5. $168,300,000 for Social, Behavioral and Economic Sciences.

6. $1,758,700,000 for U.S. Polar Research Pro­grams.

7. $88,070,000 for U.S. Antarctic Logistical Support Activities.

8. $106,510,000 for Integrative Activities, in­cluding $4,000,000 for the Science and Tech­nology Policy Institute, $26,610,000 for the Social, Behavioral and Economic Sciences 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 sciences as well as nanotechnology facil­i­ties in physics and materials. The conference agreement also directs NSF to undertake a study to determine its appropriate role in support of regional importance initiatives.

The conferees have not included funds from within the NSF appropriation for maintain­ing the integrity of the Homestake Mine site in Lead, South Dakota, the NPSA is ap­propriated $3,514,881,000 as proposed by the Senate. The conferees have included bill language which provides up to $300,000,000 for polar research and operational 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:
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 multi-disciplinary programs which specify, other details, the funding level and justification for each program or project.

MAJOR RESEARCH EQUIPMENT AND FACILITIES

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. Includes $16,900,000 for the Large Hadron Collider; $24,400,000 for the Network for Earthquake Engineering Simulation; $35,000,000 for continued development, construction, and operation of the High-Performance Instrumented Airborne Platform for Environmental Research (HIAPER); $35,000,000 for Terascale Computing Systems; $55,000,000 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 with costs 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 program funding 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 costs of 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 April 2002.

The conferees have directed NSF to provide a report regarding the full life-cycle cost of MREFC projects or facilities funded through this account since its inception. The conferences have taken the unusual step of including this statutory requirement due to its concern about 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; operations, maintenance; and representation expenses. 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 a formal budget submission to the Congress, a detailed priority-based description, multi-year budget, and milestone plan for all projects funded or proposed through the MREFC account, including those projects currently in the formal planning and development phase prior to National Science Board approval.

The conferees applaud the efforts 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, including $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 continue to support, within the Research and Related Activities account for research to be conducted at EPSCoR institutions, the total NSF EPSCoR effort to $124,000,000.

2. $228,000,000 for the Louis Stokes Alliances for Minority Participation program.

3. $17,000,000 for the HBCU Undergraduate Program.

4. $150,000,000 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. 1588 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, technology, 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. $2,800,000 above the budget request for the Math and Science Partnership subactivity has been provided to establish an initiative that will stimulate the competitive research capacity of Historically Black Colleges and Universities and other doctoral institutions.

10. $1,000,000 as proposed by the Senate.

Salaries and expenses as proposed by both the House and the Senate. The conferees agree to provide $750 in lieu of $500 as proposed by the House and $1,000 as proposed by the Senate.

SELECTIVE SERVICE SYSTEM

Salaries and expenses Appropriates $25,003,000 for salaries and expenses as proposed by both the House and the Senate.

TRICARE

Revises twenty general provisions as 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 VA from using funds to implement the TRICARE fee schedule, as defined in 38 U.S.C. 1701 note, in 49 CFR subpart U if the authority to collect fees authorized in FFIRA is extended for one year beyond September 30, 2001.

Retains language proposed by the House prohibiting VA from using funds to implement the TRICARE fee schedule, as defined in 38 U.S.C. 1701 note, in 49 CFR subpart U if the authority to collect fees authorized in FFIRA is extended for one year beyond September 30, 2001.

Retains language proposed by the House prohibiting VA from using funds to implement the program requirement that military personnel must notify their civilian employers, in writing, 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 such regulations which are needed to 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 such regulations which are needed to TRICARE’s health care system.

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 the flexibility for the small communities to receive additional time to reach compliance. As a result, the conferees are very concerned that the small community 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 effect, 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 requirements to 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 believe that the Agency should be given authority 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 Agency’s 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 such a 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.

Deletes language proposed by the Senate prohibiting funds to be used to implement or enforce the火箭 price control provisions of title II of the United States Housing Act of 1937 except for residents of projects funded under the Village 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 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 extinguished, and will burn vigorously in return, with the words of Roosevelt that “We have nothing to fear but fear itself.” They are in every sense of the
Mr. STRICKLAND. Madam Speaker, today 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 my time over to him. I yield 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 in front of 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 coming back from traveling 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 do what we need to do to give us the best security.

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. It is a time to do what we need to do.

Wreaths will be placed at memorials tonight we are gathered to discuss a sense of Remembrance and in firm resolve. When Members are back in their districts for Memorial Day on Wednesday, 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 would respond 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.

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The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (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. 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 on the Mexican border, they are doing a good job. But I am 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. Those Customs workers, because they are answerable to the President, they were able to catch some people by asking where are you headed and who 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 were people with criminal records 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 able to get access to 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 baggage 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 colleagues here, including the gentleman from California (Ms. WOOLSEY), and I yield to the gentleman.

Ms. WOOLSEY. Madam Speaker, I thank the gentleman for yielding me this time and putting together this Special Order on that. 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 passed 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. Thus far we passed a weak 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 are needed.

Mr. STRICKLAND. Madam Speaker, we had quite a heated debate last week about two competing approaches. One would federalize our airline security workforce, and the traveling public would know that 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 gentleman 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 ‘Protections for Flyers.’” That is the opinion of USA Today.

After the Senate passed a bipartisan bill 100 to nothing, and as the gentleman 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 bipartisanism. 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 up the Senate version this week. If the Senate passes that legislation, 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 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. I would be 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, as a result, their CEOs 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 do 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.

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 civil libertarian's view 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 reason 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 air safety. This is law enforcement legislation. 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 bids, cut thin law enforcement budgets. That is the reason that private contractors provide this service. They would have bells and whistles on, people, they would be on their toes and since September 11, when you would have access to that information with people that you might not be able to have total confidence in. Unfortunately, these contractors have shown nothing but some thing akin to a Keystone Kops approach to air safety. This is law enforcement legislation.

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, 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? 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 being a punitive failure of congressional responsibility, because our agencies have been too, to some degree, sent lobbyists up to their friends in Congress and 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. This was the exact flaw of 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 primary 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 we contract out the 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 Congress chose 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 the same manner that 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

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 detected by 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 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 clunker because it does not match Americans' expectations that we have a law enforcement security issues that we have. It is the same with firefighters and police.

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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 on their front line, if you have a Stinger missile 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. 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. I am extremely disappointed because I have talked 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. This was the exact flaw of this bill that passed the Senate 100 to nothing, totally bipartisan, because they are trying to save their contracts and their potential profits.

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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 local economy, in the entire Rocky Mountain West of all of the States’ economies that make up the Rocky Mountain West. We have seen a fall-off of about 30 percent in flights, in concessionaire revenue and local taxes. If we do not have security 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 should 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 have put in place 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 the approach. 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.

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 operate 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.

Mr. UDALL of Colorado. If the gentleman will yield, 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 children but to the rest of the American people 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 bringing 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 come to understand 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, if this bill has bipartisan support. This is
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 will yield for another minute, I want to thank my colleague from California (Ms. WOOLSEY) for her position; a very 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 screened is not perfect. 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 bags 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 how is it that 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 personal ticket counter person says to me, sir, we would like for you to take your bag and walk down this corridor until you come to the first cross-over, turn to your left, go to the next main corridor, turn to your left, and you will see the machine, one of the CTX machines, $1 million machine, you will see one of those machines over on your right, and they will screen your bag for you.

Now, that is absolutely absurd. Am. person courageous enough to place 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. But how is it that they have asked me to have my bags screened.

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 are 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 that we need to get through the Republican proposition in our legislation last week.

Mr. STRICKLAND. I 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 Colorado who had weathered 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 getting them through security. It is better to have a system that that is going to be better to protect our country.

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 my ticket to know 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 in 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.

Mr. STRICKLAND. 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 information our bill of $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 sufficiently addressed.

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 on the House side, Rep. Waxman and Rep. Goodlatte, 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. It is 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 not 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.

The second thing 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 shove 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 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 be accomplished if we 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. What is likely. 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 bill requiring the 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 we go 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 conference 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 planes 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 take 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 and in the national 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 doing nothing about the security issue that is going to 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 system. 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 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," and what they are not actually talking about is, 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 closed to the Senate 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 box 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. 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.

I do it twice a week. My family periodically joins me out here. My sons, because my daughters-in-law and 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, we are really surrendering to those other organizations that we are, in fact, doing that, is because nobody 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. 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 anyway than it is to fire even one Federal employee.

What 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, those incompetent private employees found the two knives initially and took them away. That is the point 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.

Thinking 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
Member 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联邦 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 would have been impossible; 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 better system, between improved standards, and improved process 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 so 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 a person. It is not as if 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 be good 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 know I actually, do not go look. We are moving closer, they are 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 worked for.

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 doing what other countries do, 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 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. Some people seem to have, they 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, but 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 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 airports to hire any contractor 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 many others. That is 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 psyche of 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 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 and 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.

This has been said with aghast, taken aback, 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 that were prevented from being done 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 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, we may know where they live, but we do not know 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 mountains, 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 marks since the tragedy in New York and Pennsylvania; and yet I have seen not one single 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 honestly 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 should be Federal employees, 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 Americans, 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 but merely 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 what Mr. Speaker, Mr. Speaker, if we 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 imper-
vious?

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 peo-
ple who came into the United States il-
legally, we must be able to go and find them with a visa status that we gave them but did not monitor, and they perpetrate an-
other event of a similar nature, I sug-
gest, Mr. Speaker, that we are not just going to be held to be irresponsible as a Congress, but we may go up 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 pres-
ently exists. We are the only people, this Congress is the only thing that can act. We cannot expect States to actu-
ally 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 tag that is sure. And I 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 be-
cause of economic implications. The fact is that it is true. There are powerful interests who are here legally but 1B visa
者 staying here. They would not be here if they were not supposed to be here. They are fine people looking to
work, people who can operate in this capacity as a computer pro-
grammer or whatever and people with various other skills who are looking for work.

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 the H-1B. I say to the Mr. Speak-
er, 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 here. It is true, Mr. Speaker, but if we remove them, or even come here legally with a visa status to work for less than an American worker to do the same job.

And I say that with the recognition that there are people in the United States, known individuals are unem-
ployed and unemployed because an H-
1B visa holder took his or her job, took a job that those people would be quali-
fied 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 Libertar-
ians 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 ease 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 Sep-
tember 11.

The idea that American citizens who need and want jobs should be kept from being here as an H-1B visa holder is, I think, unconscion-
able. 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 es-
pecially, that some of these H-1B hold-
ers 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 to the United States, the 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 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 in other cases, take 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 orga-
nization 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 Na-
ton, about the impact of massive im-
migration on the overall course of the Nation, and certainly not concerned about the fact that American workers are being displaced by H-1B visa hold-
ers.

Why do we still have H-1B visa hold-
ers in light of the fact that there has been a significant turndown in the econ-
omy? For one reason, Mr. Speaker, because this body is known to have passed bills that would do away with them. There are powerful interests who want the H-1B visa status to be ex-
panded, certainly maintained, because they get many workers here at a lower price than they can hire American workers. That is not true. I wish it were not true, but it is true.

And it is actually totally understand-
able, 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 Amer-
ica. 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 com-
peting with people who have been brought into the country, albeit good people.

I do not suggest for a moment be-
cause someone is here as an H-1B visa holder that they are individ-
ual. That is absolutely not true and irre-
levant. 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 un-
employed 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 pre-
dict. We did not even get a hearing. Mr. Speaker. My bill to put a morato-
rion on the delivery 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 these capabilities, 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 Nation begins with the defense 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 say that someone 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 that 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 stop there? 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 accept that tightening 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 shrew their shoulders. I do not know. Gee, we are afraid of the INS and we 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.’’

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 not 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 or more parts 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, and which line 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: 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 consequences 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. Republicans and Democrats both 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, 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.R. 1 or di-Bs or di-Ms or 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.

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 speech. The gentleman from California (Mr. HUNTER) is recognized for 60 minutes.

Mr. Speaker, on 9-11, 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. That 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 huge heart, 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. That was the only land of Jerry Williams. He was a rancher. He was a farmer. He was a businessman extraordinaire. 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 their community.

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 goodness and people who make business deals by shaking your hand, not by bringing in a troop of lawyers. That was Jerry Williams.

He and his wife, Nancy, were great Westerners. Jerry was a rancher. He passed away. Jerry Williams was one of those great Western ranchers that no longer exist. 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 their community.

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 Daniele Ortega, who at one time was the leader of 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.
Balansan won a fairly convincing victory, but it is not just the victory of Mr. Balansan 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. This was 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.

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 good 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 he was so close and he 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 of 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, a bomber and a reconnaissance 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 death and take them through the pain that 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 Bob for being the 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 Langren 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 as anybody else, and the 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 the 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 was re-elected 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 very few Central American free fighters, Bob was there.

And now we have free elections in Nicaragua, but not only just Nicaragua. Had we not had those freedom fighters overseas but he was for our freedom fighters here at home.

When I was in the White House, 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, Mr. Dornan never had an office. He always had a command center.

Mr. ROHRABACHER. He certainly did. I was looking back in my photos and 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.

Mr. ROHRABACHER. Mr. Speaker, I would love to yield to my good friend, Mr. Hunter.
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Mr. HUNTER. That is true. Bob Dornan, I think, went to more States for George Bush than anybody else.

Mr. ROHRABACHER. Except George Bush.

Mr. HUNTER. 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 had 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 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 person was so helpful on space 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 made national security history. That is the period of time when we have finally made a mystery 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 Congressmen.

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 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 I did, 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 so did I, but the rest of our Members did not.

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 knew 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 fought 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 we have prosecuted, of course, for trying to smuggle these weapons onto the airplane, he should never have been here at all.

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 rest of us.

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 being developed by various individual countries around the world. It is not that dozens of countries are not making these missiles, which are being covered by this chart, to reach countries covering large distances, meaning a number of them can now reach the United States from various locations around the world.
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, 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 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 countermeasures. We defended ourselves against machine guns. We defended ourselves against aircraft. We came up with a technological countermeasure 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 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 itself, builds 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, our two countries are 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 they do not 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, the Clinton administration, had 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 side is not going to be 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 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 9/11, 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 might have a tiny 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 small military.

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 those development models, they used them. The same thing with aircraft and artillery. So like 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 people who believe 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. The gentleman is looking 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 interceptor missile from Kwajalein Island at that incoming target missile. When they hit, they do not hit, but they do go 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 transparent 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 Kadin, who heads up the Ballistic Missile Defense Office, said was, okay, let us do
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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 acoustics. 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.

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.

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 in 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 important 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 of 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 lifetime. 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 Congressman” 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. The strength that he brought to our country.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders herebefore entered, was granted to:

Mr. BURTON of Indiana (at the request of Mr. ARMETY) for today and the balance of the week on account of illness in the family.

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. 107–145); to the Committee on Appropriations and ordered to be printed.


4516. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency’s final rule—Contingency Air Quality State 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.


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 Non-Road Large Spark-Ignition Engine rule for the HGA and Dallas/Fort Worth (DFW) Ozone Nonattainment Areas [TX–194–4–7095; FRL–7095–9] 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.


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 Programs; California, City of San Diego, and Imperial County [CA–T5–2001–01; FRL–7091–1] 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 Final 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 Final Full Approval of Partial Operating Permit Program; 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; Designation of East Kern County Non-attainment Area and Extension of Attainment Date; California; Ozone [CA–055–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 [DVA–003; FRL–7091–1] received October 26, 2001, pursuant to 36 U.S.C. 901 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. TAUSIN: 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 biological agents and toxins, to establish a prioritization of cable television system privacy requirements to new cable services, to strengthen security at certain nuclear facilities, and for other purposes (Rept. 107–235 Pt. 2).

Mrs. MYRICK: Committee on Rules. House Resolution 276. Resolution providing for consideration of the bill (H.R. 3137) 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. 3180. 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. GALLEGO:

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 may be involved, and then to 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. Shuc- ker, and Mr. Visclosky):

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. Cleaver, Mr. Ewing, Mr. Gekas, Mr. Geukens, Mr. LaFalce, Mr. Wilson of Utah, Mr. Young of Alaska, Mr. Young of Ohio, Mr. Young of Pennsylvania, Mr. Wolf, Mr. Wurzelbacher, and Ms. Vanden Hove of New York):

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. 3237: 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. 3819: A bill to permit a dependent of a Federal employee who is currently enrolled in the Department of Defense dependent elementary and secondary school system to continue such enrollment until graduation from secondary school; to the Committee on Armed Services.

By Mr. DESCALZO:
H.R. 2234: A bill to authorize the Secretary of Health and Human Services to provide for the registration and the Workforce.

By Mr. LIEBERT:
H.R. 3234: A bill to promote the engagement of young Americans in the democratic process through civic education in classroom student 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 and the Workforce.

By Mr. BROWN 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 student-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. LINDBERG, Mr. Lewis of Georgia, and Mr. BONNIE):
H.R. 3237: A bill to establish the Arabia Mountain National Heritage Area in the State of Georgia for other purposes; to the Committee on Resources.

By Mr. STARK (for himself, Mr. LETOURNEAU, Mr. Rangel, Mr. BARRIGA, Mr. FLORES, Mr. POMENZOA, 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. LIEK, Mr. WEINER, Mr. BRADY of Pennsylvania, Mr. CONYERS, Ms. PELOSI, Ms. EDDIE BRUNCH JOHNSON, Mr. CHRISTOPHER COOKE, Ms. ROYBAL-ALLARD, Mr. GEORGE MILLER of California, Mr. FRANK, and Mr. MCDERMOTT):
H.R. 3236: 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. THORNBERY (for himself, Mrs. WILSON, Mr. NORWOOD, and Mr. CONYERS):
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.R. 3237: 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. VISCHER, Mr. QUINN, Mr. ERBOLL, Ms. JONES of Ohio, Mr. NEY, Mr. STUPAK, Mr. GEKAS, Mr. EVANS, Mr. SPRATT, Mr. DINGELL, Mr. BERRY, Mr. HOUCHT, Mrs. MYRICK, Mr. SHIMEK, Mr. CALLAHAN, Mr. DOYLE, and Mr. BROWN of Ohio):
H.R. 3238: A 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; to the Committee on Ways and Means.

By Mr. JACKSON of Illinois:
H.R. 3239: A 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; to the Committee on Ways and Means.

By Mr. BROWN of Ohio:
H.R. 3240: A resolution 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. CHENSHAW.
H.R. 230: Mr. FORD.
H.R. 265: Mr. ANDREWS and Ms. LEE.
H.R. 303: Ms. MILLER-McDONALD and Mr. WELLER.
H.R. 450: Mr. FARR of California.
H.R. 510: Mr. TANNER and Ms. HARMAN.
H.R. 531: Ms. PELOSI.
H.R. 536: Mr. MOORE.
H.R. 694: Mr. FARR of California and Ms. DeLAURO.
H.R. 782: Mr. ERHLLICH, Mr. OWENS, Mr. DUNCAN, Mr. KENNEDY of Rhode Island, Ms. LEE, and Mr. NEY.
H.R. 899: Ms. ESHOO and Mr. GONZALEZ.
H.R. 910: Mr. THOMPSON of California.
H.R. 921: Mr. RYUN of Kansas.
H.R. 929: Ms. LEWIS of North Carolina.
H.R. 961: Mr. GIBSONs and Mr. COMERST.
H.R. 1043: Mr. DAVIS of Illinois.
H.R. 1097: Mr. DAVIS of Illinois and Mr. MATHISON.
H.R. 1129: Mr. WAXMAN.
H.R. 1158: Mr. UDAILL of Colorado.
H.R. 1212: Mr. RILEY, Mr. CHAMBLISS, and Mr. GEKAS.
H.R. 1307: Mr. RAHL.
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. FLEETCHER, Mr. SHERMAN, Ms. WATERS, Mr. SHUSTER, Mr. ETHERIDGE, and Mr. SHER.
H. Con. Res. 211: Mr. Sanders.
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. Hillery, Mr. Upton, Ms. Ros-Lehtinen, Mr. Leach, Ms. Pryce of Ohio, Mr. Portman, Mr. Hokenstena, Mr. McCrery, Mr. Lewis of Kentucky, Mr. English, Mr. Camp, Mr. Krins, 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. Shimeus, Mr. Schrock, Mr. Tausin, Mr. Tiahrt, Mr. Hayes, Mr. Boswell, Ms. Millender-McDonald, Mrs. Clayton, Ms. Lowrey, 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. Hoefel and Mr. Toomry.

H. Con. Res. 217: Mr. Sanders.
H. Con. Res. 231: 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. Hillery, Mr. Upton, Ms. Ros-Lehtinen, Mr. Leach, Ms. Pryce of Ohio, Mr. Portman, Mr. Hokenstena, Mr. McCrery, Mr. Lewis of Kentucky, Mr. English, Mr. Camp, Mr. Krins, 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. Shimeus, Mr. Schrock, Mr. Tausin, Mr. Tiahrt, Mr. Hayes, Mr. Boswell, Ms. Millender-McDonald, Mrs. Clayton, Ms. Lowrey, 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. Hoefel and Mr. Toomry.

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. 981: 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.
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.

ASSIGNMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,

To the Senate:

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

Robert C. Byrd, President pro tempore.

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

RECOGNITION OF THE 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.

Grimm 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...
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 bureaucrats 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 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.

Mr. WARNER. Madam President, 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.

Mr. MURKOWSKI. Madam President, this is one principle, not labor-management principles but principles of constitutional proportions.

Mr. DASCHLE. I yield 3 minutes to the National League of Cities: ... 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 impose collective bargaining procedures and practices 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. It 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 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. It has always been, not to preempt it by a Federal statute.

I urge my colleagues to vote no on cloture.

Mr. DASCHLE. I yield 3 minutes to the Daschle Amendment. This bill says we will exempt small communities. Some people have estimated 26 to 30 States don’t comply. The National Conference of State Legislatures said it well. Leave this area of jurisdiction to the States. It has always been, not to preempt it by a Federal statute.

I urge my colleagues to vote no on cloture.

Mr. WARNER. Madam President, I think it is clear from the recent decision of the Supreme Court that the Commerce clause can be satisfied with the previously quoted finding, then there is absolutely no area where the Federal Government can preempt States.

Because this amendment clearly contravenes the Constitution, I have decided that I will not vote to invoke cloture.

Mr. MURKOWSKI. Madam President, it has been nearly a week that the Senate has been tied up over the majority leader’s amendments 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. There is very much support the right of Alaska police, fire and emergency service personnel to unionize.

So 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.

Mr. WARNER. Madam President, I urge you to oppose the Daschle Amendment as currently written that would insert the language of [this bill].

Mr. DASCHLE. I yield 3 minutes to the Daschle Amendment. This amendment does not pass the laugh test when it comes to constitutionality. If the standard of the Commerce clause is alive and well and that Congress should be legislating in areas that have real impacts on interstate and intrastate commerce.

Mr. WARNER. Madam President, I urge you to oppose the Daschle Amendment as currently written that would insert the language of [this bill].

Mr. MURKOWSKI. Madam President, it has been nearly a week that the Senate has been tied up over the majority leader’s amendments 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. There is very much support the right of Alaska police, fire and emergency service personnel to unionize.

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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 sponsored 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 increasing threat of 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 and emergency response 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 VOTING 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 interfere with local labor decisions by firing workers and making them arbitrable. The Daschle amendment 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, distracts us from moving our bill 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.

There 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 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 think 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 really 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 what we are going to do for 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.

This 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 341 unionized firefighters and paramedics who died trying to save the lives of people at the World Trade Center. Tell that to the 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 them and their families 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, the men and women 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:

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.


The ACTING PRESIDENT pro tempore. By unanimous consent, the mandator 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:

(Roll Call Vote No. 323 Lens.)

YEAS—56

Akaka—Doyon
Baucus—Durbin
Biden—Finkgold
Bingaman—Finnstein
Boxer—Finnstein
Breaux—Graham
Cantwell—Gregg
Carnahan—Harkin
Carper—Inouye
Cleland—Jeffords
Collins—Kennedy
Conrad—Kerry
Daschle—Landrieu
DeWine—Levin
Dodd—Lieberman
November 6, 2001

CONGRESSIONAL RECORD—SENATE

S11453

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 closure on the Daschle amendment (SA 2044) because it would have further delayed the already backlogged fiscal year 2001 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 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. 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 voluntary 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 increase 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 had requested 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 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 this 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 and I understand 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 the final 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 necessary money. As the authorizer for the President’s agenda for the重塑 of our schools, I look forward to working with Senator HARKIN and my other colleagues on the ESEA conference committee to fully-fund IDEA, 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, we have 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 fund boost raised that number to 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 assistance that 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 applaud 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. I hope we will 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 any of the $3.5 million in fiscal year 2001. I especially thank the Chair for his support in that endeavor.

Local homeless education programs use these funds to help homeless children enroll, attend, and succeed in school.
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 texts, and even shoes, clothing, and hygiene supplies; offering tutoring services for homeless children at shelters and other locations; and much more. If we fail to imagine 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 in Washington, which 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 attainment of that dream is the most effective way to expand opportunities for more disadvantaged students to get a college degree. In the information economy of the 21st century we cannot leave children behind by denying them access to education. I know 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 childcare is 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 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 $1.58 billion for the Dislocated Worker Employment and Training Activities. This is an increase of nearly $1.14 billion 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 massive layoffs. Workers from its commercial airframe business, which is headquartered in Washington, That is 30 percent of their workforce. Many other industries have announced massive layoffs. Those who are employed will be looking for 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 the responsibilities of the CDC’s response activities. 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 screenings and 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 fiscal year 2001. While this bill makes a lot of progress on health care issues, I am deeply disappointed that this bill fails short of our commitment to the Community Access Program. CAP, which helps communities reach 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 communities. 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 $206 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’s request. Finally, as any advocate can tell you, our country doesn’t have enough shelter and 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 2001 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 time for us to attempt Medicaid reimbursement to the States.

I am pleased that this bill continues our investment in the programs that many senior citizens and their families
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. This bill is 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 bill, NIH funded research 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 medical advances 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 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 and assist individuals suffering from Alzheimer’s disease and Alzheimer’s disease. 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 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 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. 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 Conference 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 many important civil rights 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 continue to rise 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 want to thank the Ranking Member, Senator BINGHAM, 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 development and testing of nuclear weapons 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 could receive compensation from 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 for use 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 programs. I have this amendment, 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. We would also provide 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 other categories 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 BINGMAN, 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 due to radiation exposure. We have lost fathers, mothers, sisters, and brothers due to radiation exposure. We have lost fathers, mothers, sisters, and brothers due to radiation exposure. We have lost fathers, mothers, sisters, and brothers due to radiation exposure. We have lost fathers, mothers, sisters, and brothers due to radiation exposure. We have lost fathers, mothers, sisters, and brothers due to radiation exposure. We have lost fathers, mothers, sisters, and brothers due to radiation exposure. We have lost fathers, mothers, sisters, and brothers due to radiation exposure. We have lost fathers, mothers, sisters, and brothers due to radiation exposure.

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 RECA. 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. As a matter of defining scope, I am joined by my colleague from West Virginia, Senator ROCKEFELLER, and I introduced a bill to authorize 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 bill.

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 the chance to live; children who, for 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, 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, there are only 150 children in foster care. 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 effort of defining scope 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 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. But as long as the threat remains, as it is now, we must ensure that this vital program is adequately funded. This is particularly true for children suffering from abuse and neglect. 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 limits 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 $5,000 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 is 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.

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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 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 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 resources so we can better 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 problems. In addition to funding for 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—to see increased 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 special interests which thwarts the taxpayer dollars to locality-specific curbing our habit of directing hard-earned money our defense programs to programs to which we do not wish funds to be available to more students in Georgia;

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 Northwest and Islands Regional Educational Laboratory at Brown University to run a Website called Knowledge Loom;

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 be successful on their own, they are also an important part of the overall solution. These programs provide critical training and education for our nation that depend on the support 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 not fully addressed the impact of these programs by siphoning away funds for specific projects or communities that are not part of the programs and are not fortunate enough to have an advocate in the appropriations process to ensure that their funding is earmarked in this bill.

I urge my colleagues to close the loopholes that allow for the diversion of funds that are intended for broad-based, high-impact programs. I urge my colleagues to support the work of the Appropriations Committee in ensuring that the billions of dollars that Congress appropriates for the programs included in this bill are used for the intended purposes.

In closing, I urge my colleagues to vote yes on the conference report and move swiftly to provide the necessary funding for the programs included in this bill. I urge my colleagues to support the work of the Appropriations Committee in ensuring that the billions of dollars that Congress appropriates for the programs included in this bill are used for the intended purposes.

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 the health care needs of Americans who lack health insurance.

The Health Care Access Program, or H-CAP, would build on the successful Community Access Program, CAP, demonstration program that Congress funded last year. H-CAP has successfully provided grants to communities to encourage integration among safety net providers of care to the uninsured. More than 135 communities have taken advantage of CAP to provide 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 dollar to H-CAP, 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 providing 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 care problems among 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 Senator SPECTER 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 in the evening.

From our experience in the past, we have seen how difficult it is to confer this bill, so we are moving right ahead, and it would be my hope, with the example we have set with this complex legislation in the last session, and 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: Bettilllon Taylor, Mary Dietrich, Sudip Parick, and Emma Ashburn. I also thank Ellen Murray, Jim Sourwine, Erik Fatemi, Mark Lalsch, Adam Gluck, Adrienne Hallock, Libby Burnhardt, 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 ac-

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002—Continued be laid upon the table; and that the bill as amended be considered 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.

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 Acts of 1994; $3,070,281,000 plus reimbursements, of which $1,467,941,000 is available for obligation for the period July 1, 2002 through June 30, 2003; of which $3,070,281,000 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 obligation for the period July 1, 2002 through June 30, 2005 for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers: Provided, That $5,799,000 shall be for outlaying 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 $1,711,000 for use under section 166((c)(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 funds appropriated hereunder for Dislocated Worker Employment and Training Activities under section 132(a)(2)(A) of the Workforce Investment Act may be distributed for Dislocated Worker Employment and Training Activities under section 132(a) 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 personnel, equipment, and supplies; for administrative expenses of the Corporation, and in accord with law, and to make administrative expenses of the Corporation, and in accord with law, and to make additional compensation and benefits required by section 9501(c)(1) of the Internal Revenue Code of 1986, as amended, and for non-repayable advances to the Unemployment Trust Fund as authorized by section 9509 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, such sums 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 unemployment compensation expenses, $191,452,000, together with not to exceed $2,328,886,000 (including not to exceed $1,228,000 which may be used for amortization payments to States on outstanding 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, $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.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 950(d) and 1203 of the Social Security Act, as amended, and to the Black Lung Disability Trust Fund as authorized by section 9509(c)(1) of the Internal Revenue Code of 1986, as amended, and for non-repayable advances to the Unemployment Trust Fund as authorized by section 9509 of title 5, United States Code, and to the “Federal unemployment benefits and allowances” account, to remain available until September 30, 2003.

PROGRAM ADMINISTRATION

For expenses of administering employment and training programs, $112,571,000, including $9,000,000 for the Job Corps 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, $112,419,000.

PENSION BENEFIT GUARANTY 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 and 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, $87,184,000, together with $3,841,000 which may be expended from the Special Fund in accordance with sections 87(c), 44(d) and 44(l) 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 (29 U.S.C. 194), and, for a computer database for the employment of information of the types described by the law 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 under the Labor-Management Reporting and Disclosure Act by the Consent Judgment in Civil Action No. 91-0027 of the United States District Court for the District of the Northern Mariana Islands dated 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 certifications 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. 1988 et seq.).

SPECIAL BENEFITS (INCLUDING TRANSFER OF FUNDS)

For the payment of compensation, 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, as provided for under the heading “Civilian War Benefits” in the Federal Security Agency Appropriation Act, 1947; the Employees’ Compensation Act, 1921; the Black Lung Disability Trust Fund; and the Black Lung Disability Trust Fund. Provided, That $50,000,000 shall be for the payment of compensation 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, as provided for under the heading “Civilian War Benefits” in the Federal Security Agency Appropriation Act, 1947; the Employees’ Compensation Act, 1921; the Black Lung Disability Trust Fund; and the Black Lung Disability Trust Fund.

For the payment of compensation, 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, as provided for under the heading “Civilian War Benefits” in the Federal Security Agency Appropriation Act, 1947; the Employees’ Compensation Act, 1921; the Black Lung Disability Trust Fund; and the Black Lung Disability Trust Fund.
from the fair share entities to pay the cost of ad-
m1nistration of the Federal Employees’ Com-
ensation Act, $36,596,000 shall be made avail-
able to the Secretary as follows: (1) for the oper-
ation of and enhancement to the automated data processing systems, including document im-
aging and conversion to a paperless office, $24,522,000; (2) for medical bill review and peri-
dic reporting, $11,472,000; (3) for costs associated with data communi-
cations redesign, $700,000; and (4) the re-
maining funds shall be paid into the Treasury as miscellaneous receipts: Provided further, That no 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 with re-
spect to any employer of 10 or fewer employees who is included within a category having an oc-
cupational 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 ac-
cordance with section 24 of that Act (29 U.S.C. 673), except:
(1) to provide, as authorized by such Act, con-
sultation, 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 inspec-
tion, and to take such action as may be necessary from the fair share entities to pay the cost of ad-
m1nistration of the Black Lung Benefits Act (30 U.S.C. 901 et seq.), or the Black Lung Dis-
ability Trust Fund: Provided, That none of the funds made available by this Act may be used to pay benefits under the Black Lung Benefits Act (30 U.S.C. 901 et seq.) until a requested decision is the final one in any United States court of appeals of any decision issued under the Longshore and Harbor Workers’ Com-
pensation 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), not-
withstanding any provisions to the contrary contained in Rule 15 of the Federal Rules of Ap-
pellate Procedure: Provided further, That no funds made available by this Act may be used to pay benefits under the Longshore and Harbor Workers’ Com-
pensation 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 deci-
ding 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 of any decision issued under the Longshore and Harbor Workers’ Com-
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pensation 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 deci-
ding 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 of any decision issued under the Longshore and Harbor Workers’ Com-
pensation 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 deci-
ding 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-
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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 of any decision issued under the Longshore and Harbor Workers’ Com-
pensation 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 deci-
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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 of any decision issued under the Longshore and Harbor Workers’ Com-
pensation 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 deci-
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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 of any decision issued under the Longshore and Harbor Workers’ Com-
pensation 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 deci-
ding 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 of any decision issued under the Longshore and Harbor Workers’ Com-
pensation 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 deci-
ding 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 of any decision issued under the Longshore and Harbor Workers’ Com-
pensation 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 deci-
ding 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 of any decision issued under the Longshore and Harbor Workers’ Com-
pensation 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 deci-
ding 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 of any decision issued under the Longshore and Harbor Workers’ Com-
pensation 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 deci-
ding 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 of any decision issued under the Longshore and Harbor Workers’ Com-
pensation 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 deci-

Not to exceed $186,903,000 may be derived from the Employment Security Administration account in the Employment Trust Fund to carry out the provisions of 26 U.S.C. 4101–4110A, 4212, 4214, and 4221–4237, and Public Law 103-333, 107 Stat. 396, 492,
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, not more than $26,800,000 shall be available for the period July 1, 2002, through June 30, 2003.

OFFICE OF INSPECTOR GENERAL

For salaries of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $32,422,000, together with not to exceed $4,351,000 of obligated balances 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 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, Education, and Human Resources under this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer.

SEC. 103. It is the sense of the Senate that amounts provided to provide dislocated worker employment and training assistance under the Workforce Investment Act to air race communities (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 lost their jobs 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 rehabilitation 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 AND HUMAN 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 Hawaiian Health Resources Act of 1988, as amended, the Cardiovascular Health Survey Act of 2000, and the Poison Center Control Enhancement and Expansion Act, $5,496,342,000, 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 71201 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 $26,800,000 shall be available for the period July 1, 2002, through June 30, 2003.

For payments from the Vaccine Injury Compensation Program Trust Fund, such sums as may be necessary to carry out the purposes of the Act, 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 vaccine-related deaths, and vaccine-related injuries occurring on or after September 30, 1988, pursuant to subtitle 2 of title XXI of the Public Health Service Act, to remain available until expended.
NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to general medical sciences, $1,753,465,000.

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, $999,174,000.

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 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 and 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, and each year thereafter, 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 22 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 deems appropriate, 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 transfers: 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 facilities: Provided further, 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 only for the fiscal year in which they are deposited: Provided further, That up to $900,000 shall be available to carry out section 499 of the Public Health Service Act: Provided further, That, notwithstanding section 999(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, 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 2.225-18.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

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 Older Americans Act, the Protection and Advocacy for Individuals with Intellectual Disabilities Act of 1996, and section 301 of the Public Health Service Act with respect to program management, $3,088,856,000: Provided, That $10,000,000 shall be transferred from 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 to persons 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, $1,753,465,000: Provided further, That all funds derived in accordance 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, section 1902 of 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: Provided, That none of the amounts made available under the Act for the payment of State plan rates for skilled nursing facilities for the period from January 1, 2002 through December 31, 2002, shall be available to States or in the case of section 1928 on behalf of States under section XIX of the Social Security Act for the first quarter of fiscal year 2003, $46,601,937,000, to remain available until expended.

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 101(c) and 111(g) of the Social Security Amendments of 1965, section 278(a) of Public Law 97–248, and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act, $81,904,200,000.

PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII, XIX, and XXI of the Social Security Act, titles XVII 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 sections 1920 and 1921, transferred from the Federal Hospital Insurance Trust Fund, the Federal Supplementary Medical Insurance Trust Fund, to States under title XIX of the Social Security 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.

For making payments to States under title XIX of the Social Security Act for the last quarter of fiscal year 2002, $46,601,937,000, to remain available until expended.

For making 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 section XIX of the Social Security Act for the first quarter of fiscal year 2003, $46,601,937,000, to remain available until expended.

PERSPECTIVE FUND FOR PLANNING AND MANAGEMENT

For the perspective fund for planning and management, $18,200,000, of which $4,000,000 shall be available until expended.

FEDERAL OPERATIONS––NATIONAL INSTITUTES OF HEALTH

For carrying out, except as otherwise provided, sections 301, 302, 304, and 307 of the Public Health Service Act, $1,753,465,000: Provided further, That none of the amounts made available under the Act for the payment of State plan rates for skilled nursing facilities for the period from January 1, 2002 through December 31, 2002, shall be available to States or in the case of section 1928 on behalf of States under section XIX of the Social Security Act.
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 Omnibus Budget Reconciliation Act of July 5, 1960 (24 U.S.C. ch. 9), $2,447,800,000, to remain available until expended 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 such 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 with Dependent Children, as provided by the Congress, to the States, 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.

That $10,000,000 shall be for use by the Secretary and Homeless Youth Act, the Developmental Disabilities Assistance and Bill of Rights, the Head Start Act, the Child Abuse Prevention and Treatment Act, sections 50 and 51 of the Child Abuse Prevention and Services Act, as amended, the Native American Programs Act of 1974, title II of the Public Law 96-315 authorizing appropriations for the Adoption and Safe Families Act of 1997 (Public Law 105-89), sections 1201 and 1202 of the Children's Health Act of 2000, the Abandoned Infants Assistance Act of 1986, the Early Learning Opportunities Act, part B(I) 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 105-265, and for necessary administrative expenses, including to carry out titles I, IV, X, XI, XIV, XVI, and XX of the Social Security Act, the Omnibus Budget Reconciliation Act of 1996: Provided further, That these funds shall be made available to the Secretary, the Administrator of Health and Human Services, and the Attorney General to the extent necessary for the performance of the duties and responsibilities of the Secretary of Health and Human Services and the Attorney General relating to the Trafficking Victims Protection Act of 2000.

That these funds shall be made available to the Secretary, the Attorney General, the Secretary of Health and Human Services, and the Federal entities under titles I, IV, X, XI, XIV, and XVI of the Social Security Act, the Omnibus Budget Reconciliation Act of 1996, and the Social Security Act as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, pending by such entity, they shall remain with the entity, and shall not be reduced by $15,000,000.

That $10,000,000 shall be for activities that improve the quality of in-Dependent Children under title IV of the Social Security Act, $1,1000,000,000, to remain available until expended. For making payments to each State for caring out such aid to Families with Dependent Children under title IV-A of the Social Security Act and the Omnibus Budget Reconciliation 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: Provided, 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.

LOW INCOME HOME ENERGY ASSISTANCE
For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, $1,700,000,000; 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 such 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.

REFUGEES AND ENTRANT ASSISTANCE
For making payments for refugee and entrant assistance and resettlement, including for matters under 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 until expended. For making payments under section 310 of the Family Violence Prevention and Services Act, as amended, and section 126 and titles IV and V of Public Law 199-485, $8,952,966,000, of which $45,000,000, 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. 679-679) 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, 2000; $750,000,000, to be transferred and expended by September 30, 2003: Provided, That of the funds made available under this heading for making payments for fiscal years 2000 and 2001, of which $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 six sedans, and for carrying out titles III, XVII, and XX of the Public Health Service Act, and the United States-Mexico Health Commission, $10,000,000, together with $5,651,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund: Provided, That the funds made available under this heading for making payments under title XX of the Public Health Service Act, $1,185,000 shall be for activities specified under section 2003(b)(2), of which $10,157,000 shall be for prevention service demonstration grants under section 2003(b)(2) of title X of the Social Security Act; Provided further, That of such 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 FOR CIVIL RIGHTS
For expenses necessary for the Office for Civil Rights, including the hire of passenger motor vehicles for investigations, in carrying out the provisions of the Inspector General Act of 1978, as amended, $35,796,000: Provided, That 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 $0, to remain available until expended, for expenses necessary for the Office for Civil Rights, $28,691,000, together with not to exceed $0, to remain available until expended.
Fund and the Supplemental Medical Insurance Trust Fund.

POLLICY RESEARCH
For carrying out, to the extent not otherwise provided by research studies for which funds provided under section 2 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's Benefits Act, and for medical care dependents and retired personnel under the Dependents' Medical Care Act (10 U.S.C. ch. 55), and for the Office of the General Counsel, not less than $500,000.

SEC. 201. Funds appropriated in this title shall be available for not to exceed $37,000,000 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 under this Act. Such funds provided to the Agency for International Development, the United Nations International Children's Emergency Fund or the World Health Organization, or to any agencies, 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. 203. None of the funds appropriated in this Act for the National Institutes of Health, the National Institute of Allergy and Infectious Diseases, and the Office of AIDS Research, may transfer up to 3 percent (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 such transfers. 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 appropriations for the National Institutes of Health, 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, and for research supported by the “Office of AIDS Research” account. The Director of the Office of AIDS Research shall transfer from such account amounts necessary to carry out subsection (a) as late as July 1, 2002.

(e) None of the funds appropriated by this Act may be used to withhold substance abuse funding pursuant to section 2126 from a territory that receives less than $1,000,000.

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 determines 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, or otherwise participate in, such program for abortions: Provided, That the Secretary shall make appropriate prospective adjustments to the capitation payment to such an entity (based on an actuarial determination 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+Choice program's services and a Medicare+Choice Organization described in this section shall be responsible for informing enrollees where to obtain information about all Medicare+Choice 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 statute, regulation or order of the Secretary that it will not provide, pay for, or otherwise participate in, such program for abortions: Provided, That the Secretary determines participation in such program to an otherwise eligible entity (including a Medicare+Choice program if the Secretary determines 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, or otherwise participate in, such program for abortions: Provided, That the Secretary shall make appropriate prospective adjustments to the capitation payment to such an entity (based on an actuarial determination 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+Choice program’s services and a Medicare+Choice Organization described in this section shall be responsible for informing enrollees where to obtain information about all Medicare+Choice covered services.

SEC. 213. (a) The following amounts, appropriated in this Act, shall be transferred to International Assistance Programs, “Global Fund to Fight AIDS, Tuberculosis and Malaria”, to remain available until expended: from the National Institutes of Health, “National Institute of Allergy and Infectious Diseases”, $25,000,000; from the Drug Enforcement Administration, “Buildings and Facilities”, $70,000,000; and from Department of Labor, “General Departmental Management”, $5,000,000.

SEC. 214. (a) Except as provided by subsection (b), 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, in writing, 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 the State’s current State 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 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 amounts 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 submission of the additional funds required by the certification described in subsection (a) as late as July 31, 2002.

SEC. 215. (a) In order for the Centers for Disease Control and Prevention to carry out international health activities, including HIV/AIDS and malaria prevention, infectious disease, chronic and environmental disease, and other health activities abroad during fiscal year 2002, the Secretary of Health and Human Services may—

(1) utilize the authorities contained in section 2(c) of the State Department Basic Authorities Act of 1993, as amended, and other applicable provisions of U.S. Code Title 22. 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 structures of the State Department Basic Authorities Act of 1993, as amended, and other applicable provisions of U.S. Code 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 on or before 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 AIDS, Tuberculosis and Malaria”, to remain available until expended: from the National Institutes of Health, “National Institute of Allergy and Infectious Diseases”, $25,000,000; from the Drug Enforcement Administration, “Buildings and Facilities”, $70,000,000; and from Department of Labor, “General Departmental Management”, $5,000,000.

SEC. 218. Of the funds provided to the Office of the General Counsel, not less than $50,000 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 the public 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 good manufacturing practices and safe labeling, sanitation, purity and records-keeping.


(5) The Good Manufacturing practice guidelines for dietary supplements are the instrument through which the American public that dietary supplements are properly manufactured and labeled.
(6) Those guidelines have been developed by the Department of Health and Human Services, its operating divisions, and the Office of Management and Budget for over 5 years.

(7) SEC. 223. 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 to Good Manufacturing Practices for dietary supplements within 15 days of enactment of this Act.

SEC. 220. (a) The Senate finds that—

(1) federal AIDS prevention programs and research and prevention programs and educational programs 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;

(2)R&D.—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 the United States 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 the Centers for Disease Control and Prevention and any other entity, including a state and an entity (including a health insuring organization and a 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) perform 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 and, where used, 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 mandated State-specific 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, the Secretary funds 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 $2,000,000 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; and

(2) make recommendations to—

(A) reduce the length of radiation exposure requirements and allow any radiation ill health caused by the Radiation Exposure Compensation Act (42 U.S.C. 2219 note); and

(B) include additional ill health, 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 Health, Education, 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. 603a(a)(4)(F)) is redeclared.

SEC. 227. It is the sense of the Senate that—

(1) the National Institutes of Health and the National Library of Medicine, acting through the Director of NH and the Director of the National Institute of Mental Health (in this section referred to as the ‘‘Institutes’’), shall conduct and support the following:

(i) basic research concerning the etiology and transmission of HIV/AIDS;

(ii) epidemiological studies to address the frequency and natural history of the conditions and the differences among racial and ethnic groups and regions;

(iii) the development of improved diagnostic techniques;

(iv) clinical research for the development and evaluation of new treatments;

(v) information and education programs for health professionals and the public, and

(vi) activities under such paragraph shall include conducting and supporting the following:

(A) basic research concerning the etiology and transmission of HIV/AIDS;

(B) epidemiological studies to address the frequency and natural history of the conditions and the differences among racial and ethnic groups and regions;

(C) the development of improved diagnostic techniques;

(D) clinical research for the development and evaluation of new treatments;

(E) information and education programs for health professionals and the public, and

(F) The Secretary shall 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.

(2) in carrying out paragraph (1)—

(A) the Director of the Institute should conduct or support the development of an 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 transmission of HIV/AIDS;

(ii) epidemiological studies to address the frequency and natural history of the conditions and the differences among racial and ethnic groups and regions;

(iii) the development of improved diagnostic techniques;

(iv) clinical research for the development and evaluation of new treatments;

(v) information and education programs for health professionals and the public; and

(vi) the Director of the Institute should conduct a national longitudinal study to determine the incidence and prevalence of cases of post-abortion conditions, 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

(vii) beginning not later than 3 years after the date of enactment of this Act, and periodically thereafter for the duration of the study under subparagraph (A), the Director of the Institute should provide 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. 205h-1) is amended by adding at the end the following:

[Title III—Department of Education] This title may be cited as the “Department of Health and Human Services Appropriations Act, 2002”.

[Title IV—Department of Education] This title may be cited as the “Department of Health and Human Services Appropriations Act, 2002”.

[Title V—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, $11,917,900,000 of which $4,129,200,000, shall become available on July 1, 2002, and shall remain available through September 30, 2002, and of which $6,551,300,000 shall become available on October 1, 2002, and shall remain available through September 30, 2003, for academic year 2002-2003: Provided, That $7,172,600,000 shall be available for basic grants under section 1124A; provided further, that $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 public-use data from the National Center for Education Statistics; Provided further, That $1,365,000,000 shall be available for part A of title III of the ESEA as in effect prior to Senate passage of H.R. 1 as passed by the Senate on June 14, 2001; Provided, That $5,000,000,000 shall be available for formula grants under section 1124A of the ESEA as in effect prior to Senate passage of H.R. 1 to continue the operation of the current

[Title VI—Education for the Disadvantaged] 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 amended by H.R. 1 as passed by the Senate on June 14, 2001 (“ESEA”); the Civil Rights Act of 1964; $28,000,000 shall be for educational assistance to Native American schools and supplementary education to Native American children; Provided further, That $6,551,300,000 shall become available on October 1, 2002, and shall remain available through September 30, 2003, for academic year 2002-2003: Provided, That $25,990,000,000 shall be available for basic grants under section 1124; provided further, that $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 public-use data from the National Center for Education Statistics; Provided further, That $1,365,000,000 shall be available for part A of title III of the ESEA as in effect prior to Senate passage of H.R. 1 as passed by the Senate on June 14, 2001; Provided, That $5,000,000,000 shall be available for formula grants under section 1124A of the ESEA as in effect prior to Senate passage of H.R. 1 to continue the operation of the current

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Comprehensive Regional Assistance Centers: Provided further, That the amount made available for subpart 4 of part B of title V of the ESFA, $925,000,000 shall be available, notwithstanding the provisions of law, for 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 of the fund allocated proportionally to achieve the pre- 
fundings established by the Secretary for this 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 Assistive Technology Act of 1994, 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 amounts made available for Title I of the Assistive Technology Act of 1998 (the AT Act) shall be allo- 
cated 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 ex- tension grant to three years: Provided further, That of the amount of $500,000 and each outlying area $150,000 for ac- 
tivities under section 101 of the AT Act and each State shall be provided a minimum of $100,000, provided that the Federal share of the AT Act shall be $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 section 3, 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 1965, as amended by H.R. 1 as passed by the Senate on June 14, 2001, $9,000,000 shall be made available to local education agencies under sub- part B of part F of title XI shall be used for activities related to the redesign of large high schools: Provided, That of the funds ap- 
portioned for part F of title XI, $15,000,000 shall be available for dropout prevention pro- 
grams under part H of title I and $100,000,000 shall be available for part C of title I and the 

INDIAN EDUCATION

For expenses necessary to carry out, to the extent provided in table 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 302 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 Disabili- ties Education Improvement Act of 1994, $3,090,452,000 shall become available for obliga- 
tion on July 1, 2002, and shall remain available through September 30, 2003, and of which $5,072,000 shall become available on Jau- 
ary 1, 2002, and shall remain available through Sep- 
tember 30, 2003, for academic year 2002-2003:

Provided, That $9,500,000 shall be for Record- ing for the Blind and Dyslexic to support the devel- 
OPMENT, PRODUCTION, AND CIRCULATION OF RECORDED MATERIALS

For the National Technical Institute for the Deaf under titles I and II of the Education of the Deaf 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 local education agencies under sub- part B of part F of title XI shall be used for activities related to the redesign of large high schools: Provided, That of the funds ap- 
portioned for part F of title XI, $15,000,000 shall be available for dropout prevention pro- 
grams under part H of title I and $100,000,000 shall be available for part C of title I and the 

INDIAN EDUCATION

For expenses necessary to carry out, to the extent provided in table 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, $9,000,000 shall be made available 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: Pro- 
vided 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 meet the needs of children affected by terrorist attacks, times of war or other major violent or traumatic crises, including pro- viding mental health services to such children, and $500,000 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 pa- rental notification plans for schools and other community facilities where children gather: Pro- 
vided further, That $2,500,000 shall be available to carry out part B of title II, including adminis- 
istrative expenses associated with such part.

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 (20 U.S.C. 1099 et seq.), $35,000,000: Provided, That from the total available amount, the University may at its discretion use funds for the endowment program as authorized under section 207.

GALLAUDET UNIVERSITY

For the Kendall Demonstration Elementary School, the National Technical Institute for the Deaf, and the partial support of Gallaudet Uni- versity under titles I and II of the Education of the Deaf Act of 1965 (20 U.S.C. 431 et seq.), $54,976,000, of which $5,376,000 shall be for construc- 
tion and shall remain available until ex- 
pended: Provided, That from the total amount available, the University may at its discre- 
sion 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 Perkins Act as amended (20 U.S.C. 101 et seq.), $14,000,000.

The undersignedcertifies that the amount available for Pell Grant awards in such award year, and any funds available from the fiscal year 2001 appro- priation for Pell Grant awards, are insufficient to satisfy fully all such awards for which stu- dents are eligible, as calculated under section 421(b) of the Act, the amount paid for each such award shall be reduced by such a variable percentage, or by a fixed dollar amount, as determined in accordance with a schedule of re- ductions established by the Secretary for this purpose.

FEDERAL FAMILY EDUCATION LOAN PROGRAM ACCOUNT

For Federal Administrative expenses carry out grants and scholarships 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, $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 aca- demic year 2002-2003 under part A, subpart 1 of title VII of said Act, under the terms and condi- tions of part A, subpart 1: Provided further, That $1,500,000 is for data collection and eval- uation activities 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 $10,000,000 is for grants to controlled colleges and universities under sec-
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 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 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 outside of the nearest public school in the student's home, except for a student requiring special education, to the school offering such special education, in order to comply with Title V of the Elementary and Secondary Education Act of 1965.

Sec. 303. No funds appropriated under this Act may be used to prevent the implementation of programs for 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 transfer shall increase the amount made available for the Elementary and Secondary Education Act of 1965.

EDUCATION RESEARCH, STATISTICS, AND ASSESSMENT

For carrying out activities authorized by the Education 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 not-withstanding section 912(m)(1)(F–F) and subparagraphs (B) and (C) of section 5311(c)(2) of Public Law 104-100, as 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 that part of the State assessment provided further, that of the funds appropriated under section 1305 of part D of title XI of the ESEA, $1,500,000 shall be used to conduct a violence prevention demonstration program and $900,000 to conduct a native American civic education initiative: Provided further, That $12,000,000 of the funds appropriated under part D of title V of the Higher Education Act of 1965 shall be provided 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, $42,212,000.

Office for civil rights

For expenses necessary for the Office for Civil Rights, as authorized by section 303 of the Department of Education Organization Act, $78,934,000.

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.
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 is a high risk of enrollment by American students attending foreign schools;

(B) compare the oversight controls for loans dispensed to students attending foreign schools to the oversight controls for loans dispensed to students attending American schools;

(C) examine the default rates at foreign schools with respect to programs to assist foreign students with the costs of attending foreign schools; and

(D) make recommendations for legislative changes that are required to ensure the integrity of the Federal Direct Loan Program.

SEC. 307. The requirement of section 415E 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 recalculated to reflect 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 scholarships that collectively include the full scope of the Federal Direct Loan Program, as defined by part E of title II of the Domestic Volunteer Service Act of 1973, as amended, and the various programs described in subpart 4 of part A of the Federal Direct Loan Program, as defined by section 415E 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 be 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 52.212-18 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 section 104(a) of the Domestic Volunteer Service Act of 1973 shall be used to provide stipends or other monetary incentives to volunteers of voluntary 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 made available by this Act shall be used to pay or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated on account 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, distribution, and exhibition, 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 provisions of the Federal Mediation and Conciliation Service Act, 1947 (29 U.S.C. 171-180, 182-183), including hiring of passenger motor vehicles, for expenses necessary for the Labor-Management Cooperation Act of 1967 (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), $40,469,000, of which $27,350,000, shall remain available through September 30, 2003, for activities authorized by the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a): Provided, That the Director of the Service is authorized to accept and use on behalf of the United States gifts of services and 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


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 $17,081,000 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 1865 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 LITERACY AND INFORMATION SCIENCE

SALARIES AND EXPENSES

For necessary expenses for the National Commission on Libraries and Information Science, as established by the Act of July 26, 1970 (Public Law 91-345, as amended), $1,495,000.
General Act of 1978, as amended, not more than $6,480,000, to be derived from the railroad retirement account 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 or information technology 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 administrative expense of any other Office; or used to reimburse the Office for any service provided, or expense incurred, by the Office: Provided further, That funds made available under this heading may remain available until expended. To the extent that the amounts collected pursuant to section 9.400 through 9.409 of this Act are transferred from the "Limitation on Administrative Expenses", Social Security Administration, to the Office, the person shall be ineligible to receive payments under such program.

SEC. 505. Notwithstanding any other provision of this Act, no funds appropriated under this Act shall be used to transfer 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. (b) In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of the 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. 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 the 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. 507. When issuing statements, press releases, requests for proposals, bid solicitations and other documents and Federal research grants, Federal agencies shall clearly state: (1) the percentage of the total costs of the project or program which will be financed with Federal funds; and (2) the dollar amount of Federal funds for the project or program, and (3) percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

SEC. 508. (a) None of the funds appropriated under this Act, and none of the funds in any
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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 any funds in any trust fund to which funds are appropriated under this Act, shall be expended for any health benefits coverage that includes coverage of abortion.

(c) Nothing in the preceding subsection 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, other than emergency relief programs. Nothing in this subsection shall be construed as restricting the administration of any other than emergency relief programs.

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, other than emergency relief programs. Nothing in this subsection shall be construed as restricting the administration of any other than emergency relief programs.

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) the destruction, discarding, or knowingly subjected to risk of injury or death greater than that allowed for research on fetuses in utero under 45 CFR 44.208(a)(2) and section 448(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 that federally sponsored clinical trials are being conducted to determine the 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 422(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. (a) None of the funds made available 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 at least three full business days before any discretionary grant awards or cooperative agreements, totaling $500,000 or more is announced by these departments for grants other than emergency relief programs: Provided, That no notification shall involve funds that are not available for obligation.

(b) Any final standard under section 1173(b) of the Social Security Act (42 U.S.C. 1320d-2(b)) promulgated or adopted after the date of enactment of 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)) for grants or cooperative agreements totaling $500,000 or more in an amount that is less than the aggregate of all grant awards or cooperative agreements totaling $500,000 or more announced by the Departments of Labor, Health and Human Services, and Education on or before the date of enactment of this Act: Provided, That no notification shall involve funds that are not available for obligation.

(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, other than emergency relief programs. Nothing in this subsection shall be construed as restricting the administration of any other than emergency relief programs.

SEC. 515. Section 2 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—

(1) STIPEND, 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 funds at the State (including State funds expended to provide free public education.

(B) DEFINITIONS.—In this paragraph—

(i) BASELINE FUNDING.—The term ‘‘baseline funding’’, 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 per capita increase in 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 June 2000.

(ii) FREE PUBLIC EDUCATION.—The term ‘‘free public education’’ has the meaning given the term in section 1114(d) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2801).

(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 determines 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 amount of the per capita increase in the Consumer Price Index for All Urban Consumers (United States city average), published by the Secretary of Labor, that 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 projected or actual decline in the financial resources of the State.

(3) 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 per capita increase in the Consumer Price Index for All Urban Consumers (United States city average), published by the Secretary of Labor, that 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 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 largest federal program available to help low-income households, the elderly, and individuals with disabilities pay their home energy bills.

(2) LIHEAP 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 targeted to assist 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, 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.

(6) 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.

(7) 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.

(8) 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.

(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 energy assistance needs from the winter of 2000–2001 and restore heat as the succeeding winter approaches.

(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

(b) By striking paragraph (b)(1)(C), by striking “Kamehameha School/Bishop Estate” and inserting “Papa Ola Lokahi”; and

(c) By striking section (b)(1)(C), 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, 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 simplification of requirements of the Health Insurance Portability and Accountability Act of 1996.
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 effec
tuate the judgment 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 of 1988 as amended.

(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 ex-

(5) to ensure that properties that undergo rent restructurings have adequate resources to main

(6) to ensure that the Office of Multifamily Housing Assistance Restructuring of the Depart-

(7) to ensure that the Department of Housing and Urban Development carefully tracks the

(8) to ensure that tenant groups, nonprofit or-

(9) to encourage the Office of Multifamily

(10) to increase the capacity of tenant organiza-

(11) to ensure that the properties in good condition;

(12) to ensure that properties that undergo mortgage restructurings pursuant to that Act are operated efficiently, and that operating ex-

(13) to ensure that properties that undergo rent restructurings have adequate resources to main-

(14) to ensure that the Office of Multifamily

(15) to increase the capacity of tenant organiza-

(16) to ensure that the properties in good condition;

(17) to ensure that properties that undergo mortgage restructurings pursuant to that Act are operated efficiently, and that operating ex-

(18) to ensure that properties that undergo rent restructurings have adequate resources to main-

(19) to ensure that the Office of Multifamily

(20) to increase the capacity of tenant organiza-

(21) to ensure that the properties in good condition;

(22) to ensure that properties that undergo mortgage restructurings pursuant to that Act are operated efficiently, and that operating ex-

(23) to ensure that properties that undergo rent restructurings have adequate resources to main-

(24) to ensure that the Office of Multifamily
standing any other provision of this title, the Secretary may treat a project as an eligible multifamily housing project for purposes of this title if (1) the project is assisted pursuant to a contract, certification, or other assistance provision under section 8 of the United States Housing Act of 1937 reenacted under section 524 of this Act, (II) the owner consents to such treatment, and (III) the project meets the standards for eligibility as an eligible multifamily housing project that are set forth in this paragraph for eligibility as an eligible multifamily housing project before the initial reneuval of the contract under section 524."

SEC. 514. EXEMPTIONS FROM RESTRUCTURING. Section 514(h)(1) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended—

(A) in paragraph (1), by striking "multifamily assisted housing projects, financial assistance for which is based on the feasibility of 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 and is supported by a purchase of the property by the owner or a nonprofit organization, and (II) to the extent that inclusion of such costs will permit capital repairs to the project or acquisition of the project by a nonprofit organization, and (III) the additional cost of such costs (or a portion thereof) complies with the requirement under clause (ii)); and

(B) by striking "(i)" and "(ii)".

SEC. 515. CONSISTENCY OF RENT LEVELS UNDER ENHANCED VOUCHER ASSISTANCE AND RENT RESTRUCTURING. 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.

(1) 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 units in the same area as such dwelling units.

(2) RENT STANDARDS.—The rent standards described in this subsection are as follows:

(A) ENHANCED VOUCHER.—The payment standard for enhanced voucher assistance under section 8(1) of the United States Housing Act of 1937 (42 U.S.C. 1437f(i)).

(B) MARK-TO-MARKET.—The rents derived from comparable properties, for purposes of section 514(g) of this Act.

(2) CONTRACTION.—The comparable market rents for the market area, for purposes of section 524(a)(4) of this Act.

SEC. 614. ELIGIBLE INCLUSIONS FOR RENEWAL 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 increase an amount 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 and is supported by a purchase of the property by the owner or a nonprofit organization, and (II) 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 232(h)(3)(C) of the Multifamily Assisted Housing Risk Sharing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended—

(1) by striking "under this Act: Provided, That the principal and inserting the following:

"(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;"

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. 1109) 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)(2), 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(c)(3)(B), by inserting "Housing" after "Multifamily;"

(4) in section 515(c)(1)(B), by inserting "or" before the semicolon;

(5) in section 517(b)—

(A) in each of paragraphs (1) through (6), by canceling 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;" and

(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 Review

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) OMHA.—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

(d) by striking subsection (d) and inserting the following 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 Housing Assistance 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 who is 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 Housing Assistance 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 by 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)(6) 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 CDGB PUBLIC SERVICES CAP EXCEPTION.

Section 103(a)(8) of the Housing and Community Development Act of 1993 (42 U.S.C. 5305(a)(8)) is amended by striking “through 2001” and inserting “through 2003”.

SEC. 632. USE OF SECTION 8 ENHANCED VOUCHER PROGRAM FUND.

Section 807(c)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)(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 coverage for reasonable termination during fiscal year 1996 or a fiscal year thereafter)”.

SEC. 633. PREPAYMENT AND REFINANCING OF LOANS; SEC. 202 SUPPORTIVE HOUSING.

(a) In General.—Section 811 of the American Homeownership and Economic Opportunity Act of 2000 (12 U.S.C. 1710q note) is amended by striking subsection (e).

(b) EFFECTIVE DATE.—The amendment made by subsection (a) of this section shall be applied 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 sections 811 and 202 of the American Homeownership and Economic Opportunity Act of 2000 (12 U.S.C. 1710q 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)(2) of Public Law 106–77 (42 U.S.C. 37501 note) is amended to read as if the amendment made by section 1 of Public Law 106–400 (114 Stat. 1675) were 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 721 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185a) is amended to read as follows:

“SEC. 721. 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 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 review and retrospective review, and utilization management practices, prior authorization, and the application of medical necessity and appropriateness criteria applicable to behavioral health at the time 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) EQUITY REQUIREMENTS.—Nothing in this section shall be construed to require a group health plan or health insurance coverage offered in connection with such a plan to provide treatment coverage for 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.

“(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.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1,
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.

(1) 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) MENTAL HEALTH 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.

(2) 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 protocol for a mental health condition, that the plan or provider or operators of such protocols meet the plan's or issuer’s medical necessity criteria. Such term does not include benefits with respect to the treatment of substance abuse or dependence.

(3) 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.

(4) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on January 1, 2001 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. Notwithstanding any other provisions of 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 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.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall submit a report to both the Committees on Appropriations and the Senate Committee on Finance.

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 (as so designated, two ems; and (C) by adding at the end the following new paragraph:

(3) 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 any information specified in subparagraph (B) in advance of such entry or clearance in such manner, time, and form as the Secretary shall prescribe. Such information may include any class of air carrier for which the Secretary determines the conclusion of such subparagraph is not necessary.

(b) INFORMATION SPECIFIED.—The information specified in this subparagraph is as follows:

(i) The port of arrival or departure, whichever is applicable.

(ii) The flight or trip number.

(iii) The date of scheduled arrival or departure, whichever is applicable.

(iv) The carrier code, prefix code, or both.

(v) The aircraft size.

(vi) The weight of the cargo.

(vii) The shippers name and address from all air waybills or bills of lading.

(viii) The first port of entry.

(ix) A description and weight of the cargo.

(x) The date of shipment or pick up.

(xi) The date of release or arrival.

(xii) The duration of the shipment or cargo.

(xiii) The description 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) FINDING 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 MANTIFEST INFORMATION REQUIRED FOR AIR CARRIERS.

“(a) IN GENERAL.—For every person arriving or departing in a civil aircraft the operator, or owner of such aircraft (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.

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 January 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. Without objection, it is so ordered.

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.

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 hands.

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 hard 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 country, our Nation's Capital, 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 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 or should do a better job of it, to provide the 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 more 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 and country and the Nation's Capital since the unwarranted and unexpected 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 the process of this partnership of "this partnership," "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 from financial straits 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 the District and where 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 elected body. We need the appropriate way 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 a court in the District, a 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 Committees 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, and local leaders, 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 $664 million. That is almost a swing of $1 billion in 5 years. That took a lot of hard work and a lot of concern. 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 1965 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 receivables, 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 a new and challenging role for the Federal Government to make, it is an important one. It is imperative for 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 Committees have 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 Federal budgets that both sustain 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 a capital city that is worthy of the nation’s capital. It supports the city’s commitment to social services—education, public health, court services, and community programs. I am confident the District will continue to build on this fiscal stability to provide better services, to put a strong base to build on, and to keep our city on a path to sustainable fiscal health.

The bill before us provides the District with the fiscal foundation to continue to lead. It provides the District with the fiscal foundation to continue to lead. It provides the District with the fiscal foundation to continue to lead. It provides the District with the fiscal foundation to continue to lead.

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While this is a new and 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 Committees have 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 Federal budgets that both sustain the city’s efforts to fulfill its promise to enrich the lives of the citizens in the District.

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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 trained and well read and well versed on history and art and philosophy. It is important for our children to have the finest education.

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 culture 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.

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.

I want to build on 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.

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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.
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 I am proud to live in. 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 only right but 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 bill, 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, that experience, that training, that is that we have judges who, every single day, spend 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 a 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 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 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 staff.

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 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 who 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 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 allow 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 1,300 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—kills that lead to accidents that result in 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 work 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. I 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 children, including 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 most recent 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. It is 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, because you always think 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 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 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 grist in this committee. They will be resolved this afternoon 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 PRESIDENT pro tempore of the Senate presides. 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, Mr. DEMPSEY, and 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 impressive and important projects.

I want to mention a couple of important projects. Senator DEWINE mentioned a few. I see 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 the city government and related agencies and, most important, with the families of the District—a partnership to help us build and develop 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 actually—a soccer enthusiast 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. So, with 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, especially the cherry picking 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 the District of Columbia.

Bond issues have been passed. Great corporate partnerships have come together. 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 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 and the opportunity 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 he was born. I think it is what God intended. It is what he created 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 of Colombia and also 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 whenever 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 as the mayor himself, who came out of the District of Columbia and also went on to become the mayor of this city.

As the Senator said, I am an advocate because I have seen the benefit of adopting children, and not just 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 $498 million in direct and 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
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 is 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 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, 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, does 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 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 2 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 the 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 you. You can’t ask for more than that.

She has integrity, outstanding legal ability, and a good background. 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 needed 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 The House Appropriations Act. I am delighted that we 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.

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 a previous 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 handgun 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, 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 something getting done about 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 try the story 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 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. It was a 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 this is just something else they want to disrupt 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 airlines 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 pass us 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. We have 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 databases. 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 floor session that would allow us to do this. We 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, 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 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 don’t want them to come in as guests of our 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.

That is one of the last appropriation bills 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 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. DORGAN. Will the Senator yield?

Mr. BURNS. I ask the Senator, we passed the airport security law in this body and 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 had 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 day and look at the papers on Sunday and Monday and understand how bad the system is when 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 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.

Mr. 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.

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.

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:

[Role Call Vote No. 326 Ex.]

YEAS—98

Akaka
Allard
Baucus
Bayh
Bennett
Biden
Bond
Breaux
Brownback
Bunster
Burns
Byrd
Campbell
Canwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochin
Collins
Cotilde
Corzine
Corker
Crapo
Daschle
Dayton
DeWine
Dodd
Domenech
Dorgan
Durbin
Edwards
Eisenhower
Enzi
Feinstein
Frist
Graham
Gramm
Grasso
Hagel
Harkin
Hatch
Helm
Hollings
Hutchinson
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Reed
Reid
Roberts
Rockefeller
Santorum
Sarrell
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
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.

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

The yeas and nays have been ordered.

The legislative clerk called the roll.

Mr. REID. Mr. President, I move to reconsider the vote, and I move to lay the motion on the table. The result was announced—yeas 98, nays 0, as follows:

(ROLLCALL VOTE NO. 327 EX.)

YEAS—98

Akaka  
Allard  
Baucus  
Bayh  
Bennett  
Biden  
Bingaman  
Bond  
Boxer  
Brownback  
Boxer  
Bingaman  
Campbell  
Collins  
Cleland  
Chafee  
Carnahan  
Campbell  
Byrd  
Burns  
Bunning  
Breaux  
Brownback  

NAYS—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 for several times as a member of the Association’s House of Delegates and as chair 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 impressed 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 1988 as a 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 her Bachelor of Arts degree and her Juris doctor degree from 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 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 20 years on the bench, none of her decisions has been reversed.

We now have the opportunity to consider the nomination of Karon Owen Bowdrie 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 Court of Law Review. After graduation from law school, Professor Bowdrie 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 Bowdrie 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 S. CHUMER for retaining their hearings in the face of repeated efforts to delay their confirmations.

I urge my colleagues to 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 day 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 about 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 refused 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 ratification letters on five of these nominations, so 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 confirming judges against this 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 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 Armiño 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 voted 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 two judicial nominees who were able to drive to Washington while interstate air travel was still disrupted. At our committee meeting on October 6, 2001, we reported those two judicial nominees at the end of a confirmation hearing on five judicial nominees the 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 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 another hearing for two 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 29 judicial nominees. By tonight we 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 INHOFFE, 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 16, 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 manner; 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 rollcall vote to determine whether or not the 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., 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 on the nomination of Larry Hicks to be U.S. District Judge for the Montana 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 roll call 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 than 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 and not just farmers, but the 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 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 with 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 author Robert Shapiro, to the author of the Scooby Doo books, Ken Anderson, to Dr. Ruth Westheimer. In additional, 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 international acclaim. Ramapo College is one of the finest 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.

- 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 American palates. 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 substantial contributions to American life even before she found fame in America’s kitchens. After graduating Smith College and 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 her professional expertise in such an active position, earning promotions and accolades in what was very much a male-dominated agency.

After thebut, 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 traditions of 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 celebrated Treis 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 New York studio, 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 extraordinary distinction bestowed 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 of Mrs. Child “Let’s do it damned well.”
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-4538. A communication from the Chief of the General 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” (RIN3323-AI34) 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 re-search, development, manufacture, and distri-bution 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 consid-eration of such an agreement; to the Com-mittee 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 au-thorized by section 23 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 Environ-ment and Public Works.

By Mr. BOND:

S. 1638. A bill to authorize the Secretary of the Interior to study the suitability and fea-sibility 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. 1640. 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 genera-tors for power generation; to the Committee on Finance.

By Mr. SESSIONS (for himself and Mr. NICHOLS):

S. 1641. A bill to impose additional require-ments to ensure greater use of the advance payment of the earned income credit and to extend such advanced payment to all tax-payers eligible for the credit; to the Com-mittee 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. 1540
At the request of Mr. DEWINE, the name of the Senator from Wyoming (Mr. Enzi) was added as a cosponsor of S. 1540, a bill to amend the Internal Revenue Code of 1986 to allow as a deduc-tion 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 partici-pate in the military reserve compo-nents, 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 Restora-tion Act to improve the provisions relating to wildlife conservation and restor-a tion programs, and for other pur-poses.

S. 1343
At the request of Mr. SPECTER, the names of the Senator from Indiana (Mr. Bayh), the Senator from Oklaho-ma (Mr. Nickles), the Senator from Alabama (Mr. Sessions), and the Senator from Texas (Mrs. Hutchinson) were added as cosponsors of S. 1343, 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 after-math of the terrorist attack on the United States on September 11, 2001.

S. 149
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 per-petrated against the United States on September 11, 2001, to refund the Interna-tional Revenue Code of 1986 to provide tax relief for small business concerns, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HUTCHINSON (for himself and Mr. GREGG):

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 atrocities per-petrated against the United States on September 11, 2001, and for other pur-poses.

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 direct the Ad-ministrator of the Environmental Pro-tective Agency to establish a grant program to support research projects on critical infrastructure protection for water supply systems, and for other pur-poses.

S. 1597
At the request of Mr. KERRY, the name of the Senator from North Caro-lina (Mr. Edwards) was added as a co-sponsor of S. 1597, a bill to amend the Public Health Service Act to establish programs to alleviate the nursing profes-sional shortage, and for other pur-poses.

S. 1600
At the request of Mr. DAYTON, the name of the Senator from South Da-kota (Mr. Johnson) was added as a co-sponsor 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 pur-chase 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 reso-lution granting the consent of Congress to the International Emergency Man-age ment Assistance Memorandum of Understanding.

AMENDMENT NO. 2039
At the request of Mrs. CLINTON, the name of the Senator from Vermont (Mr. DODD) was added as a cosponsor of amendment No. 2039 intended to be pro-posed to H.R. 3061, a bill making appro-priations 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. DASCHELLE, 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 appro-priations 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.
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 attack for the 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 "PARE 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 XVIII—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 Federal Trade Commission, 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, the Secretary shall publish in the Federal Register a list of chemical or biological agents or toxins that have been identified pursuant to this subsection.

(b) LIMITATION 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 a list of chemical or biological agents or toxins that have been 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.

(c) 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 that are prioritized under section 2841(c) and that are necessary to achieve the objective of the agreement.

The request shall state with specificity the substance of the agreement, the methods to be used 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 of the market 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. 3704(a)), material transfer agreements, or other agreements, or agree to the amendment or modification of existing or future contracts or agreements. The Secretary may enter into a contract or agreement for the manufacture or distribution of covered products or use new uses identified by the Secretary. A contract or agreement entered into, or amended or modified, under this subsection may address 1 or more aspects of the development, manufacture, distribution, sale, or storage of 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 an 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 Contractor if the Federal 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 2803(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, in sections 1341 and 1351, and chapter II of title 15, United States Code.

SEC. 2803. INDEMNIFICATION.

The Secretary shall indemnify any contractor, subcontractors, distributors, or other entities as determined appropriate by the Secretary pursuant to contracts entered into under section 2802.

SEC. 2804. HIGH QUALITY PRODUCTION.

The Secretary may, with the agreement of the manufacturer of a drug, biological product, or medical device, inclusive, licensed, or cleared (or awaiting approval, license, or clearance) under section 505, 510, 513, or 515 of the Federal Food, Drug, and Cosmetic Act, or section 331 of this Act, and a is 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, 222, 226, 602, 604, 606, or 820 of title 21, Code of Federal Regulations, in the manufacturing, processing, packaging, or holding of the covered 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 agreements, or provide technical and nonmilitary assistance, to provide security, or to ensure that research, development, production, manufacture, distribution, or storage of covered products is conducted securely.

(b) BEST PRACTICES.—The Secretary shall include guidelines and best practices to ensure that facilities that conduct research, development, production, manufacture, distribution, or storage of covered products are secure.

SEC. 2806. INDUSTRIAL SECURITY.

The Secretary may, consistent with the purposes of this Act, enter into contracts, cooperative research and development agreements, or other agreements, or provide technical and nonmilitary assistance to provide security to facilities that conduct research, development, production, and distribution of covered products.
"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) LOCATIONS OF CERTAIN STOCKS.—In carrying out subsection (a), the Secretary shall ensure that medical supplies from the National Pharmaceutical Stockpile are located in areas so proximate to the site of the special event.

"SEC. 2807. DEFINITIONS.

In this title:

(1) "ANTITRUST LAWS."—The term "antitrust laws" means:

(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 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," or the plural, includes biological products, biological products of preclinical and clinical studies, the products of。。。
pursuant to subsection (a)(1), including measures to ensure—

"(A) proper training and appropriate skills to handle such agents and toxins; and

"(B) 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 pursuant to 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 260(a).

SEC. 519. 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 to any other applicable civil or criminal sanctions, to a civil money penalty in an amount not to exceed $250,000.

"(d) 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 related 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 contractor-owned, contractor-operated vaccine production facility on a military installation, as appropriate.

SEC. 8. ENHANCEMENT OF PENALTIES FOR ANIMAL AND PLANT ENTERPRISE TERRORISM.

Section 48 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 but 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 all that follows the word "by" 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: "(d) 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 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 Taiwan.

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, im­port duties would benefit from lower 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, from 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, as it does serve 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 to support a 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 Secre tary of the Interior to study the suit ability 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.

Mr. BOND. Mr. President, I rise today to introduce legislation recognizing the historical significance of downtown Sainte Genevieve, MO. Sainte Gene vie was one of the first European settle ments 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 neighborhood 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 Gene vie. After a thorough study, I am confident that the National Park Service will determine that Sainte Gene vive 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 prohibit the US Government from imposing 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 workers who are on an adequate 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 earned income tax credit. They will have all of it in a 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 have already begun to look at a 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 hold back 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 re fund 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 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.

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 look at that percentage of that billion dollar number, it is 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.

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The reward for a person going to work 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.

Families have encouraged people to take this credit and to extend 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 look at that percentage of that billion dollar number, it is 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.

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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 wrote about the National Economic Council, where I have discussed this. He was at least intrigued by this idea. Intrigued by this idea.

I have discussed this. He was at least intrigued by this idea. I have discussed this. He was at least intrigued by this idea.

So we have an opportunity to do something good for the economy, to do something good for poor people, to do what could be a healthy stimulus indeed for the economy.

I think of a way to do it. I think of a way to do it. I think of a way to do it.

By Mr. ENZI:

S. 1642. A bill to open certain withdrawn land in Big Horn County Wyoming, to locatable mineral development for benonite 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 BENONITE 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 benonite 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, E/2; R. 95 W., Sec. 32, E/2, adjacent to Pit No. 14 in 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 this area is required by reason of a national emergency or for purposes of national defense or security.
The fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

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 "1000" 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:

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 2097. Mr. DASCHLE 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."
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) The 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 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 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; which was ordered to lie on the table; 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

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 the District of Columbia Resident Tuition Support Program:

Nothing in this title shall be construed to permit parties that are subject to regulation 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 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. 1. LIMITATION.

Nothing in this title shall be construed to permit parties that are subject to regulation 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.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA COURTS

For salaries and expenses for the District of Columbia Courts, $140,181,000, to be allotted as follows: for judicial salaries, $80,000,000, of which not to exceed $1,500 is for official reception and representation expenses; for District of Columbia Superior Court, $65,634,000, 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 fringe benefits 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 to the President and to the Committee 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 Committee 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 § 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, $16,000,000 is 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, 2004.

ADMINISTRATIVE PROVISIONS

Section 11-1722(a), District of Columbia Code, is amended in the first sentence by striking ‘‘ and subject to the supervision of the Executive Officer’’.

Section 11-1723(a)(3), District of Columbia Code, is amended by striking ‘‘ and the internal auditor of the council’s courts’’.

“(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) by striking “50” and inserting “75”;

(2) in subsection (b)—

(A) by striking “1300” each time it appears and inserting “1900”;

(B) by striking “2650” each time it appears and inserting “3600”;

Section 16–2236.1(b), District of Columbia Code (1997 Repl.), is amended—

(1) by striking “1,100” each time it appears and inserting “1,500”;

(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 undertaken under section 11202 of title 16, D.C. Code, and payments for counsel authorized under section 21–2606, D.C. Code (relating to representation provided under the District of Columbia Guardian-ship, 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 Colum-bia courthouse facilities) may also be used for payments under this heading: Provided further, That funds provided under this Act under the heading “Federal Payment to the District of Columbia Courts” (other than the $32,700,000 provided under such heading for operating costs of the Office of the Corrections Trustee, as authorized by section 11322

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 the electronic structure of the District of Columbia’s criminal justice system, $2,500,000 to remain available until September 30, 2003, for building renovation or space acquisition required to transfer the Lorton Corrections 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 Correc-tions Complex: Provided, That notwithstanding, 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 autho-ized 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 office and other support programs; of which $94,112,000 shall be for necessary expenses of Community Supervision and Sex Offender Registration, to include expenses related 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 Pre-trial 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 remit to the International Monetary Fund in the District of Columbia, $3,200,000 for capital and equip-ment and $500,000 for the McKinley Technical High School for a public/private partnership with Southeastern University.

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 kind-ergarten 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 G H U R G O U D W A S H I N G T O N 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 in-crease 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 equip-ment improvements.

FEDERAL PAYMENT FOR CHILD AND FAMILY SOCIAL SERVICES COMPUTER INTEGRATION PLAN

For a Federal payment to the Department of Human Services to implement 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 P. L. 112–82, the District of Columbia Family Court Act of 2001, the Mayor shall submit a plan to the President and the Congress within six months, to the extent practicable, to integrate social services and other related services to in-dividuals 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 FAMILY AND FEDERAL LAW ENFORCEMENT MOBILE WIRELESS INTEROPERABILITY PROJECT

For Federal payments in support of the District of Columbia and the Federal law enforcement wireless interoperability project, $1,400,000, of which $400,000 shall be for a payment to the District of Columbia, $333,333 shall be for a payment to the United States Capitol Police, $333,333 shall be for a payment to the United States Park Police, $175,000 shall be for payment to the One State 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.

The amount appropriated shall be available for each agency 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 that shall be submitted to the Committees 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 years 2003 and 2004.

FEDERAL PAYMENT TO THE CHIEF FINANCIAL OFFICE OF THE DISTRICT OF COLUMBIA

For a Federal payment to the Chief Financial Officer of the District of Columbia, $5,900,000, of which $2,500,000 shall be for payment to the “Active Cap” river cleanup technology on the Anacostia River; $500,000 shall be for payment to the National Capital Greenway Foundation; $1,000,000 shall be used for environmental and infrastructure costs at Kenilworth Park in the creation of the Kenilworth Regional Sports Complex; $500,000 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 Siemens’ Children Safe Kids Coalition, to promote child passenger safety through the Child Occupant Protection Initiative.

COURT APPOINTED SPECIAL ADVOCATES UNIT

For a Federal payment to the District of Columbia Court Appointed Special Advocates Unit, $250,000 shall be to expand their work in the Family Court of the District of Columbia Superior Court.

CHILDFAMILY SERVICES AGENCY—UNIFORM CRIMINAL CODE FUND

For a Federal payment to the District of Columbia Child and Family Services Agency, $500,000 to be used for activities authorized under S. 1362, the District of Columbia Family Court, et al. 578, the Abatement and Condemnation of Nuisance Properties Omnibus Amendment Act of 2000, pertaining to the prevention of the demolition of historic properties.

ADMINISTRATIVE PROVISIONS

Under the heading “Federal Payment for Incentives for Adoption of Children” in Pub. L. 106-522, approved December 24, 1999, section 1005(b) as added by section 215 of H.J. Res. 196-199, et se. provides: “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 to establish a scholarship fund for the benefit of prospective adoptive parents: Provided further, That $1,000,000 of said amount shall be used for the establishment of a scholarship fund which adoptive families will use to pay for adoption-related training for adopted children: Provided further, That $1,000,000 of said amount shall be used for the establishment of a private adoptive family assistance fund to help 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 to purchase resources and a description of each agencies’ resource commitment to this project for fiscal years 2003 and 2004.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

For Federal payments in support of the District of Columbia: Provided further, That no revenues from Federal sources shall be used to support the operations of the Office of the Corporation Counsel, the Metropolitan Police Department, the Department of Health, and other offices determined by the Mayor to support the project; Provided further, That notwithstanding any other provision of law, or Mayor’s Order 86-43, issued March 18, 1986, the Office of the Corporation Counsel shall have the 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 any other procurement review process, or to obtain the approval of or be restricted in any manner by any office of the District of Columbia government, for purchases that do not exceed $500,000: Provided further, That not less than $533,333 shall be available to 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 Department of Human Health and Safety: Provided further, That section 403 of the District of Columbia Home Rule Act, approved December 24, 1973 (Public Law 93-522, 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 year, paying in equal installments, for each year he serves as Chairman, but the Chairman”.

(2) A new subsection (d) is added to read as follows:

“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, $290,878,000 (including $60,758,000 from local funds, $96,199,000 from Federal funds, and $73,853,000 from other funds), of which $271,878,000 shall be collected by the District of Columbia in the form of BID tax revenue shall be paid to the Business Improvement Districts pursuant to the Business Improvement Districts Act of 1996 (D.C. Official Code, secs. 7-1211-1215.15 et seq.), and the Business Improvement Districts Amendment Act of 1997 (D.C. Law 12-28; 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 the District of Columbia; Provided further, That the Department of Consumer and Regulatory Affairs may not use any funds derived from bonds, notes, or other obligations issued for capital projects.

GOVERNMENTAL DISTRICT AND SUPPORT

Governmental direction and support, $397,117,000 (including $16,471,000 from Federal funds, $61,367,000 from local funds, and $17,279,000 from other funds: Provided, That not to exceed $2,500 for the Mayor, $2,500 for the Chief Financial Officer of the District of Columbia, and $2,500 for the City Administrator shall be available from this appropriation for official purposes: Provided further, That not more than $10,000 of the funds derived from the issuance of debt shall be available for the payment of expenses of the debt manage-
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 5-13 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 have, with the consultation and guidance of the Director of the Office of Personnel on the necessary qualifications and salary levels on these lapsed funds, as soon as possible, but in no event later than November 1, 2001, a professional human resources officer, a 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 feasible, and fund these new and vacant positions.

PUBLIC SAFETY AND JUSTICE

Public safety and justice, $532,668,000 (including $8,298,000 from Federal funds, and $30,752,000 from other funds): Provided, That not to exceed $2,500,000 shall be available from this appropriation for the Metropolitan Police Department for salaries in support of sworn personnel on the necessary qualifications and the availability of the sums shall be contingent on the voter approval of the charter for the Metropolitan Police 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 feasible, and fund these new and vacant positions:

SUPPORT SERVICES

Human support services, $1,983,925,000 (including $717,072,000 from Federal 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, for the Health Care Safety Net Administration establishment of public institutions of higher education in the District of Columbia and shall remain available until

SUPPORT SERVICES

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SUPPORT SERVICES

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expanded: 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 4 of the Choice in Drug Treatment Act of 2000, effective July 8, 2000 (D.C. Law 13-146; D.C. Official Code, sec. 7–3003). Provided further, That no less than $5,000,000 be available for the Addiction Recovery Fund shall be used solely to pay treatment providers who provide substance abuse treatment to TANF recipients. Provided further, That no less than $2,000,000 of this appropriation shall be used to fund treatment providers who provide substance abuse treatment to TANF recipients.

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 Service Department, $2,010,000 shall be for the Department of Public Work, and $2,700,000 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 $30,000,000 of general fund deficit as of September 30, 1999, and $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, $560,000 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 portion of the Tobacco Settlement Master Settlement Agreement, and consistent with the Tobacco Settlement Trust Fund Establishment Act of 1999 (D.C. Official Code, sec. 7–1311.01(a)(vii)) and the Tobacco Settlement Financing Act of 2000 (D.C. Official Code, sec. 7–1311.03 et seq.), there was transferred the amount available pursuant thereto and Section 148 of the District of Columbia Home Rule Act (Public Law 104–183; 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, as authorized by section 461(a) of the District of Columbia Home Rule Act (Public Law 93–300; D.C. Official Code, sec. 1–204.50a(a)).

**WATER AND SEWER AUTHORITY**

For operation of the Water and Sewer Authority, $244,978,000 from other funds for fiscal year 2002 of which $41,294,000 shall be appropriated for repayment of interest incurred for capital improvement projects ($17,055,000 payable to the District’s debt service fund and $26,239,000 payable for other debt service).

For construction projects, $152,114,000, in the following capital programs: $52,500,000 for the Blue Plains Wastewater Treatment Plant, $11,148,000 for the sewer program, $109,000 for the combined sewer, $118,000 for the stormwater program, $79,000 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 improvement projects approved under 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, $6,510,000 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.
For the Lottery and Charitable Games Enterprise Fund, established pursuant to the District of Columbia Appropriation Act, 2002 (85 Stat. 1544, the Public Law 97-41), for the purpose of implementing the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles, for Charitable Purposes, the District of Columbia (D.C.) Code, sec. 3-1301 et seq., sec. 22-1716 et seq., $229,888,000: Provided, That the District of Columbia shall identify the source or sources of the appropriated funds for the District’s own locally generated revenues: Provided further, That no revenues from Federal sources shall be used to support the operations of the Lottery and Charitable Games Control Board.

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. 827. Public Law 95-391., D.C. Official Code, sec. 1-204.22(b)).

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.

For the Washington Convention Center Enterprise Fund, $57,278,000 from other funds.

For the Housing Finance Agency, $4,711,000 from other funds.

For the National Capital Revitalization Corporation, $2,673,000 from other funds.

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 recession of $476,182,431 from local funds appropriated under this heading for prior fiscal years, for a net amount of $1,074,604,269 to remain available until expended: Provided, That funds for use in 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 District 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 provided as part of this appropriation: 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. 227, Public Law 95-495), for which funds are appropriated under this title shall be available until September 30, 2003, except authorizations for projects as to which funds have been obligated in whole or in part prior to October 1, 2000: 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 appropriated 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 improve property or facilities within the boundaries of census tracts 68.04 for any purpose associated with the D.C. Department of Corrections, the CSOSA, or the federal Bureau of Prisons: Provided further, That none of the conditions set forth in this paragraph shall be inconsistent 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 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 engineering, accounting, 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. 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 misidentified 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 be inconsistent with the operations of any Federal agency.

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 provisions affecting the District of Columbia employees: Provided further, 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. 104. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless specifically provided herefor.

SEC. 105. No funds appropriated in this Act for the District of Columbia government for the operation of educational institutions, the operation of those of the District of Columbia that remain public, 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 building projects 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 further any collective bargaining before Congress or any State legislature.

SEC. 107. At the start of the fiscal year, the Mayor shall develop an annual plan, by quart er, for projects to be carried on by the Department of D.C. General Hospital: Provided further, 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. 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 for use by or on behalf of any agency under this Act, shall be available for obligation or expenditure for an agency through a reprogramming of funds which: (1) creates new projects or programs, (2) eliminates or implements a new 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 10 percent, whichever is less; or (7) increases by 20 percent or more personnel assigned to a specific project, program or responsibility center unless the Compromise 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.

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 provision 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(d) of the District of Columbia Home Rule Act (87 Stat. 790; Public Law 93-198; D.C. Code, sec. 1-2422(d)), 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. 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 for the purpose of the Mayor’s midyear budget report for the fiscal year ending September 30, 2003. The officially revised estimates at midyear shall be used for the midyear report.

SEC. 111. The Mayor shall not enter into 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: Provided, That prior to approval of the contract which the Mayor may enter into for the purchase of goods or services, that the failure of the District of Columbia or the Congress to act on the moral agents to submit the proposal of the District of Columbia procurement practices Act of 1985 (D.C. Code, sec. 1-1183.3), except that the District of Columbia or any agency thereof may renew or extend sole source contracts for which competition is not feasible.
and certified by the Chief Financial Officer of the District of Columbia.

Sect. 111. Appropriation 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 District as a whole of the 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.  

Sect. 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 such amounts, such amounts as are sequestered by the order: Provided, That the sequestration percentage specified in the order shall be applied to each of the District of Columbia accounts in this Act that are not specifically exempted from sequestration by such Act.  

Sect. 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 subsection (b)); 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 pursuant to subsection (a), and shall keep 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 regulations promulgated by the Council of the District of Columbia, accept and use gifts to the public schools without prior approval by the Mayor.

Sect. 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 United States Senator or United States Representative under section 4(d) of the District of Columbia Statehood Constitutional Convention of 1978 (92 Stat. 1767) (as amended by D.C. Code, sec. 1-113(d)).

Sect. 117. None of the funds appropriated under this Act shall be expended for abortions, 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.

Sect. 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 with the District of Columbia, including but not limited to registration for the purpose of extending employment, health, or governmental benefits to such couples on the condition that such couples are extended to legally married couples.

Sect. 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 subject to these provisions 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 of the Treasury within 14 calendar days of the receipt of the report from the Chief Financial Officer, and no oral notice of disapproval being given at 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 to the Council by the Secretary of the Treasury within 14 calendar days of the receipt of the report, the report shall be deemed to be disapproved.

No amount may be obligated or expended from the general fund or other funds of the District of Columbia to support or provide incentives or assistance of any kind to any entity, including any charitable organization, foreign or domestic, public or private, or other grant not subject to these provisions.

The Chief Financial Officer of the District of Columbia shall keep accurate and detailed records of the acceptance and use of any gift or donation accepted and used by an entity of the District of Columbia government.

Sect. 120. Compliance With Buy American Act.—None of the funds made available in this Act may be used by an entity unless the entity agrees in writing to comply with the Buy American Act (41 U.S.C. 10a-10c).

Sect. 121. No officer or employee of the District of Columbia government (including any independent agency of the District but excluding the Board of Education of the District of Columbia, the Metropolitan Police Department, and the Office of the Chief Technology Officer) may enter into an agreement or contract for the provision of goods or services to any entity of the District government until the officer or employee has completed 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.

Sect. 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 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(c) of the Rehabilitation Act of 1973 (67 Stat. 294; 29 U.S.C. 794(c)), DCPS shall place that student in an appropriate program of special education services.

Sect. 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 in writing to comply with the Buy American Act (41 U.S.C. 10a-10c).

(b) SENSE OF THE CONGRESS; REQUIREMENT REGARDING NOTICES.—The Congress shall make it the policy of the United States to encourage the use of American-made equipment and products. In the case of any equipment or product that may be authorized to be purchased 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.

(b) 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 funds and to each recipient’s employees, using 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 or any similar inscription, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the 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 Coordinated Practices Act of 1986 (D.C. Code, sec. 1–1128.2(a)(4)); and

(2) it provides for a comparison of 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. 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 93–388; D.C. Code, sec. 4–7001), for all agencies of the District of Columbia government for fiscal year 2002 unincorporated in this Act but for which the District of Columbia government who has not filed a certification with the Mayor of the District of Columbia that the officer under the District of Columbia Home Rule Act (Public Law 104–171), for all agencies 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 the amendment made by this Act, including any duty to prepare and report requested either in the Act or in any of the reports accompanying the Act and the deadlins report must be submitted, and the District’s Chief Financial Officer shall provide to the Committees on Appropriations of the Senate and House of Representatives a detailed budget report for each quarter after the end of each quarter a summary list showing each report, the due date and the date submitted to the Committees.

(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 attract activity associated with the possession, use, or distribution of any schedule I substance under the Controlled Substances Act (21 U.S.C. 802) or any tetrahydrocannabinol (THC) 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 grant the Mayor of the District of Columbia from addressing the issue of the provision of contraceptive coverage by health insurance plans, but it is the determination of the Federal government that the amounts authorized on such issue should include a “conscience clause” which provides exceptions for religious beliefs and moral convictions.

SEC. 131. (a) ASSESSMENT OF INTEREST FOR DELAYED PAYMENTS.—If the Superior Court of the District of Columbia or the District Court of Appeals of the District of Columbia fails to make a payment within 30 calendar days after the date of the request 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—

(1) a payment for counsel authorized under section 11–2904 and 11–2905, D.C. Code (relating to representation provided under the District of Columbia Criminal Justice Act);

(2) a payment for counsel authorized in proceedings in the Family Division of the Superior Court of the District of Columbia; and


(c) STANDARDS FOR SUBMISSION OF COMPLETED VOUCHERS.—The Chief Financial Officer of the District of Columbia and the District of Columbia Court of Appeals shall establish standards and criteria for determining whether vouchers submitted pursuant to clause (2) of paragraph (1) of this subsection 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 on any claim or portion of any claim which is denied by the Court involved.

(e) EFFECTIVE DATE.—This section shall apply with respect to payments of the Superior Court of the District of Columbia or the District of Columbia Court of Appeals during fiscal year 2002, and claims received 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.

(f) ASSESSMENT.—Any amount which is determined to be due by a court shall be assessed against the party against whom the issue of the provision of contraceptive coverage by health insurance plans, but it is the determination of the Federal government that the amounts authorized on such issue should include a “conscience clause” which provides exceptions for religious beliefs and moral convictions.

Note: Public Law 104–171, the District of Columbia Financial Responsibility and Management Assistance Act of 1995 is amended to read as follows:

“’(1) RESERVE FUNDS.—

(1) BUDGET RESERVE.—

(A) Reserves 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:

(1) $20,000,000, in the case of fiscal year 2002;

(2) $70,000,000, in the case of fiscal year 2003.

(B) AVAILABLE 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 493a 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.—Of the District of Columbia may obligate or expend amounts in the budget reserve under paragraph (1) 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 District of Columbia government for fiscal year 2001.

(C) The Mayor may not be used to fund agencies of the District of Columbia government for fiscal year 2001.

(D) The amounts may be obligated or expended only if the Mayor notifies the Committee on Appropriations of the House of Representatives and Senate in writing 30 days in advance of any obligation or expenditure.

(4) REPLACEMENT.—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 this subsection (a) shall take effect October 1, 2001.

(c) CONFORMING AMENDMENTS.—Section 153(c) of the District of Columbia Appropriations Act, 2001 (Public Law 106–171, 114 Stat. 2482) is amended to read as follows:

“’(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), this section and the amendments made by this section shall take effect on October 1, 2000.

(2) REPEAL OF POSITIVE FUND BALANCE REQUIREMENT.—Subsection 153(c) of the District of Columbia Appropriations Act, 2001 (Public Law 106–171, 114 Stat. 2482) is amended—

(1) to take effect on October 1, 2001.
SEC. 127. (a) None of the funds contained in this Act shall be used to pay the settlement or judgment of a claim or lawsuit in an amount less than $10,000, in accordance with the statutes that established such funds.

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 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:

"(d) Contingency Reserve Fund. —Section 450A(b) of the Home Rule Act (Public Law 93–186) is amended—

(1) in 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.""

Section 159 of Public Law 106–113 is amended by striking the following:

"That this paragraph shall not apply to funds deemed approved, by the Council:

(a) for reorganization plans for the Integrated Product Team until fiscal year 2002.

(b) any individual or entity who receives any funds contained in this Act 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 charged in whole or in part against the revenues of said District for 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). The property 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, at 10 a.m., in Dirksen 226, on "Germs, Toxins and Terror: The New Threat to America."

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary 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."

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 2:30 p.m., in Dirksen 226.

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet to conduct a hearing on Tuesday, November 6, 2001, at 1:30 p.m., to hold a nomination hearing.

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 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:

"(d) Contingency Reserve Fund. —Section 450A(b) of the Home Rule Act (Public Law 93–186) is amended—

(1) in 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.""

Section 159 of Public Law 106–113 is amended by striking the following:

"That this paragraph shall not apply to funds deemed approved, by the Council:

(a) for reorganization plans for the Integrated Product Team until fiscal year 2002.

(b) any individual or entity who receives any funds contained in this Act 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 charged in whole or in part against the revenues of said District for 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). The property 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, at 10 a.m., in Dirksen 226, on "Germs, Toxins and Terror: The New Threat to America."

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Tuesday, November 6, 2001, at 2:30 p.m., to consider the nomination of Odessa F. Vincent to be an Associate Justice 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 226.

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 Parascin, 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.

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 Greenwood, Jr., of Florida, 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.

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 Congressional 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 Work, of Georgia, to be United States Attorney for the Middle District of Georgia for the term of four years.

Juan Carlos Benitez, of Puerto Rico, to be United States Attorney for the District of Puerto Rico for the term of four years.

Karon O. Bowdrey, Sr., of Alabama, to be United States District Judge for the Northern District of Kansas for the term of four years.

Alice Howze Martin, of Alabama, to be United States District Judge for the Northern District of Alabama for the term of four years.

Juan Carlos Benitez, of Puerto Rico, to be United States District Judge for the Northern District of Puerto Rico for the term of four years.

Donald W. Byrnes, of Mississippi, to be United States District Judge for the Northern District of Mississippi for the term of four years.

Jeffrey Gilbert Collins, of Michigan, to be United States District Judge for the Eastern District of Michigan for the term of four years.

Drew Howard Wrigley, of North Dakota, to be United States District Judge for the District of North Dakota for the term of four years.

Alice Howe Martin, of Alabama, to be United States District Judge for the Northern District of Alabama for the term of four years.

Mary Alice Bagley, of Virginia, to be District Judge for the United States District Court for the Eastern District of Virginia for the term of four years.

Penelope S. Williams, of Texas, to be United States District Judge for the United States District Court for the Western District of Texas for the term of four years.

Jeffrey Gilbert Collins, of Michigan, to be United States District Judge for the Southern District of Michigan for the term of four years.

Jeffrey Gilbert Collins, of Michigan, to be United States District Judge for the Eastern District of Michigan for the term of four years.

Janice M. Brown, of North Carolina, to be District Judge for the United States District Court for the Eastern District of North Carolina for the term of four years.

Douglas W. Yeager, of Arkansas, to be District Judge for the United States District Court for the Eastern District of Arkansas for the term of four years.

Carol L. Moore, of Alabama, to be District Judge for the United States District Court for the Northern District of Alabama for the term of four years.

Terence P. O'Sullivan, of New York, to be District Judge for the United States District Court for the Southern District of New York for the term of four years.

George E. Brown, of California, to be District Judge for the United States District Court for the Central District of California for the term of four years.

M. Christina Armijo, of New Mexico, to be United States District Judge for the District of New Mexico.

Karen B. Sharp, of North Dakota, to be United States District Judge for the District of North Dakota for the term of four years.

John C. Eddy, of Alabama, to be United States District Judge for the Northern District of Alabama for the term of four years.

Myron B. Thompson, of Texas, to be United States District Judge for the Western District of Texas for the term of four years.

Steven M. Beisla, of Wyoming, to be District Judge for the United States District Court for the District of Wyoming for the term of four years.

Kathryn D.-times, of Maryland, to be United States District Judge for the District of Maryland for the term of four years.

TOMORROW

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.

Karen B. Sharp, of Alabama, to be United States District Judge for the Northern District of Alabama.

Stephen P. Priot, 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 United States Attorney for the District of South Carolina 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.

Carl J. Song, of Alaska, to be United States Attorney for the District of Alaska for the Term of Four Years.

William S. Duffey, Jr., of Georgia, to be United States Attorney for the Eastern District of Georgia for the Term of Four Years.

Paul K. Charlton, of Arizona, to be United States Attorney for the Western District of Arizona for the Term of Four Years.

Jeffrey Gilbert Collins, of Michigan, to be United States Attorney for the Southern District of Michigan for the Term of Four Years.

Juan Carlos Benitez, of Puerto Rico, to be United States Attorney for the District of Puerto Rico for the Term of Four Years.

Karon O. Bowdrey, Sr., of Alabama, to be United States Attorney for the Northern District of Alabama for the Term of Four Years.

Alice Howze Martin, of Alabama, to be United States Attorney for the Middle District of Alabama for the Term of Four Years.

Juan Carlos Benitez, of Puerto Rico, to be United States Attorney for the District of Puerto Rico for the Term of Four Years.

Karon O. Bowdrey, Sr., of Alabama, to be United States Attorney for the Southern District of Alabama for the Term of Four Years.

William S. Duffey, Jr., of Georgia, to be United States Attorney for the District of Georgia for the Term of Four Years.

Maxwell Work, of Georgia, to be United States Attorney for the Middle District of Georgia 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.

Mary Alice Bagley, of Virginia, to be United States Attorney for the District of Virginia for the Term of Four Years.

Penelope S. Williams, of Texas, to be United States Attorney for the Northern District of Texas for the Term of Four Years.

Douglas W. Yeager, of Arkansas, to be United States Attorney for the District of Arkansas for the Term of Four Years.

Carol L. Moore, of Alabama, to be United States Attorney for the District of Alabama for the Term of Four Years.

Terence P. O'Sullivan, of New York, to be United States Attorney for the District of New York for the Term of Four Years.

George E. Brown, of California, to be United States Attorney for the District of California for the Term of Four Years.

Myron B. Thompson, of Texas, to be United States Attorney for the Northern District of Texas for the Term of Four Years.

Kathryn D-times, of Maryland, to be United States Attorney for the District of Maryland for the Term of Four Years.

TOMORROW

CONCLUSION
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 Otaka 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 Sakamoto 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, Japan, on celebrating their 400th year of existence.

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 eliminating liver diseases.

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 regretfully absent on Wednesday, October 17, 2001, and consequently missed a recorded vote on H.R. 390. Had I been present, I would have voted “ya” on rolcall 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 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 increases authorization levels for SBA’s various technical assistance programs to insulate 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
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 (NADO), 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

The bill authorizes additional funds for the Small Business Development Centers (SBDCs) by amending the Small Business Act to authorize a $25 million annual fund at the SBA to pay for these contracts. 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.

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 size standards. In addition, the bill eliminates the upfront 504 loan 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. The 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 $800 million to meet anticipated demand on 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 under unfavorable or other circumstances 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 this program 11 months after enactment to apply for the adjustment.

The bill also authorizes additional funds for various SBA management assistance programs to help small businesses successfully utilize the temporary changes to the SBA loan guarantee program 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 will be used to provide free individualized assistance for small businesses adversely affected by the terrorist attacks. No matching state funds would be required.
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, clothing, and other necessities. 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 Care 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 that are 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 workforce today and in the future, we must look at the 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:

[The 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 state laws to ensure patient safety before consumer safety could be impinged. However, no similar limitations currently exist for our nation's nurses who are caring for us at often the most vulnerable times in our lives.

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 a long-term 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 overal 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 this country that necessitates 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 patients. That is the 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 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 today 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 put 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 Butler Street YMCA 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 our 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 saw me while I was very young and . . . 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 off to DePauw University as a boy and have seen him return as one of our 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.

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FIRST CONGREGATIONAL CHURCH IN ATLANTA
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 capitalism. Freedom was 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 human, social, and economic traditions. The giant leap forward in technology and free trade have left many behind. The pervasive march of modernity disrupts traditional cultures. Worldwide, democracies 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, the press media, as among others—breed resentment and distrust.

About the only constant is the craving for full participation in political decisions that affect their livelihoods.

That is why many people believe the rush for modernity leads to explosive unemployment and human suffering. Americans, who have benefitted from the triumph of markets, dismiss such feelings at our peril. Just as a fair, democratic capitalist society must include social justice and equitable division of the benefits of the free market, so too must there be 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—what some call a New Red Scare. Worldwide, such economic 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 cause 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 mankind and everything to do with unbridled 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 welcomes war. But if it is forced upon us—as it has been—it must be pursued as it has been pursued before—forever lick yesterday’s wounds.

We have not gone into World War II solely to avenge Pearl Harbor and 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 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 safeguarded.

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 undermining 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 American and 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 principles. When this nation was mired in the Viet Nam war, 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 has only moved it forward. For if 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.

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 received the 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.

CONGRESSIONAL RECORD — Extensions of Remarks

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 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 to our skies to defend our 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 during flight in his P-51 Mustang on a weather scouting mission out of an allied air base in Worfingford, 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 many families today know firsthand the sorrow and heartache that Lt. Patton

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 Rhinelan, 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”;

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 unyielded 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 Sadler 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.

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 make the Fresno area more attractive.

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" one in 1986.

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 current sales staff. All of this is nonsense.

Q. What is the community service project, organization or event closest to your heart?
A. Tree Fresno has probably done more to benefit 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. "Just because customers sometimes do not want to hear the truth, they will always remember favorably the person who tells the truth." - John Doe

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.

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Q. Three greatest passions?
A. My wife, my kids, my business.
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. I further stated that Traficant had realized that Traficant had invested over the barn, Nemenz decided that he had sat so long unused. He further stated that he has agreed to sell Traficant his house and that he must give credit for any of the expenses. The real reason that he wanted the car back was that it was purchased in 1975 after the towns were to be $17,000.00 in addition to the truck.

5. Nemenz told Traficant that he eventually got rid of his construction business because of faulty construction and poor management.

6. Nemenz disclaimed 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. Nemenz agreed that Traficant in my presence that Traficant had settled the accounts in full.

11. Nemenz stated in my presence that when he confronted Morford, he had four assistants, and the situation was intimidating. He said that he 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 “bullshit”.

13. He also told Morford 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 opened 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 told me. Henry also said that he was also upset over the problems that had developed concerning 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 comes before me on this 1st day of June, 2001 and is called and re-called to the best of my recollection.

This affidavit concerns the phone conversation between myself and Assistant Attorney General John Detor in the County of Mahoning.

This conversation took place after the 30 federal indictments were handed down. The phone conversation lasted the better part of an hour, and was being taped recorded.

The conversation started out by me telling Craig Morford that he has a name meaning from his indictments. I mentioned the name and the name of his car. I told him that he was very quiet. He asked me 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. I was in charge of investigating this person. We would conduct investigations on establishments that were involved in the illegal activities of Youngstown that were not being investigated by Chief Wellington, and this person was one of those. Morford stated that he did not 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 criminal justice system was. I did not need any retribution because the last time that I got close to Altsheler and Strollo I had a fire bomb threat at my parent’s home and my windows were 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 name in calling Morford was to look up what the local municipal court. As the conversation went on I told him about a drug distributor in Youngstown with connections with law enforcement. I was told to let him know that I was going to give this information out to just anybody because of the quantity that this person deals with. Craig Morford stated that he would have to get together with the FBI and get a warrant and see if those agents were no longer there.

It was told him that those agents were no longer there, and that you can trust Sedlack, because I know this person but didn’t have enough to indict him.

I then told Morford that this conversation 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 jail. He stated that they 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 result in going to prison.

I did let Morford interview me, and they’ve gone all through my wife, what kind of salary, why I bought the car, 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 a nightmare.

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. No, sir. 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’s not what I said.

Mr. Traficant. They want you to more or less admit to the way they’re interpreting it, which would be a lie, wouldn’t it?

Mr. Detor. Yes.

Mr. 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 IRS and or butts. I mean they’re going to get an interview with me, and I’ve got one of them who I’ve been threatened with the FBI of-
Mr. DETOR. That’s what he said.
Mr. TRAFICANT. It showed, didn’t it? I paid for a lot of meals.
Mr. DETOR. Yes, and even the purchase of the boat.
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. Did 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. Yes, 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 have happened. I’ve never been able to be convinced. I never would 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 I 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 before a trial and lie to you. You can’t do it. We know the type of person you are. They said we also know that 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 that; 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 me. I didn’t think 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 I was buying it for less than that value. I said I paid $20,000, and it was worth $25,000. I don’t walk away on the money. I’m not going to buy a 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 Al. 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. 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—
Mr. TRAFICANT. Who told you what?
Mr. DETOR. 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. Yeah. Plato Cacberis because they said they would call me.
Mr. TRAFICANT. Yeah, 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, I would.
Mr. DETOR. We’re going to 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 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 value 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 you 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 that the stuff that Al Lang handled it in the... 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 know you wouldn’t accept anything.
Mr. TRAFICANT. Yeah, I told you, I told you they 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 you, I know, so I can.
Mr. TRAFICANT. You can refer me to your attorney.
Mr. DETOR. The best way to do is to handle that out of sight through Plato. He’ll deal with it. We are going to public ethics. We’re going to everybody. I’ve had threats
Mr. TRAFICANT. Who called her?
Mr. DETOR. My daughter.
Mr. TRAFICANT. Oh.
Mr. DETOR. Yeah, 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 degrading 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 had.
Mr. TRAFICANT. And what would Cafaro have from doing that?
Mr. DETOR. That's when they try 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.
Mr. TRAFICANT. I know that.
Mr. DETOR. Has he lost his mind?
Mr. TRAFICANT. Yeah.
Mr. DETOR. 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 correct means I have 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. Yeah.
Mr. TRAFICANT. And he threatened 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 as a lie, but 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 pay a significant amount of money defending myself. I keep going over these issues and issues and issues, and none of these make any sense to me. I keep wondering where there’s anything even done wrong; and they said—we, 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 that I did nothing illegal?
Mr. DETOR. I didn’t spread.
Mr. TRAFICANT. And you basically told them that I didn’t spread.
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 get your story out or your story—get your story out to file a lawsuit immediately knowing—have your attorney call me—and knowing now that I’m moving to have him called by the IRS? And surely he would say, 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.
Mr. TRAFICANT. This is illegal.
Mr. DETOR. They were extorting you. Mr. DETOR. They, 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—well, first it to think that a nonexistent staff member could be doing anything to the contrary because they are so, they seem so sound and straightforward and narrow with things being done right and things being told—well, I don’t see it this way; I said I’m sorry. I just don’t see anything.
Mr. TRAFICANT. I mean, I think, to tell you the truth, Morford, 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. 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. TRAFICANT. I think, to tell you the truth, that the whole thing needs to be thrown out. Mr. DETOR. Yeah. That might lead to that, your participation.
Mr. TRAFICANT. It’s out of control.
Mr. TRAFICANT. Morford is 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 ass is going 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 afraid to die, 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. Weir, 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—quote—quote, 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 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 saying, or anything in the $40,000 on his boat. I said that’s nonsense. That is absolute, 100 percent nonsense. I said
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 employment.

Mr. TRAFICANT. Who were some of those witnesses?

Mr. DETOR. You got Lonnie Sikrowski, 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 Cafaro, and they say they’re not responsible when I was right there in a meeting where they said it was Cafaro Company’s. 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 anywhere, you know.

Mr. TRAFICANT. File you lawsuit and go to 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 me take the stand. They said that I was [unreadable] to 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 going 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, who knows what 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, 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. Thank you. Yes. Have your attorney call me. Is he involved with any law firm or is that his firm?

Mr. DETOR. Pluto 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 was prepared from a tape recording provided by Congressman James A. Traficant, Jr., Lisa C. Nagy-Baker, Registered Diplomatic Reporter Notary Public.

RECOGNIZING EL PASO ARTIST ERNESTO PEDREGON MARTINEZ

HON. SILVRESTRE 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 firsthand knowledge of the daily struggles of the Mexican people. Martinez is considered one of 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 Raúl 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 1987-1988 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 1997-1999 with honors 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 Gloet 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 SKELTEN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 6, 2001

Mr. SKELTEN. 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 Draco, a Seahawks touchdown celebration 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. Bromley 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 come to the community's aid. 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 Bacca-laureate worship, and offering itself as a place of prayer and hope when many churches came together the day following the tragic events of September 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, D.D.S. 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 openly dedicates every one of these qualities. Mr. Charles Hart, of the Canutillo Independent School District (ISD) has deservedly 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 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 parent 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 of 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 pieces.

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 Rollock 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 skies are safe.

Finally, in a very small way, it expresses our gratitude toward the individuals who risk their lives everyday to ensure our safety while traveling on airplanes.
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 $42 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.

Mr. ETHREDGE. 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 passengers 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 afraid 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 evil-doers 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 airline security legislation and send it to the President to be signed into law as soon as possible.

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 of 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.

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 Mt. Rydal 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.” as I affectionately call him attended Allen University in Columbia, 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 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 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 mobile garages. The result has been 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, our community, and our country. I purposefully single out 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-acted 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 federal unemployment benefits to 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 fails 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 UI 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 reduced 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 clearly need 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.

HON. JEFF MILLER
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, November 6, 2001

Mr. 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 Blasso.

Dr. Blasso would say that his specialty was human services. He was referring to his doctoral work 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. Blasso 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. Blasso’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 course of the First Congressional District of Florida forever. He will always be remembered for his tireless fight for our environment and wetlands. Dr. Blasso 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.

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 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 Jerry Colangelo, 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. Championship teams have people who 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 blooper single to end the 9th and win the World Series. Gonzalez’s hit was 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 Champion 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 Programs 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 serves as this 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 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.

HON. IRENE 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. 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.”

HON. SCOTT MCKNIS
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, November 6, 2001

Mr. MCKNIS. Mr. Speaker, I would like to take this opportunity to recognize an exceptional and caring young woman, Destiny Folmer, who recently helped raise $404 for the Colorado Brain 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 $404 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. HINCHLEY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, November 6, 2001

Mr. HINCHLEY. Mr. Speaker, today, November 6, 2001, we remember one of the most
horrible events the world has ever seen: the indescribable 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 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-made 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 nations lost people in the attacks of September 11 who were as innocent as those that died in Afghanistan are limited, and we must realize 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, urged 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.

WHERE DO WE GO FROM HERE?
(By Henry Kissinger)

As the war against the Taliban reaches a momentous, let us see into its proper perspective. President Bush has eloquently described the objective as the destruction of state-supported terrorism. And for all its noble pursuit, warfare permits a clear definition of victory.

The terrorists are ruthless, but not numerous. They control no territory permanently. The only security forces of all countries—if no country will harbor them—they will become outlaws and increasingly obliged to devote efforts to inhuman surplus. The United States’ responsibilities will remain in command of 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 heavens. 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. In Germany and, to some extent, the United States. Remedial measures with respect to these situations are in train.

But the crucial task is to preserve the authority of safe heavens occur when a government loses its eyes because it agrees with at least some of the objectives of the terrorists—as in Afghanistan. It’s too early to be the case in Germany and, to some extent, in the United States. If its friendly countries that have been cooperating with the United States on general strategy, suspicions and metaphors that clearly 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, 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 Defense Donald Rumsfeld 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 international terrorism, Osama bin Laden.

The strategy of focusing on Afghanistan carries with it two risks, however. The first is that the difficulties of a trackless geography and chaotic political system may divert the coalition from the ultimate objective of crippling international terrorism. In particular, the coalition can disappear at the first setback to opposition to terrorism in principle. Its coalition will become clear. There could be some important symbolic achievement, it will be only the opening engagement of what must be a very long and relentless worldwide campaign. The second challenge is to guard against the temptation to treat cooperation on Afghanistan as meeting the challenge of avoiding the necessary succeeding phases.

This is why military operations in Afghanistan should be limited to the shattering of the Taliban and the dismantlement of bin Laden’s 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 suffered by the historical record. The likely—perhaps optimum—outcome is a central Kabul government of limited reach, with tribal autonomy guaranteed. If the United States and its allies were to work together, it would be in a multi-agency contact group could be created composed of Afghanistan’s neighbors (minus Iraq), 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, providing it genuinely abandons its support of terrorism.

The crucial phase of America’s anti-terrorism strategy will begin as the Afghanistancampaign 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 their own path. Their own involvement, military or otherwise, into foreign affairs will be defined by the least-common-denominator compromises that killed the U.N. inspection system in Iraq, and any moves toward 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 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 states should be subjected to as part of cooperative anti-terrorism efforts.

Just as, in the Gulf War, the pressures for American unilateralism led to the demand 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 terrorist states. Iran, having developed biological weapon capabilities, is emerging as an important global player. After measurable success in the anti-terrorism campaign, the West must avoid the illusion of a rapid end. When it does not appear as concession to the terrorists, the Middle East peace process should be urgently resumed. These and other fundamental issues must be faced by 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 step away 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 Historical Society, the 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 health officials seek 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, 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 the beauty and natural appeal that she 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 for over twenty-five years, 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 her 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 skills 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 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 played a special role 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 at 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.
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.

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:

Withdrawn:

Daschle Amendment No. 2044, to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

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).

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.

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, Hatchison, Stevens, and DeWine.

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:

Adopted:

Landrieu/DeWine Amendment No. 2106, in the nature of a substitute.

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.

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.

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.

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.

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.

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

(new 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; and Ronald 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.

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**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);

**Speaker Pro Tempore:** Read a letter from the Speaker wherein he appointed Representative Culberson to act as Speaker pro tempore for today.  
**Page H7851**

**Recess:** The House recessed at 12:53 p.m. and reconvened at 2 p.m.  
**Page H7725**

**Private Calendar:** Agreed to dispense with the call of the Private Calendar.  
**Page H7727**

**Suspensions:** The House agreed to suspend the rules and pass the following measures:

  **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;

RECESS: The House recessed at 4:05 p.m. and reconvened at 5:45 p.m.

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.

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.

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;” 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)


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 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 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

Extensions of Remarks, as inserted in this issue

Bass, Charles F., N.H., E2005
Blunt, Roy, Mo., E2006
Boehlert, Sherwood L., N.Y., E2006
Clyburn, James E., S.C., E2016
Costello, Jerry F., Ill., E2006
Diaz-Balart, Lincoln, Fla., E2018
Eskeridge, 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
Lantos, Tom, Calif., E2016
McInnis, Scott, Colo., E2018, E2020, E2021
Mncullough, Donald A., Ill., E2005
Miller, Jeff, Fla., E2007
Mora, Constance A., Md., E2005
Ney, Robert W., Ohio, E2006
Norton, Eleanor Holmes, D.C., E2007
Pastor, Ed. Ars., E2007
Putnam, Adam H., Fla., E2006
Reyes, Silvestre, Tex., E2014, E2015
Riley, Bob, Ala., E2015
Roukema, Marge, N.J., E2009
Royce, Edward H., Calif., E2015
Schaffer, Bob, Colo., E2018
Skelton, Ike, Mo., E2014, E2018
Stark, Fortney Pete, Calif., E2007
Traficant, James A., Jr., Ohio, E2010

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