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Senate

The Senate met at 10 a.m. and was called to order by the Honorable BILL NELSON, a Senator from the State of Florida.

PRAYER

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

Dear God, You, Yourself, are the answer to our prayers. So often we come to You with our shopping list of requests. Prayer becomes a ''gimmie'' game rather than a grace gift. Help us to realize that whatever You give or withhold from us in prayer is to draw us into deeper intimacy with You. When we put the primary emphasis on a relationship with You, experiencing Your presence and receiving Your power, life becomes a privilege. It loses its strain and stress. Added to that, You provide the spiritual gifts we need—wisdom and discernment, emotional strength and stability, and physical stamina and endurance. Grant the Senators a special measure of Your inspiration today as they listen to You. Speak to them before they speak to the Senate and to the Nation. May debate not divide but develop deeper understanding. Now, when the world looks to America for leadership, may patriotism unite this Senate. Grant the Senators and to all of us a renewed dependence on You that makes possible greatness in leadership. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BILL NELSON led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 7, 2001.

To the Senate:

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

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, the Senate will resume consideration of the District of Columbia Appropriations Act immediately. Senator ALLEN will offer an amendment regarding needle exchange programs. He has agreed to have 60 minutes for debate prior to the vote in relation to the amendment. That vote will occur a little after 11 o'clock. Following the vote in relation to the Allen amendment, Senator HUTCHISON of Texas will offer an amendment regarding attorney's fees, with 60 minutes for debate on that amendment. Following 30 minutes of debate on the Hutchison amendment, it will be laid aside for a period of morning business until 2:30 p.m. Senators will be permitted to speak during morning business time for up to 10 minutes each. This period of morning business is for a number of reasons but mainly to accommodate the Senators-only briefing with Secretary of Defense Rumsfeld.

At 2:30 p.m., the Senate will resume consideration of the Hutchison amendment, with 30 minutes of debate prior to the vote in relation to the amendment, at approximately 3 p.m.

The majority leader announced last night in closing that he wanted to complete the DC appropriations bill today. Everyone should understand we are going to work very hard until we finish this bill tonight. That is the intention of the majority leader. Other than these two amendments, I am not sure how many more there will be. Hopefully, it can be wrapped up quickly. There are a number of other important issues that are waiting to be completed before we adjourn for the year.

RESERVATION OF LEADER TIME

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

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2002

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of H.R. 2944, which the clerk will report.

The assistant 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 ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Virginia is recognized to offer an amendment, on which there shall be 60 minutes of debate.

Mr. REID. Mr. President, I ask that we not go to the amendment for just a few minutes. Senator LANDRIEU is in the building and will be here momentarily. I think she should be present. I ask unanimous consent the Senator from New York be recognized for 5 minutes as in morning business.

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

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

The Senator from New York.

PUBLIC SAFETY INFRASTRUCTURE

Mrs. CLINTON. Mr. President, I rise today to bring to our attention two distinct problems facing our States and particularly our communities in New York as a result of the attacks on September 11. I have just come from a meeting with a number of mayors from cities all over the country, including mayors who joined us by conference phone, Democrats, Republicans, large cities, medium- and small-sized cities. They all have said with a single voice that the impact on our public safety infrastructure of the attacks is such that they are bleeding dollars. They are paying overtime constantly to our police officers, our firefighters, our first responders. They do not have the funds to provide the protection and the quick response our citizens deserve and expect.

I can speak specifically about New York. We have an economic situation where we face a $10 billion shortfall in State revenues over the next 18 months. In addition, our New York State comptroller, Carl McCall, has identified $940 million in potential State and local government costs due to the current congruence of events.

This means that city governments, county governments, far away from Ground Zero, are faced with hundreds of calls about potential biological or chemical materials, particularly anthrax, to which they are responding as we expect them to. They are faced with threats coming in—both credible and, frankly, not, but we have to follow each one up—potential threats to our infrastructure, our powerplants, our bridges, our ports, our airports.

As a result, we have a tremendous pressure buildup on our local governments. As I heard today, it is something that is being faced by governments across our country. That is why I strongly support the plan with which Senators BYRD and REID are coming forward, to provide additional funding for public safety needs. I am calling on our colleagues and the Federal Government to create a public safety block grant program to help communities plan, strictly for our emergencies, and to be ready no matter what happens in their communities.

Why is a public safety block grant so necessary?

First, September 11 changed everything. Anybody who wants to pretend it didn't is sending a false message to the people we represent. Our cities and our counties are on the front lines in the war against terrorism. When a threat is called in to our local fire department or our local mayor's office, they cannot wait for some kind of Federal response. They have to send out those first responders. They are on a heightened state of alert as they have been told by our President, by Governor Ridge, and by Attorney General Ashcroft. A public safety block grant would help our communities provide these additional resources for police, fire, ambulance, emergency, airports, waterways, public transit infrastructure, chemical, and nuclear plants.

I think we should reinvigorate the concept of civil defense, using more volunteers to supplement our first line responders. Some of our colleagues, including Senators MCCAIN, BAYH, and LIEBERMAN, have recently spoken out about the importance of encouraging Americans to become involved in civil defense. I believe a public safety block grant could use funds to further that idea and help us prepare better and involve so many of the citizens who want to participate in protecting our homeland front. If we are at war, which we are told we are, which we believe we are—we are fighting two wars. We are fighting a war abroad in Afghanistan against the terrorist networks, and we are fighting a war right here at home, and we need to be prepared on both fronts.

The eligibility criteria would be based on several factors. Certainly, communities would have to be ready to use those funds for post-September 11 needs, not because they didn't budget well before the date of the attacks but because of the additional burdens they now face.

I believe medium- and larger-sized cities and counties should receive direct assistance. Smaller communities could go through the State, based on the CDBG program. I hope communities would have to submit a plan explaining how they would use the funds, but that they would be given broad discretion because they are best able to defend their own communities. They should be given that opportunity.

I think we need this legislation now because our homeland defense will only be as strong as the weakest link at the State and local level. We need our citizens more involved in civil defense to supplement those of our people on the front line in the uniformed services. I think we recognize this now is an absolute necessity. I certainly support the efforts of Senator BYRD and Senator REID, combined with Senator BAUCUS, to have a homeland recovery and security package, but I do not think it will work unless we provide funds directly to our cities and counties, unless we recognize that they have to be the front line defense in the war against terrorism here at home.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2002

The ACTING PRESIDENT pro tempore. Under the previous order,the Senator from Virginia is recognized to offer an amendment on which there shall be 60 minutes of debate.

Ms. LANDRIEU. Will the Senator yield for just 1 minute for opening remarks from the manager of the bill?

Mr. ALLEN. Certainly.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I thank the Senator from Virginia for yielding.

Let me quickly support my colleague from New York in her remarks about how important it is for us, as we fashion homeland defense, to be cognizant, as Mayor Giuliani beautifully showed us, so that the mayors and local officials are really on the front line. Our Federal Government needs to recognize the great role they have played and can play. Our budget should reflect the principle of getting those resources down to the lower level. I thank the Senator from New York for her very instructive remarks to us this morning.

Let me, as I begin again this morning on the DC bill, very briefly—within 1 minute—just hit the highlights of the bill before we turn to the three or four amendments we may be considering today, with that of Senator ALLEN being the first one up for us to consider.

First, there is great consensus in this underlying bill. Again, I thank my colleague from Ohio, Senator DEWINE, for his excellent work. We thank Mr. BYRD, the Senator from West Virginia, and the Senator from Alaska, Mr. STEVENS, for helping us get this bill to the floor, working across party lines and in a very dedicated way to bring a good bill to this floor.

The five points in this bill are:

No. 1, this is the first bill over $7 billion that comes to the floor in 5 years without the Control Board being in effect. So there is great responsibility that we have to make sure this and future budgets reflect the fiscal discipline that is now a part—and hopefully will be even a stronger part—of the District's future. The budget is not only in balance but the District is in a surplus, having swung $1 billion from a deficit now to a surplus. We would like to keep it that way.

There are going to be great challenges ahead, but Senator DEWINE and I are committed to fiscal discipline, transparency, accountability, and excellence in management for the District.

No. 2, there is an underlying principle—we will debate some of that this morning—about local decisionmaking. We believe generally local governments should be allowed to spend their money and local funds in the ways they are directed. There is some debate about that issue. That debate will take place this morning.

No. 3, there is a significant investment in child welfare. I want to say on behalf of Senator DEWINE and myself and many of the Members who helped, we are investing $40 million in new moneys to set up a better child welfare system in the District. Too many children have died. There are too many families torn asunder. There are too many children without parents, too many parents without children who

cannot be found. This investment will help the courts work better and help us to put our money where our mouth is and invest in kids.

No. 4, there is a $16 million increase for security in the District. After September 11, it is obvious the District itself is a target, hosting the Capitol of these great United States. So we have recognized that.

Finally, there is an investment in the environment and in education.

AMENDMENT NO. 2109

Ms. LANDRIEU. I send a managers' amendment to the desk and ask unanimous consent it be approved. This is strictly a technical amendment. Any controversial issues have been removed; they are not included. It has been cleared on both sides.

I send the amendment to the desk.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, the clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU], for herself and Mr. DEWINE, proposes an amendment numbered 2109.

Ms. LANDRIEU. Mr. President, I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 6, line 25, insert the following after ''inserting ''1,100''.'':

Section 16(d) of the Victims of Violent Crime Compensation Act of 1996 (sec. 4–515(d), D.C. Official Code), as amended by section 403 of the Miscellaneous Appropriations Act, 2001 (as enacted into law by section 1(a)(4) of the Consolidated Appropriations Act, 2001), is amended—

(1) by striking ''in excess of $250,000''; and

(2) by striking ''and approved by'' and all that follows and inserting a period.

(b) The amendments made by subsection (a) shall take effect as if included in the enactment of section 403 of the Miscellaneous Appropriations Act, 2001.

On page 12, line 7, after ''Agency,'' insert the following: ''the Governor of the State of Maryland and the Governor of the Commonwealth of Virginia, the county executives of contiguous counties of the region''.

Page 12, line 7, after ''and'' and before ''state'' insert the following: ''the respective''.

Page 12, line 8, after ''emergency'' and before ''plan'' insert: ''operations''.

Page 13, line 14, strike ''$500,000'' and insert: ''$250,000''.

Page 13, line 15, strike ''McKinley Technical High School'' and insert the following: ''Southeastern University''.

Page 13, line 16, strike ''Southeastern University'' and insert the following: ''McKinley Technical High School.''.

Page 13, line 14, insert after ''students;'': ''$250,000 for Lightspan, Inc. to implement the eduTest.com program in the District of Columbia Public Schools;''.

Page 16, line 3, strike ''U.S. Soccer Foundation, to be used'' and insert: ''Washington, D.C. Sports and Entertainment Commission which in coordination with the U.S. Soccer Foundation, shall use the funds''.

Page 17, line 18, insert after ''families'' the following: ''and children without parents, due to the September 11, 2001 terrorist attacks on the District of Columbia,''.

Page 18, line 8, after ''*provided*,'' and before ''That'' insert the following: ''That funds made available in such Act for the Washington Interfaith Network (114 Stat. 2444) shall remain available for the purposes intended until December 31, 2001: *Provided*,''.

Page 34, line 4, District of Columbia Funds—Public Works, insert after ''available'': ''*Provided*, That $1,550,000 made available under the District of Columbia Appropriations Act, 2001 (Public Law 106–522) for taxicab driver security enhancements in the District of Columbia shall remain available until September 30, 2002.''.

Page 37, line 4, insert the following after ''service'': ''Notwithstanding any other provision of law, the District of Columbia is hereby authorized to make any necessary payments related to the ''District of Columbia Emergency Assistance Act of 2001'': *Provided*, That the District of Columbia shall use local funds for any payments under this heading: *Provided further*, That the Chief Financial Officer shall certify the availability of such funds, and shall certify that such funds are not required to address budget shortfalls in the District of Columbia.''.

Page 63, line 8, after ''expended.'' insert the following new subsection:

''(C) AVAILABILITY OF FY 2001 BUDGET RESERVE FUNDS.—For fiscal year 2001, any amount in the budget reserve shall remain available until expended.''.

Page 68, line 6, insert the following as a new General Provision:

SEC. 137. To waive the period of Congressional review of the Closing of Portions of 2nd and N Streets, N.E. and Alley System in Square 710, S.O. 00–97, Act of 2001. Notwithstanding section 602(c)(1) of the District of Columbia Home Rule Act (sec. 1–233(c)(1), D.C. Code), the Closing of Portions of 2nd and N Streets, N.E. and Alley System in Square 710, S.O. 00–97, Act of 2001 (D.C. Act 14–106) shall take effect on the date of the enactment of such Act or the date of the enactment of this Act, whichever is later.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment (No. 2109) was agreed to.

Ms. LANDRIEU. I move to reconsider the vote, please, and move to lay that motion on the table.

The motion to lay on the table was agreed to.

Ms. LANDRIEU. At this time the Senator from Virginia should be recognized, according to the unanimous consent agreement.

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

AMENDMENT NO. 2107

Mr. ALLEN. Mr. President I call up amendment No. 2107.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. ALLEN] proposes an amendment numbered 2107.

Mr. ALLEN. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: to prohibit the use of local funds to carry out needle exchange programs in the District of Columbia)

On page 57, strike beginning with line 24 through page 58, line 7, and insert the following:

SEC. 127. (a) None of the funds contained in this Act may be used for any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

(b) Any individual or entity who received any funds contained in this Act and who carries out any program described in subsection (a) shall account for all funds used for such program separately from any funds contained in this Act.

Mr. ALLEN. Mr. President, I rise today to ask my colleagues in the Senate to take a stand, a strong stand, against illegal drug use by rejecting a provision in the District of Columbia appropriations bill that would allow the use of taxpayer funds for a needle exchange program.

My amendment mirrors the section of the House bill that addresses the needle exchange programs and would prohibit both the use of Federal and locally generated funds for these needle exchange programs. I think it is wrong and it is a misguided priority for the District of Columbia, with all their priorities and pressing concerns in the District—whether they be in improving their public schools or improving public safety—to be wasting money. In fact, I don't think they ought to waste a penny in providing drug users with sterile needles or syringes.

As you know, Mr. President, the Constitution provides the Congress the authority to exercise exclusive jurisdiction in all cases dealing with the District of Columbia. We have oversight responsibilities. The Federal District of Columbia is properly and constitutionally subject to more oversight from the Congress than would be any of the 50 States. This is evidenced by the fact that both the House and Senate have authorizing subcommittees specifically addressing the District of Columbia. Thus, we, as Members of the Senate, have not only a right but also a constitutional oversight responsibility to stop this legislation which would obviously be detrimental to the public good.

That is the bottom line here. When there is something that is clearly detrimental to the public good in the District of Columbia, we have an oversight responsibility. While the vast majority of matters have to do with local jurisdiction—schools and traffic signals—various other issues, management is best at that local level—although we would like to empower them in some cases to do more—but insofar as the needle exchange network is concerned, these needle exchange networks are bad for the communities in which they are located.

In November of 1995, the Manhattan Lower East Side Community Board passed a resolution to terminate their needle exchange program. You may wonder why they stopped it. They said:

The community has been inundated with drug dealers. Lawful businesses are being abandoned, and much needed law enforcement is being withheld by the police.

Why would we want that to happen in our Nation's Capital? The U.S. Senate could through this appropriations bill,

if this amendment is not adopted and the conference committee leaves it in, allow the District of Columbia, our Nation's beloved capital, to use taxpayer funds to buy clean needles for drug addicts. However, prior experience with these needle exchange programs not only fails to demonstrate positive results among drug addicts, but it may actually result in negative results. That is right, negative results.

Deaths resulting from drug overdoses have increased five times since 1988. According to a White House report, in 1997 15,973 people died from drug-induced causes. That is 1,130 more people than in 1996. The highest death rate from illegal use was among African Americans at 8.3 deaths per 100,000 people.

Additionally, according to Alcoholism and Drug Abuse Weekly, the number of American teenagers using heroin has doubled in most recent years. Indeed, when one thinks of heroin, you think of heroin being used by folks in their late 20s and 30s. The biggest increase in the use of heroin is among teenagers. In fact, the average age of heroin users nationally is now lower among teenagers.

That is very frightening.

An AIDS Journal study indicated that Vancouver, the site of one of these needle exchange programs, now has the highest rate of heroin deaths in North America.

It seems to me that giving a drug addict a clean needle is like giving an alcoholic a clean flask. It just doesn't make any sense.

Some would claim that needle exchange programs prevent the spread of AIDS amongst intravenous drug users and are, therefore, important in addressing the AIDS problem.

The Clinton administration attempted to lift the ongoing ban on Federal funds for needle exchange programs as a solution to reducing the rate of HIV infection among intravenous or IV drug users without increasing the use of drugs such as heroin. While clean needles do not contribute to the spread of HIV, there is scant evidence, scientific or anecdotal, that needle exchanges protect users.

A Montreal study published in the American Journal of Epidemiology in 1997 showed that addicts who used needle exchange programs were twice as likely to become infected with HIV than those who did not.

The New York Times magazine reported that one New York City program gave a single individual 60 syringes, a pamphlet with instructions on using them, and a identification card that allows them to legally possess drug paraphernalia. Indeed, drug addicts use these programs not only for fresh paraphernalia but also to network among other drug addicts for fresh supplies of the drug itself.

It may be more accurate to call the drug needle exchange programs what they are: drug exchange networks.

We are at a time in history when more Americans are ruining or losing their lives to illegal drug use. When the highest death rate from illegal drug use occurs in African American communities, and when heroin and cocaine are at some of their lowest prices in history, I maintain that we should not vote to encourage the government to give away the tools that enable people to promote drug use and, therefore, harm themselves. Indeed, it is not just harming themselves. Drug use is the key component in crime.

Ask any prosecutor, law enforcement officer, or, in fact, any judge who deals with criminal cases, and you will find that the vast majority of criminal cases are related to drug use. Someone may be under the influence of drugs when they assault or rape someone, and when they are breaking and entering, armed robberies, or other thefts and stealing of property to pay for that addiction. You will find, I maintain, that the vast majority of crimes are drug-related one way or the other.

I believe that in a time when all of these negative trends seem to be on the rise that the endorsement or condoning of a needle exchange network by the U.S. Senate sends the wrong message about our Government's commitment to fighting drugs and, thus, undermines our efforts to prevent drug use and eliminate the illegal drug trade.

According to former President Clinton's drug czar, General Barry McCaffery:

> The problem is not dirty needles. The problem is heroin addiction. The focus should be on bringing help to the suffering population, not giving them more effective means to continue their addiction. One doesn't want to facilitate this dreadful scourge on mankind.

We have a legal responsibility to keep these harmful networks from becoming a reality in the District of Columbia. Allowing it in the District of Columbia would send a very poor message to those ravaged by drug addiction—that AIDS is a terrible disease that can be maintained, yet it is OK to die from the effects of drug addiction.

Additionally, the Government would be sending a weak message to those who would want to make a profit from illegal drug trade: Drugs are illegal, yet the United States Government condones needle exchange networks which issue identification cards that entitle users to carry drug paraphernalia without interference from the law.

Finally, it would send a dangerous message to our youth. It seems to me that we all know that drugs are harmful. We don't want to send a message to our youngsters that the Federal Government supports providing needles and syringes for drug delivery and brochures explaining the most efficient means of injection.

It is imperative that the Senate stand strong against illegal drug use. We must not allow Federal funds to go toward programs supplying individuals already struggling with addiction with drug paraphernalia. We must not directly or indirectly endorse needle exchange networks.

I ask my fellow Senators to join me in this effort and not give up on this war on drugs as we take on another war—the war on terrorism. We owe it to our brave law enforcement officers who have been fighting this war on drugs, with many of them risking their lives by infiltrating some of these drug networks, chasing drug dealers, paying informants, doing undercover work, and surveillance. Our law enforcement officers have been fighting this war on drugs, and now they are fighting daily battles on many other fronts in the war on terrorism.

We also owe it to those struggling with drugs not to turn our Government into an enabler.

Finally, we owe it to our children to fight to ensure that they grow up and live in a world as free from illegal drugs as is possible.

I respectfully ask my colleagues to support my amendment, which sends all the right messages, all the proper messages, not just for our District of Columbia, which is in a time of crisis; but it sends the right message for all of America, and actually the right message for all of the world which is now watching our Nation's Capital.

Once again, I ask my colleagues to stand up for what is right in our Nation's Capital, for all the people of America, and those who are watching us.

I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I thank you for the recognition.

At this time I am prepared to yield a few moments, 5 minutes, to the Senator from Maryland for morning business.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Ms. MIKULSKI. Thank you very much.

Mr. President, I ask unanimous consent I be allowed to speak for 5 minutes as in morning business.

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

The Senator is recognized.

(The remarks of Ms. MIKULSKI are printed in today's RECORD under "Morning Business.")

Ms. MIKULSKI. Mr. President, I thank the Senator from Louisiana for being so gracious.

The ACTING PRESIDENT pro tempore. Who yields time?

Ms. LANDRIEU. I yield, under the unanimous consent agreement, to Senator DURBIN for a response to the Allen amendment.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. Mr. President, it is my understanding that under the unanimous consent agreement there were 30 minutes allocated to each side.

The ACTING PRESIDENT pro tempore. Yes, and there are approximately 18 minutes remaining on each side.

Mr. DURBIN. Thank you very much, Mr. President.

Ms. LANDRIEU. How much time does the Senator need? Because there are two other Senators who would like to speak.

Mr. DURBIN. If I could ask for 15 minutes.

Ms. LANDRIEU. How about 12 minutes?

Mr. DURBIN. I will take 12.

Ms. LANDRIEU. I thank the Senator from Illinois.

The ACTING PRESIDENT pro tempore. The Senator from Illinois is recognized.

Mr. DURBIN. I thank the Chair.

Unfortunately, because my time has been reduced, I am going to have to reduce the time I was going to use to praise the chair of the subcommittee for her work on this bill. But I do want to make a point of saying this: I have served on this subcommittee. This is not an easy assignment. I congratulate Senators LANDRIEU and DEWINE for bringing forth an excellent bill. It is a bill which is a challenge every single year.

Why is this bill a challenge? Because every Member of the Congress who ever wanted to be mayor of a town gets the chance to be ''mayor for a day'' on the DC appropriations bill. Senators from some of the largest States in the Nation can't wait to make decisions that are ordinarily made by mayors and members of city councils. They get to be ''aldermen for a day.'' They get to rule a city for a day. It is such a tempting opportunity. And the fact that we put only 10 percent of the money, through Congress, into the District of Columbia does not hold them back. They don't want to merely control the money that Congress puts in the District of Columbia, they want to control all the money in the District of Columbia. You would think they were having a major election here and they were elected mayor of the District of Columbia because they want to make all the decision.

Frankly, that is wrong. It is wrong and irresponsible. If you believe in home rule, if you believe in the appropriate delegation of authority to the level closest to the voters, why in the world would a Senator from any State in the United States want to impose his or her judgment on this city, our Nation's Capital? And they do, year in and year out.

I thank the Senator from Louisiana for really fighting back the temptation to put in all these riders and all these ideas, all these ordinances that Members of Congress want to put on the District of Columbia. I say thank you to the Senator from Louisiana.

But the proposal we have before us today is one of the worst. It is a proposal where we say to the District of Columbia: You cannot use your money, your taxpayers' dollars, on a public health program that you endorsed to deal with a major public health crisis in the District of Columbia.

With his amendment, the Senator from Virginia has suggested that the District of Columbia—it is more than a suggestion—would be unable to spend its own money on a needle exchange program. What does the Washington Post think of that suggestion? They have asked this question, an important one: Has Congress nothing better to do at this point than to play mayor and city council to the District of Columbia? They go through the proposals which we are going to consider here, proposals relative to needle exchange and domestic partnership. Time and again what you find is they are proposals which don't stand up.

The current DC appropriations bill would allow the District to finance the needle exchange program only through its own funds. There would be no Federal funds involved. That has been the rule for years. What Senator ALLEN says in his amendment is, no, you can't even use your own funds for that purpose.

Why should we keep our hands off this decision? Let me tell the Senate about this beautiful Nation's Capital in which I have had the privilege of being a student and a Congressman and a Senator for so many years of my life. This beautiful city has massive problems. One of the biggest problems is a public health problem we cannot overstate. The AIDS rate, the rate of infection of AIDS in Washington, DC, is the highest in the Nation. It is nine times the national average. For us to say we are going to impose our political opinion on how to deal with the AIDS crisis in the worst suffering city in America is just wrong.

Individuals become infected in the District of Columbia with AIDS and HIV primarily through the sharing of contaminated needles for intravenous drug usage. More than a third of the AIDS cases nationwide are related to injection drug use. These statistics are most dramatic among women, where three out of four women diagnosed with AIDS injected drugs themselves or became infected through a partner who was an injection drug user.

I refer to this statistic about the District of Columbia: Over half of the children born with HIV have a parent engaged in substance abuse. Our vote this morning will decide whether or not we take away the authority of the District of Columbia to deal with a public health crisis that is the worst in the Nation. We are imposing our political view on the best medical judgment in America of how to deal with an epidemic. We wouldn't accept that if the epidemic related to bioterrorism. We wouldn't let the Governors and mayors make medical decisions. We would stand up for what is right scientifically and medically.

Both the District of Columbia mayor, Anthony Williams, and the police chief support the use of local funds to finance needle exchange programs in Washington, DC. The arguments that these programs are creating and fomenting crime, encouraging drug use, fall flat on their face. Last year in this appropriations bill we said we want the D.C. government to report to us if there is a higher incidence of crime around areas with needle exchange programs. It came back consistently and said no.

I say to the Senator from Virginia, they said no. The people, the cops on the beat, those who were asked to report to Congress said no, there was not an increase in crime or drug usage around these programs.

Let's talk about the scientific community for a moment. In addition to strong support from political officials, the potential for needle exchange programs to halt the spread of HIV/AIDS and encourage substance abusers to enter treatment is scientifically proven. The Surgeon General of the United States, David Satcher, stated:

> There is conclusive scientific evidence that syringe exchange programs as part of a comprehensive HIV prevention strategy are an effective public health intervention that reduces the transmission of HIV and does not encourage the illegal use of drugs.

This is the Surgeon General of the United States. He is not an elected official. He has never put his name on a ballot that I know of, but he has spent his lifetime in public health and medicine. He says the amendment offered by the Senator from Virginia is just plain wrong.

If that amendment prevails, we will increase the likelihood of HIV and AIDS in the District of Columbia; we will increase the likelihood of more drug usage. How can we in good conscience consider such a measure? How can we turn our back on the overwhelming scientific and medical evidence against the Allen amendment? To ignore that is to ignore any warning we receive.

Do my colleagues recall during the Reagan administration President Reagan faced the onset of the AIDS epidemic and thank goodness Dr. Koop, his Surgeon General, had the courage to stand up and say: Don't politicize an epidemic. We will deal with it in honest medical terms. Thank goodness Dr. Koop said that and sent notices out to every home in America so they understood the seriousness of this public health challenge. It would have been so easy for this to be politicized. It would have been so easy for someone to take advantage of it. President Reagan and Dr. Koop wouldn't allow that.

Dr. Koop supports needle exchange programs—Dr. Koop, the former Surgeon General under a Republican President.

The Institute of Medicine in Washington, DC, said access to sterile syringes is one of the four unrealized opportunities in HIV prevention. The National Research Council and the Institute of Medicine indicated that needle exchange programs have the potential to reduce risk behaviors associated with HIV by 80 percent and HIV transmission by 30 percent.

When I start to list the organizations that oppose the Allen amendment, that

say it is just plain wrong scientifically and medically, we will have some understanding of why this is the wrong thing to vote for.

First, those opposing the Allen amendment: The American Medical Association, the American Academy of Pediatrics, the American Foundation for AIDS Research, the American Nurses Association, the American Pharmaceutical Association, the American Public Health Association. The list goes on and on and on. Every major credible public health organization that has been asked to comment on needle exchange programs has concluded they are an effective way to fight drug usage and the spread of HIV and AIDS.

Let me draw the attention of the Senate to this chart. This is a map of the United States showing the States that are currently involved with needle exchange programs. Keep in mind, all of these 31 States have decided this is a good way to fight drug usage and HIV/AIDS. Are we passing a law banning States around the country such as Maryland from having a needle exchange program, or Illinois? No. Only the District of Columbia, where Senators and Congressmen get to play mayor for a day. That is unfair. Look at these States all across America: Florida, Georgia, North Carolina, Tennessee, Louisiana, Texas, the President's home State, all with needle exchange programs.

If this is such a scourge on America, as the Senator from Virginia suggests, why hasn't he offered an amendment to ban these programs nationwide? Because, frankly, it is not Congress's business to do so. Secondly, it is just plain wrong from a public health point of view.

We know in these States that these programs bring people who are currently addicted into the presence of those who will give them the clean and safe needles, but also much more. They will connect up with them to try to help them end their drug usage. People living and lurking in the shadows and alleys of America as IV drug users using contaminated needles are not going to end their addiction, they are going to unfortunately continue it. They are going to give birth to children who will also suffer from HIV and AIDS as a result of it.

Ninety-five percent of the programs refer clients to substance abuse treatment and counseling programs—95 percent of those needle exchange programs do make the referrals. You are going to cut off this opportunity to reach out to a drug addict and say, please, we know that you are addicted, but here is your chance to shake this addiction, to change your life. Why would we walk away from that? Why in the Nation's Capital would we walk away from it, where the HIV and AIDS infection is the worst in America?

Over half of the people who come to these needle exchange programs realize they have an opportunity for voluntary HIV testing on the site, and more than a quarter are screened for hepatitis B and C. All seven of the needle exchange programs in my home State of Illinois offer referrals to treatment information about HIV prevention.

I have voted for some of the toughest penalties in the law when it comes to drug usage. I have joined with those who say we have to make it clear that this is wrong; it not only kills you, but it threatens America in so many ways. I think these harsh punishments have worked in some cases; they have not worked in others. There are some people for whom even the harshest punishment in the world is not enough. They need a helping hand, someone who will reach out to them and say, please, test yourself for HIV, consider this program for rehab.

The amendment offered by the Senator from Virginia will stop the Nation's Capital, a city that is rocked with the HIV/AIDS epidemic, from fighting it. This amendment turns its back on the scientific and medical evidence which we gather across America in terms of how these programs help us to fight drugs, how they help us to fight crime, fight dependency, and fight addiction, why 31 different States, including the State of Utah and the State of Louisiana, have similar programs.

The ACTING PRESIDENT pro tempore. The Senator's 12 minutes have expired.

Mr. DURBIN. I ask for 2 additional minutes.

Ms. LANDRIEU. I yield 2 additional minutes to the Senator.

Mr. DURBIN. The Senator from Virginia said at one point that this is a program that harms its participants. I say to the Senator that the American Medical Association disagrees with him. The American Public Health Association disagrees with him. Law enforcement in the District of Columbia disagrees with him, and the Surgeon General of the United States disagrees with him as well.

When we consider what we are up against, the Senator says we have to make sure we send the right message. The fact that we can come to the floor and make a political judgment to take away one of the tools and weapons to fight for good public health and to fight HIV/AIDS is the wrong message. What are we going to do next? Are we going to decide that Congress is going to make decisions about the threat of anthrax and not the public health community, that it is a political decision not a medical decision? I hope not.

Whether we are fighting AIDS or anthrax, whether we are fighting drug addiction or other problems facing us in America on the medical scene, for goodness sakes, let us have the humility as Members of the Senate and the House to defer to the experts in the field. Let us not be swept away with the thought that by passing this amendment we are stating something that is politically strong.

Let me close with this statement from the Surgeon General because this says it all:

> In summary, the new studies contribute substantially to the strength of the data showing the following effects of effective syringe exchange programs: A decrease in new HIV sero conversions; an increase in the numbers of injection drug users referred to and retained in substance abuse treatment and well-documented opportunities for multiple prevention services and referral and entry into medical care. The data indicate that the presence of a syringe exchange program does not increase the use of illegal drugs among participants in the syringe exchange programs.

That is the Surgeon General speaking on the basis of facts and real statistics. I beg the Senate not to play mayor and council for a day at the expense of an HIV/AIDS epidemic in the Nation's Capital. Stand with the AMA and the Surgeon General for the sound and prudent medical judgment to let those programs continue in the District of Columbia using their own funds.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

Mr. REID. I ask that the time I consume not be charged against either of the managers.

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

AVIATION SECURITY ACT

Mr. REID. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 1447).

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives.

> *Resolved*, That the House insist upon its amendment to the bill (S. 1447) entitled ''An Act to improve aviation security, and for other purposes'', and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.
>
> *Ordered*, That Mr. Young of Alaska, Mr. Petri, Mr. Duncan, Mr. Mica, Mr. Ehlers, Mr. Oberstar, Mr. Lipinski, and Mr. DeFazio, be the managers of the conference on the part of the House.

Mr. REID. Mr. President, I ask unanimous consent that the Senate disagree to the House amendment, agree to the request for a conference on the disagreeing votes of the two Houses and that the Chair be authorized to appoint conferees on the part of the Senate, with no intervening action.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The Chair appointed Mr. HOLLINGS, Mr. INOUYE, Mr. ROCKEFELLER, Mr. KERRY, Mr. BREAUX, Mr. DORGAN, Mr. WYDEN, Mr. MCCAIN, Mr. STEVENS, Mr. BURNS, Mr. LOTT, Mrs. HUTCHISON, and Ms. SNOWE, conferees on the part of the Senate.

THE DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2002—Continued

AMENDMENT NO. 2107

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

Mr. REID. The Senator from Louisiana, the manager of this bill, needs 4 extra minutes. I ask unanimous consent that she be given 4 extra minutes and that Senator DEWINE be given 4 extra minutes in relation to this amendment.

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

The Senator from Louisiana is recognized.

Ms. LANDRIEU. Mr. President, I yield 2 minutes to the Senator from New Jersey.

The ACTING PRESIDENT pro tempore. The Senator from New Jersey is recognized.

Mr. CORZINE. Mr. President, I rise to voice my very strong support for the District of Columbia's efforts to cut HIV/AIDS transmission through its needle exchange program and strongly oppose the Allen amendment. First, I compliment the leadership of the chairwoman, the distinguished Senator from Louisiana, for her efforts in making sure that democracy works in the District of Columbia, that we leave to the local folks home rule regarding those matters we leave to home rule all across this country. I can only argue that the District of Columbia should be able to use its own funds as it sees fit, the same as do other localities in the country.

Let me start with the bottom line on the fundamental issue. Needle exchange programs work and they save lives. Facts speak for themselves. The Senator from Illinois was very articulate in bringing out a lot of them. I will go over a little more of that. There are over 130 needle exchange programs operating in the Nation, in 80 cities and 31 States. They work. These programs, like the District of Columbia's programs, are supported at the local level by people who want to attack this scourge of drug addiction and HIV/AIDS in our communities. They are supported by States and a huge amount of private funds in the country. Again, the simple reason is that they work.

Countless government and private scientific studies have proved the effectiveness of the needle exchange programs. They limit the spread of HIV/AIDS. Fact. They do that without any sense or any kind of objective evidence that they do anything to spread drug use. The Centers for Disease Control, the University of California, and the U.S. General Accounting Office, among a whole host of others, have shown that these programs substantially reduce the transmission of HIV/AIDS without encouraging drug use.

I want to give an example. Beth Israel Medical Center in New York studied needle exchange programs in the city and found that the program reduced infections by two-thirds—a very substantial program. The study found that injection drug use did not increase at all in the city at the same time. Similarly, a 1997 study by the National Institutes of Health concluded that needle exchange programs reduced HIV by at least 30 percent and reduced risk behaviors among drug injecting drug users.

In fact, needle exchange programs serve as an effective link to drug treatment programs. So you get a double-edged benefit; not only do you limit the spread of HIV/AIDS, but you introduce people to drug treatment programs.

According to the recent CDC Morbidity and Mortality Weekly Report, 95 percent of needle exchange programs refer clients to substance abuse treatment. Last year, the Surgeon General found that needle exchange not only reduces HIV transmission but many may also reduce injection drug use for these people who are in the programs. Reference to drug treatment programs is a good thing. That is how we reduce this scourge in our country.

Mr. President, the District of Columbia and communities nationwide are facing a two-pronged public health crisis of injection drug use and a persistent and growing HIV/AIDS epidemic. As many as half of all HIV infections are caused by the sharing of HIV-contaminated injection tools.

I conclude by saying this is an important program that needs the Senate support. We can do a lot to make a big difference in our communities.

I thank the Chair.

Mr. KENNEDY. Mr. President, more than 40,000 people a year become infected with HIV, the virus that causes AIDS. Half of all new HIV infections in the United States occur among drug users.

In addition, approximately 4 million Americans have been infected with the hepatitis C virus. Injection drug use is responsible for at least 60 percent of those infections.

Numerous authorities, including the National Academy of Sciences, the Surgeon General, the Centers for Disease Control and Prevention, the American Medical Association, the Academy of Pediatrics, and the American Public Health Association have concluded that needle-exchange programs reduce the transmission of HIV and hepatitis C without encouraging the illegal use of drugs.

It is indefensible for Congress to tell the citizens of the District of Columbia that they cannot spend their own money on programs that stop the spread of fatal, infectious diseases. It is irresponsible for members of Congress to oppose a locally funded program on the ground that it encourages illegal drug use, when every major health organization in the United States says that the opposite is true.

People's lives are at stake. I urge my colleagues to oppose the Allen amendment.

Mrs. CARNAHAN. Mr. President, the Senate is currently considering the fiscal year 2002 District of Columbia Appropriations bill. I would like to recognize Senators LANDRIEU and DEWINE for their strong leadership in moving this important bill through committee.

The District of Columbia shares a unique relationship with the Federal Government. It is the only locality in the country whose budget intersects so directly with Congress. Congress is charged with approving both the Federal and local budget for the District. Consequently, the city cannot move forward with its own new budget until the Congress finishes its work and approves the bill. I encourage the Senate to approve this bill as quickly as possible.

Several amendments may be offered to this bill that impose Federal restrictions on how the District of Columbia spends the money that it collects in local taxes. The District of Columbia is fortunate to have such an able leader in Mayor Anthony Williams. This past year, the mayor, along with the city council, have put together a budget for the city that reflects its own priorities that meet local needs. I do not intend to support amendments to this bill that impose restrictions on how the District spends it money.

I would not want Congress telling St. Louis or Kansas City how to spend their local tax dollars. The same standard should be applied to the District of Columbia. The District of Columbia is our Nation's Capital and an international symbol of democracy. The Congress should honor the unique status of this city by allowing the District to make its own decisions on how taxes raised from its own citizens should be spent.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The ACTING PRESIDENT pro tempore. Who yields time?

Ms. LANDRIEU. I yield time to the Senator from Rhode Island.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

Mr. REED. Mr. President, I strongly support Chairman LANDRIEU's intention in the District of Columbia fiscal year 2002 appropriations bill to allow the city to use its own funds to support a needle exchange program in the city, and I oppose Senator ALLEN's amendment to restrict the use of those funds. The current ban on the use of Federal funds for this program remains intact in the legislation before us.

This issue truly is about the ability of an independent jurisdiction to use its locally raised revenue to support a program that its elected officials have deemed appropriate.

In my own State of Rhode Island, for example, a needle exchange program

called ENCORE has existed in the city of Providence since 1995, supported by local funds. This has been, and continues to be, a very successful program. Many of the other programs in the 34 States that currently have either state-funded or city-funded needle exchange programs also have been successful in decreasing the spread of HIV/AIDS.

There are currently well over 100 different needle exchange programs around the country working to effect this positive change.

The ENCORE program in Rhode Island has enrolled over 1,500 clients and provides education, counseling, access to sterile syringes, and referrals to substance abuse treatment programs. Followup studies and date continue to show that participants in this program have substantially reduced their risk behaviors.

However, the HIV/AIDS epidemic continues to be very serious in my State, particularly as individuals with the disease are able to live longer and therefore constitute a greater percentage of the State population. That is why the State of Rhode Island continues to look for new methods to deal with the spread of this disease, and why programs like ENCORE are so important.

The Surgeon General echoed this report in one of his own studies in March 2000, stating that ''there is conclusive scientific evidence that syringe exchange programs, as part of a comprehensive HIV prevention strategy, are an effective public health intervention that reduces transmission of HIV and does not encourage the illegal use of drugs.'' That has been the case in my own State, and that will be the case if we allow the District of Columbia to take a similar approach with its own funds.

The District of Columbia has the highest rate of HIV and AIDS in the country, and therefore desperately needs the ability to tackle this problem in its own way. Unfortunately, the city has been prevented from using its own locally raised revenue to deal with this issue since 1999 in this appropriations bill.

In addition, in last year's D.C. appropriations bill, even private funds were prevented from being used to support a program.

Today we have an opportunity in the bill before us to change this attitude and allow the city to enact a targeted and aggressive program to attempt to eradicate this deadly disease from a vulnerable population.

Several important public health organizations support this move, including the American Medical Association, the American Nurses Association, the American Public Health Association, the American Academy of Pediatrics, and the U.S. Conference of Mayors, as well D.C. Mayor Anthony Williams and D.C. Police Chief Charles Ramsey. It is imperative that we add our support to this effort as well.

To reiterate, I commend the leadership of Senator LANDRIEU from Louisiana. Her position and the position of the committee is that the District of Columbia should be allowed to spend its own money on a needle exchange program. This is a program that has been embraced in 34 States and over 100 cities. One of those cities is Providence, RI. Providence has Operation ENCORE in which they provide a needle exchange together with education, counseling, and drug rehabilitation referrals. The program works.

I come today with facts, with success, to argue that the District of Columbia should be allowed to use its own money to replicate successful programs in other urban areas. They have a huge problem with AIDS in their community. This is a sensible, proven way to help people avoid the scourge of infection with AIDS, and we should support it, not try to deny them this opportunity.

It is no surprise, based on the experience of Providence, which is, at this point, enrolling over 1,500 individuals successfully, that this program has been heralded by the Surgeon General as a great success. In his words, in March of 2000:

> There is conclusive scientific evidence that syringe exchange programs, as part of a comprehensive HIV prevention strategy, are an effective public health intervention that reduces transmission of HIV and does not encourage the illegal use of drugs.

''Conclusive scientific evidence,'' and today we are here to try to refute conclusive scientific evidence, which is at the heart of the proposal to strike this provision, and also to override the judgment of local authorities which is commonplace throughout this country in the over 100 municipalities that are running a program such as this.

If we want to rely upon science and also on the authority of localities to use their local funds as they wish, we have to reject this Allen amendment and we have to support the position of the committee.

This position that drug programs featuring needle exchanges are effective is supported by a host of organizations: The American Medical Association, the American Nurses Association, the American Public Health Association, the American Academy of Pediatrics, and the U.S. Conference of Mayors. It is clearly supported by the mayor of the District of Columbia, Mayor Williams, and the police chief.

Those with the most interest in this program, with the most at risk, the most at stake, are asking us to give them the chance to use their resources to provide for a needle exchange program to reduce the transmission of AIDS and, as the Surgeon General pointed out, in no way will this encourage the illegal use of drugs. I cannot think of a more sensible position to support.

I urge my colleagues to reject the Allen amendment and support Chairman LANDRIEU'S position.

I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, our side rests its case. I believe our speakers have concluded. Senator DURBIN and I have some closing remarks, and I have some things to submit for the RECORD. I understand the Senator from Virginia may have some time remaining on his side. I understand from the leader he would like to get to this vote as soon as possible. I inquire of the Senator from Virginia what his intentions are and how much time he intends to use.

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

Mr. ALLEN. Mr. President, I say to the Senator from Louisiana, I have a few minutes, no more than 3 or 4, maybe 5 at most, of concluding remarks. The others on our side who wanted to speak are elsewhere, and the vote will get them back here.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Senator from Virginia have 5 minutes and that we have 2 minutes for closing remarks, and then we will be ready to vote.

The ACTING PRESIDENT pro tempore. Is there objection?

The Senator from Nevada.

Mr. REID. Mr. President, I certainly have no objection to the request. We have a number of Senators who have inquired as to when the vote will occur. I wonder if the two Senators can agree we can have the vote at 11:15 a.m.

Mr. ALLEN. Agreed.

Ms. LANDRIEU. Agreed.

Mr. REID. I pose that, Mr. President, as a unanimous consent request.

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

The Senator from Louisiana had requested in her unanimous consent request that the Senator from Virginia have 5 minutes and that she have 2 minutes.

Mr. REID. There will be time left over. That sounds great to me.

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

Mr. ALLEN. I thank the Chair.

Mr. President, in conclusion, as Senators are getting ready to vote on this amendment, my amendment actually keeps the policies the way they have been in prior administrations. I cited General McCaffrey who was the drug czar under President Clinton. General McCaffrey stated the problem is not clean needles, the problem is drug addiction.

One thing that has arisen a great deal in this debate is not the message we are sending, although I think it is the wrong message if we actually say we are going to use taxpayer funds in the District of Columbia to give drug users, drug addicts, clean needles and syringes. The evidence is clearly mixed on it. We can get evidence, I suppose, from those who are drug addicts. I would not consider them the most

credible witnesses under any cross-examination. Indeed both sides cite studies. Whether it is a study in New York or Vancouver or various other studies, these needle exchange networks only create networks for drug users to exchange information and drugs and have no positive impact whatsoever on drug use nor do they have an impact on stopping HIV transmission.

Of course, I do think AIDS and HIV ought to be addressed, but, as General McCaffrey states, the way of doing it is not to encourage and facilitate drug delivery devices that are cleaner than one would ordinarily use.

The main argument, though, is a jurisdictional one. I have the same general sentiments as the Senator from Illinois when we are talking about local control. I really do not like it. Notice Virginia, of course, is not one of the States that allows needle exchange. I am one who generally, as a matter of philosophy, trust the people in the States. I believe the 10th amendment is very important as a part of our Bill of Rights granting to the people in the States those rights that are not specifically granted to the Federal Government. But this is an issue that has to do with the District of Columbia.

The District of Columbia is under the purview and oversight of the Congress because it is the seat of Government. The part of the District of Columbia that remains is that which was ceded for the seat of Government by the State of Maryland. Virginia also granted some land, which is now Arlington County. It was not necessary, and it was retro-ceded to Virginia.

Just to show how Congress recognizes its special role in oversight as far as the District is concerned, both the House and the Senate have authorizing subcommittees specifically to address the needs of the District. There is no Chicago committee or Kansas City committee or Oklahoma City committee or Los Angeles committee in the House nor a subcommittee on them.

To argue this is a States rights issue or 10th amendment issue negates and clouds the reality that we have a responsibility in the Senate to have oversight over the laws and the activities, the safety and the conduct in the District of Columbia.

It is my view that it would be the wise and prudent course of conduct to not have the Senate in any way condone granting free needles, or free syringes to those who are engaged in and, in fact, are illegal drug addicts. I hope my colleagues in the Senate will stand for that principle for the District of Columbia, which is looked upon as not only our Nation's Capital but also the home of our legislative body, and of freedom of our representative democracy by people all over the world.

I thank the Chair. I yield back my time.

The PRESIDING OFFICER (Mr. REED). The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I thank the Senator from Illinois for his usual force and clarity in outlining many good arguments supporting the tabling of the Allen amendment.

I ask unanimous consent to have printed in the RECORD letters from the American Public Health Association, the District of Columbia Housing Authority, the nonprofit organization called Prevention Works, as well as the Whitman-Walker Clinic, Inc.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

DISTRICT OF COLUMBIA
HOUSING AUTHORITY,
Washington, DC, June 5, 2001.

Hon. TED STEVENS,
Chairman, Senate Appropriations Committee, U.S. Senate, Washington, DC.

Hon. C.W. BILL YOUNG,
Chairman, House Appropriations Committee, House of Representatives, Washington, DC.

DEAR CHAIRMEN YOUNG AND STEVENS: As required by Section 150(b) of the District of Columbia Appropriations Act for Fiscal Year 2001 (Public Law 106–522), the District of Columbia Housing Authority Police Department (DCHAPD) submits to the House and Senate Committees on Appropriations its report on illegal drug activity at or near any public housing site where a needle exchange program is conducted.

During the reporting period from January 1, 2001, to May 31, 2001, Prevention Works was the only organization administering a needle exchange program near a public housing development. Distribution locations were at 15th and Ives Streets, SE, which is near Hopkins Apartments located at 1430 L Street, SE; Central and Southern Avenues SE, which is near East Capitol Dwellings located at 5725 East Capitol Street, SE; and 21st and H Streets NE, which is near Langston Terrace located at 21st and Benning Road, NE. During this period, there were no needle exchange distribution sites in operation directly on public housing properties.

During the reporting period, we monitored each of the areas where the needle exchange van operated near a public housing site so as not to impact the behavior of needle exchange clients. Based on our observations, the maximum amount of time that the van remained at any one site was approximately 90 minutes. The activity in and around the van did not cause any disturbances. People visiting the van were there long enough to receive their supplies and usually left the area immediately. There was also no evidence that the presence of the needle exchange van led to increased crime. It should be understood that the needle exchange ''sites'' are not permanent sites, but rather stops on a weekly schedule of van routes. It should also be noted that in addition to the exchange of needles, the Prevention Works van provides free food and coffee to anyone approaching the van. During the reporting period, we received no resident complaints or concerns regarding the operation of the needle exchange program near the three public housing developments.

The DCHAPD will continue to monitor all disbursement sites located near our public housing developments and report accordingly. If you have need for further information, please feel free to call DCHAPD, Chief Madison Jenkins, Jr., at (202) 535–2588.

Sincerely,

MICHAEL KELLY,
Executive Director.

AMERICAN PUBLIC HEALTH ASSOCIATION,
Washington, DC, September 25, 2001.

Hon. ROBERT BYRD,
Chairman, Senate Committee on Appropriations, Washington, DC.

DEAR CHAIRMAN BYRD: The American Public Health Association (APHA), consisting of more than 50,000 public health professionals dedicated to advancing the nation's health, strongly urges you to oppose any amendment to the FY 02 District of Columbia Appropriations bill that would place further restrictions on the District's needle exchange programs. While APHA opposes any provision to ban the use of federal, local or private money to fund needle exchange programs, we are encouraged that the House Appropriations Committee did not include last year's extraordinarily burdensome restrictions on the operation of needle exchange programs in the District. We urge your Committee to follow the House Committee's lead and at a minimum, oppose last year's operational restrictions.

Since 1994, APHA has advocated for the development, implementation, evaluation, and funding of needle exchange programs to help prevent HIV infection. All APHA public policy is passed by the Association Governing Council and is required to meet strict scientific criteria. APHA policy on needle exchange is no different—an enormous body of published research, including more than seven federally sponsored reports, demonstrates that needle exchange programs reduce the spread of HIV while not increasing drug use by program participants or others in the community where the program is conducted. These findings are also reflected in a March 2000 report released by Surgeon General David Satcher reviewing all of the scientific research on needle exchange programs completed since 1998.

The current epidemiology of HIV/AIDS is clear—women and children are affected disproportionately by heterosexual HIV infection associated either directly or indirectly with transmission from injectable drug users. These new cases of HIV/AIDS that are linked to injectable drug use largely can be prevented through the provision of sterile needles to drug users coupled with other public health tools including health education and condom distribution.

Needle exchange programs increase the contact that health professionals have with injectable drug users, thereby increasing opportunities to conduct health education and disease prevention activities, including drug treatment and counseling. The efficacy of these programs is proven—placing further restrictions on funding and operations threaten the District's efforts to reach those individuals most at risk of HIV infection. Public health and saving lives must take precedence over politics. Your opposition to any further restrictions on these important public health programs is critical.

Thank you for your consideration of our views and your attention to this critical public health matter.

Sincerely,

MOHAMMAD N. AKHTER, MD, MPH,
Executive Director.

WHITMAN-WALKER CLINIC INC,
Washington, DC, September 3, 2001.

Hon. MARY L. LANDRIEU,
Chair, Committee on Appropriations, Subcommittee on the District of Columbia, U.S. Senate, Washington, DC.

DEAR SENATOR LANDRIEU: As Executive Director of the Whitman-Walker Clinic, the largest HIV/AIDS service provider in the Washington, D.C. metropolitan area, I again urge you not to include language in this year's DC Appropriations bill that would restrict the District's ability to prevent the spread of HIV/AIDS.

In previous years, the Congress has added a series of overly restrictive prohibitions on the District's AIDS prevention needle exchange program. This year, under your leadership, we hope that you will respect the decisions and policies of the District's elected officials and not include such provisions in the bill. Further, we ask that you oppose any efforts to add such restrictions by others during consideration of the D.C. appropriations bill.

Sadly, the District of Columbia has one of the highest rates of HIV/AIDS in the nation. As of December 31, 2000, more than 13,000 people had been diagnosed with AIDS, and more than 6,600 people were living with AIDS in the District. Approximately, one-third of all AIDS cases in the District are attributed to intravenous drug use. It is estimated that 1 in 20 adults is HIV positive.

The spread of HIV can be prevented, and one scientifically proven way to do so is through needle exchange programs. According to the Centers for Disease Control and Prevention, the number of these programs is increasing, with 131 needle exchange programs across the country in at least 81 cities and 31 states, plus the District of Columbia. Four of these programs are conducted in the State of Michigan, with two in Detroit, one in Grand Rapids, and one in Kalamazoo. Almost 40 percent of all needle exchange programs receive public funding. The good news is that recent data presented at the 2001 National HIV Prevention Conference shows that programs are having an affect in decreasing new transmissions. Moreover, exhaustive scientific studies have all concluded that needle exchange programs reduce HIV infection and do not increase drug use.

Needle exchange programs are supported by the American Medical Association, the National Academy of Sciences, the American Academy of Pediatrics, the American Bar Association, and the U.S. Conference of Mayors, among others. Even the recent United Nations Declaration of Commitment on HIV/AIDS, signed by the United States, supports ''access to sterile injecting equipment'' as one way of preventing the spread of AIDS.

We have been heartened by your comments that you do not support riders to the D.C. Appropriations Bill. We are also pleased that, in transmitting the District's budget to the Congress, the Bush Administration deleted section 150, which placed unduly restrictive limitations on the operation of the needle exchange program. We hope you will follow the lead of the Bush Administration, and also delete these provisions from last year's bill, and further, enable the District government to fund the program as other cities are allowed to do.

While the news of late has focused on the international AIDS crisis, we have a crisis of our own in the District, which particularly affects African Americans. District leaders and health officials are doing their best to deal with the HIV crisis at home. I know you care about the health of the District's people, and trust that you will demonstrate it when you consider the District's appropriations bill, and the District life-saving needle exchange program.

Thank you for your continued support for the District of Columbia. As you consider this issue, if you have any questions or comments, please feel free to call me at 202/797–3511.

Sincerely,

A. CORNELIUS BAKER,
Executive Director.

PREVENTION WORKS,
Washington, DC, July 23, 2001.

Hon. MARY LANDRIEU,
Chair, Committee on Appropriations, Subcommittee on the District of Columbia, U.S. Senate, Washington, DC.

DEAR SENATOR LANDRIEU: I am writing as the Executive Director of Prevention Works, the needle exchange program in the District of Columbia. Our mission is to curb the spread of HIV, hepatitis, and other bloodborne diseases among drug users, their sexual partners, and newborn children. The District has an AIDS rate over 10 times the national average. According to Health Department statistics, 36% of people living with AIDS here have been injection drug users. In addition, almost a third (31%) of the cases attributed to heterosexual contact involved sex with a drug injector. Our outreach and education are crucial to the health of our entire community.

Elected officials in the District are aware of the AIDS pandemic here and its connection to drug use. That is why they funded the needle exchange program from 1996 to 1998. Since October 1998 Congress has prohibited the District from using logically raised public funds to support needle exchange. This lack of public funding has had dramatic effects on our program and on our community, as has this year's Congressionally-mandated relocation of all exchange sites to a limited area of the city.

Program Instability: Prevention Works cannot guarantee the same level of services each month because of insecure private funding.

Service Reliability Impaired: Having to move our exchange sites has resulted in a diminished client base because clients can not find the program. The change appears arbitrary to clients, and because sites no longer conform to patterns of high drug activity, many clients have been lost and may never reaccess services.

Program Services and Refferals Compromised: Having to monitor Congressional activity and pursue smaller and more numerous private funding streams means that valuable program resources are directed to these administrative activities. Resources for monitoring and improving services are lost and the quality of linkages with drug treatment and other services are compromised. Organizations that are allowed to get larger and more predictable public funding do not face this challenge.

Obstacle to Collaboration: Prevention Works may be a client's first or only contact with the comprehensive network of service providers in the District. However, our clients' access to substance abuse treatment and the rest of the public health infrastructure is hindered because community-based organizations and government agencies are hesitant to work with Prevention Works because of understandable fears of repercussions on their own public funding.

Participants Concerns: Increased restrictions affect program consumers and increase the general stigma associated with needle exchange. This increased stigma drives clients further underground rendering this population even more difficult to reach. Increased restrictions do not result in less drug use, but they do lessen trust among a predominantly African American population that has been historically alienated from the public health establishment.

Community Health Needs Ignored: Reducing HIV and other health risks among people who inject drugs is a national priority as defined in Healthy People 2010. Currently prohibited by Congress from funding Prevention Works—the only program with an established presence among this marginalized and hidden population—the District has no chance of effectively achieving these federally defined objectives. In addition, because of new performance-based funding guidelines, the ban on local funding for needle exchange places future District funding in even more jeopardy.

The federally imposed restrictions on needle exchange do not improve the health of any District resident. They merely limit effective outreach and prevention of deadly disease among the city's most vulnerable residents.

Sincerely,

PAOLA BARAHONA, MPH,
Executive Director.

Ms. LANDRIEU. Again, I ask the Senator from Illinois for any closing remarks he might add.

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

The PRESIDING OFFICER. One minute and 10 seconds.

Mr. DURBIN. I thank all those who have joined me on this side, including the Senator from Rhode Island and the Senator from New Jersey.

The District of Columbia is facing the worst HIV/AIDS epidemic in America, nine times worse than the national average. The medical community and the law enforcement community of this city have asked us to give them the tools and weapons to fight this epidemic.

The needle exchange program has proven successful in fighting this epidemic. That is why we have to defeat the Allen amendment. To do otherwise is to ignore the American Medical Association and every major public health group that has told us that needle exchange programs work. To reject the medical and scientific evidence and to take away this weapon against the war on drugs and the war on HIV and AIDS is wrong.

We appropriate less than 10 percent of the funds the district will spend out of Congress. The rest is their own money, and they are only asking to spend their own money as 34 other States do for programs that they think are important to protect their citizens.

The Senator from Virginia may not be surprised to find some Virginia license plates at the needle exchange program in DC. We need to keep this program in place.

The PRESIDING OFFICER. The time of the Senator has expired.

Ms. LANDRIEU. Mr. President, I move the Allen amendment be tabled, and 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. The Senator from Virginia.

Mr. ALLEN. Mr. President, I ask unanimous consent that Senator NICKLES also be added as a cosponsor to this amendment.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, I ask unanimous consent that even though we are probably a minute or so early, the vote begin now.

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

All time has expired. The question is on agreeing to the motion. The yeas and nays have been ordered.

The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 53, nays 47, as follows:

[Rollcall Vote No. 328 Leg.]

YEAS—53

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

NAYS—47

Allard	Frist	Murkowski
Allen	Gramm	Nelson (NE)
Bennett	Grassley	Nickles
Bond	Gregg	Roberts
Brownback	Hagel	Santorum
Bunning	Hatch	Sessions
Burns	Helms	Shelby
Byrd	Hutchinson	Smith (NH)
Campbell	Hutchison	Snowe
Cochran	Inhofe	Stevens
Craig	Kyl	Thomas
Crapo	Lott	Thompson
DeWine	Lugar	Thurmond
Domenici	McCain	Voinovich
Enzi	McConnell	Warner
Fitzgerald	Miller	

The motion was agreed to.

Ms. LANDRIEU. 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.

The PRESIDING OFFICER. Under the previous order, the Senator from Texas is recognized to offer an amendment on which there shall be 60 minutes equally divided, 30 minutes of which are to be used at this time.

Ms. LANDRIEU. Mr. President, if the Senator from Texas will yield for just a moment as she prepares to speak on her amendment, as you know, we have had a lot of consensus in this underlying bill. We have worked very hard through many stages of our committee to bring consensus on some of these issues. There is one issue that is going to require some debate and discussion. I hope between what Senator HUTCHISON can bring to this debate and Senator DURBIN, we might be able to come to some joint resolution. It is unclear at this point if that will happen. This debate is going to move forward.

I have to say with all due respect to both Senators, with whom I have visited at length about this issue—so has Senator DEWINE—both have genuine concerns for the schoolchildren of the District and the well-being of the school districts. They are both very passionate about these particular views. We were unable to come to a resolution. So this debate will ensue.

I would like to speak about a couple of things which are of concern to me as manager of this bill and as the appropriations chair for the committee.

It is very disconcerting that we cannot get the kind of information from the District, or the CFO, or the school board, or any other financial entity to give us the details of outstanding judgments—how much they are, how many there are, and that kind of information. We are not able to verify some of the information that was sent to us, which itself is a problem to me not only as manager of the bill but as chair of this committee.

I hope we will be respectful of that issue as we debate whether it is appropriate to have caps for attorneys representing children and families with special needs—whether or not it is appropriate to have caps based on the data. But if people are looking to us or to the staff for some specifics, we have tried our best. It is a real problem, when we don't have this information, to be able to explain to people for the benefit of debate how much the judgments are that are outstanding, how many there are, what moneys we may be saving, what moneys we may be spending, and what the interest rates are. It would be very pertinent in trying to resolve this issue.

I say to the Senator from Texas and to the Senator from Illinois that we cannot really trust the documents we have. We will just do the best we can.

I appreciate the Senators feeling so strongly about their respective positions and hope the outcome will be something that will serve the children of the District, their parents, the school system, and the taxpayers in the fairest manner possible.

The PRESIDING OFFICER. Under the previous order, the Senator from Texas is recognized.

Mrs. HUTCHISON. I thank the Chair.

AMENDMENT NO. 2110

Mrs. HUTCHISON. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for herself and Mr. SESSIONS, proposes an amendment numbered 2110.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

Under ''General Provisions'' insert the following new section:

SEC. . (a) None of the funds contained in this Act may be made available to pay the fees of an attorney who represents a party who prevails in an action or any attorney who defends any action, including an administrative proceeding, brought against the District of Columbia Public Schools under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) If—

(1) the hourly rate of compensation of the attorney exceeds 300 percent of the maximum amount of compensation under section 11–2604(b)(1), District of Columbia Code; or

(2) the maximum amount of compensation of the attorney exceeds 300 percent of the maximum amount of compensation under section 11–2604(b)(1), District of Columbia Code, except that compensation and reimbursement in excess of such maximum may be approved for extended or complex representation in accordance with section 11–2604(c), District of Columbia Code; and

(3) in no case may the compensation limits in paragraphs (1) and (2) exceed $3,000.

(b) Notwithstanding the preceding subsection, if the Mayor and the Superintendent of the District of Columbia Public Schools concur in a Memorandum of Understanding setting forth a new rate and amount of compensation, or a new limit referred to in subsection (a)(3), then such new rates or limits shall apply in lieu of the rates and limits set forth in the preceding subsection to both the attorney who represents the prevailing party and the attorney who defends the action.

(c) Notwithstanding 20 U.S.C. §1415, 42 U.S.C. §1988, 29 U.S.C. §794a, or any other law, none of the funds appropriated under this Act, or in appropriations acts for subsequent fiscal years, may be made available to pay attorneys' fees accrued prior to the effective date of this Act that exceeds a cap imposed on attorney's fees by prior appropriations acts that were in effect during the fiscal year when the work was performed, or when payment was requested for work previously performed, in an action brought against the District of Columbia Public Schools under the Individuals With Disabilities Act (20 U.S.C. §1400 et seq.).

Mrs. HUTCHISON. Mr. President, Senator SESSIONS and I are offering this amendment for one simple reason: We want to improve the quality of education for the District of Columbia. Our amendment will preserve an estimated $44 million for special education funding in the District.

The amendment will continue a provision contained in the last three DC appropriations bills that cap the allowable fees an attorney may charge for a child's special education placement in the District of Columbia. We raise the cap in the present law from $125 an hour to $150 per hour, and a per-case limit from $2,500 to $3,000.

Our amendment also continues a provision contained in last year's bill that allows the District of Columbia, acting through the mayor and school superintendent, to waive those caps if they believe it is in the best interest of the D.C. students to do so.

I also point out that our amendment will prevent an estimated $32 million in retroactive attorney's fees from being awarded, as has been threatened by the D.C. Circuit Court. That court has ruled that should this fee cap be lifted, they will go back and actually undo the will of Congress by awarding all the billed attorney fees in excess of the caps during the last 3 years.

Our amendment is supported by the school board and the superintendent of

schools in the District. And the mayor has told me he also has supported this. They support it because it allows them to put the dollars in education for the children. They are trying to use the money for the education programs. In fact, they have put the money they have saved since the caps were put in place, that would have gone to attorney's fees, into the special needs programs, and they have increased the number of children who now can be taken into the programs.

Why is our amendment necessary? In fiscal year 1998, the District of Columbia spent $14 million solely to pay attorneys who challenged the District's placement of special education children. The next year, in fiscal year 1999, the District spent $3.5 million in attorney's fees. This meant that the District had approximately $10 million in additional funds for the education of these children. The District allocated all this money saved to improving the quality of their special education programs.

And those programs have continued. Over the next 3 years, D.C. allocated $32 million in funds that would otherwise have gone to pay attorneys to improving special education programs for disabled and special needs children.

This effort has significantly improved the availability and quality of special education. They have also been able to reduce the backlog of initial assessments of special education children from 1,805, before the imposition of the cap, to 143 as of March of this year.

Now they are hiring new special education teachers, purchasing new assistive medical devices, and providing new training and education for existing special education teachers.

So what we are trying to do with this amendment is make sure the education dollars, which are so crucial for the District to improve the quality of education and the quality of special education, stay in the education budget rather than going to pay lawyer's fees.

I ask unanimous consent that a letter the president of the school board and the superintendent of D.C. schools have written in support of our amendment be printed in the RECORD.

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

DISTRICT OF COLUMBIA
BOARD OF EDUCATION,
Washington, DC, October 26, 2001.

Hon. KAY BAILEY HUTCHISON,
U.S. Senate, Russell Senate Building, Washington, DC.

DEAR SENATOR HUTCHISON: On behalf of the District of Columbia Board of Education and the DC Public Schools, we are writing to strongly urge you to include language in the FY 2002 appropriations bill for the District of Columbia that provides a cap on the amount of funds expended for special education attorney fees. Specifically, we are requesting language comparable to that contained in the District of Columbia Appropriations Act of 2001, P.L. 106–522.

It is our determination that the exclusion of such language could result in an additional cost of at least $44 million to the District of Columbia Public Schools in FY 2002 (including approximately $32 million in fees subject to the cap in FY 1999 through FY 2001 that could now be billed, plus at least $12 million in new fees no longer subject to the cap). It is our collective opinion that the result of such an expenditure will seriously and adversely affect our ability to provide educational materials, textbooks, and operational support to the students, teachers, and staff of the DC schools. This will, as a consequence, further jeopardize the opportunity of our children to receive a quality education.

We are grateful for your past support of our efforts to improve the quality of education provided to the children of our City and we look forward to working with you to continue to build upon our growing accomplishments. Your support of this request will be a significant step toward further realization of our mutual goals for education.

Thank you in advance for your consideration of this matter. Should you have any questions or require additional information, please do not hesitate to contact us.

Respectfully,

Ms. PEGGY COOPER CAFRITZ,
President.
Dr. PAUL L. VANCE,
Superintendent.

Mrs. HUTCHISON. I would like to read briefly from that letter:

It is our determination that the exclusion of [the cap] could result in an additional cost of at least $44 million to the District of Columbia Public Schools in FY 2002. . . . It is our collective opinion that the result of such an expenditure will seriously and adversely affect our ability to provide education materials, textbooks, and operational support to the students, teachers, and staff of the DC schools. This will, as a consequence, further jeopardize the opportunity of our children to receive a quality education.

I urge my colleagues to vote for this amendment. It is a reasonable cap. We are not trying to starve lawyers. We want legitimate lawyers to be able to earn a living. But $150 an hour is quite a legitimate amount to spend. I think if anyone has the legitimate interests of the school district at heart, they will listen to the superintendent of schools and the president of the school board to let them do what they believe they need to do to improve the education in the schools. And they do not want to spend this money on lawyer's fees.

They are doing the best they can. There are no complaints—or maybe there are complaints; I guess there are complaints against every school district, but there are no complaints that they are not making every effort to increase the quality of and the number of children they can serve in these special needs classes.

Madam President, I now would like to reserve the remainder of my time. I ask that either Senator DURBIN or Senator SESSIONS be allowed to speak. Senator SESSIONS is my cosponsor. I do not know if Senator DURBIN wishes to speak first.

The PRESIDING OFFICER (Mrs. CARNAHAN). Who yields time?

Ms. LANDRIEU. Madam President, I yield time, as stated in the unanimous consent agreement, to the Senator from Illinois for a response to this amendment. Then probably, after the Senator from Illinois speaks, the Senator from Alabama would like to speak. And then Senator MURRAY could be recognized in morning business.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I thank the chair of the subcommittee for yielding to me.

Madam President, several years ago Congress decided to pass a law which was revolutionary. It said that in the United States of America, if you had a child who needed special educational assistance, we were going to try to help that child. It really was a commitment that had never been made before.

I can recall, as a child growing up in my small hometown, that it was rare to see kids with learning disabilities and physical disabilities in my classroom. I do not know where those kids were. They were certainly here on Earth, but they were not in the classroom.

So Congress said: We are going to change that. We are going to open the doors of education in the schools across America to children with special needs—kids who are disabled, mentally and physically, kids who have learning disabilities. We are going to give them a chance.

That bill passed with an overwhelming, bipartisan vote because it sounded so right and so American for us to stand up and say: That is why America will be different.

We knew, when we passed that bill, it would not be easy because many of these children really need special attention. I have seen it in classrooms across Illinois and people have seen it across the Nation. But the success stories are so gratifying, that children, who would have been tossed in the trash heap just a few years ago, are given a chance. With special education and special assistance, they can become productive citizens in America and have a good, wholesome, and happy life.

Democrats and Republicans said: This is a good thing for us to do. But what are we going to do about school districts that turn these kids down, that will not give them the chance to go into the schools, where the parents are distraught, where they have no place to turn? What are we going to do in that situation?

The law said, if it comes to that, if the school district will not accept the child who needs special education, there may have to be a hearing. Of course, hearings involve attorneys. An attorney would have to stand up for that child and that child's family and try to give that child the chance the parents want.

Who will pay for that attorney, because some of these kids are from the poorest families in America. They are not all rich families and rich kids. The law said, when it comes to that issue, the court will decide. If the attorney representing that disabled child—a child with a learning problem—prevails

in the lawsuit, the court can award attorney fees to the attorney who represented the child, and the school district that resisted bringing the child in for special education will have to pay the attorney fees.

I have just stated the law in America. Through her amendment, the Senator from Texas wants to change what I have just described in one city—the District of Columbia—to say that in this, the Nation's Capital, we will not play by the same rules that Texas, Louisiana, Ohio, and every other State, including Alabama, plays by. No. In the District of Columbia we are going to do it differently. We are going to say, in the District of Columbia, no matter how complicated the case, no matter how many problems that child might have, no matter how many hearings might be necessary, no matter how much effort is put up by the school board to stop this child from coming into special education, no matter how much is involved in it, no attorney is paid more than $3,000, period—none, not a penny.

That $3,000 limit does not apply in Texas, does not apply in Illinois, Washington State, Alabama, or any other State. The Senator from Texas would have us apply that here in the District of Columbia.

So when you put a limit on the attorney's fees in complicated and difficult cases, how easy is it for a person, a family, a mother and a father, to find an attorney to represent their son or daughter? It becomes increasingly difficult.

What the Hutchison amendment does is to close the courthouse door, close the opportunity for administrative hearings for children who are seeking special education in the District of Columbia.

Need I remind my colleagues, the District of Columbia is one of the poorest cities in America. There are children in this city who, through no fault of their own, came to the Earth in the usual way—as Harry Chapin used to sing in a song—who came to the Earth in the usual way with a lot of problems, disabilities. These kids, through no fault of their own, will find the schoolhouse door is closed to them because of the Hutchison amendment.

She has said these kids cannot have the same legal representation as children all across America who are asking for an opportunity for special education. Her war is against trial lawyers. I used to be one. I plead guilty as charged, Your Honor. But I can tell you, to say that no lawyer will spend more than 20 hours on any case involving special education is just terrible. It is terrible when you consider the outcome. The losers here won't be the trial lawyers. They will find other work. The losers be will be the children and their families who do not want to give up hope for these kids.

Senator HUTCHISON says it is a matter of dollars and cents: Either give it to the trial lawyers or give it to the school district. Certainly, the schools of D.C. and schools across America need more money. But does this meet the test of fairness and justice? Does it meet the test of those who proudly voted for the IDEA legislation and said they really cared about special education? It does not meet that test.

Let me tell you something else that is unintended perhaps but has to be said: When Senator HUTCHISON limits the amount the District of Columbia can pay to any lawyer representing any child, no matter how complicated the case, to $3,000, do you know what the D.C. courts have said? They have said: We reject that. We are going to award to these attorneys the fees to which they are reasonably entitled. We understand the D.C. appropriations bill passed by Congress may limit how much Congress can pay out to those lawyers, but that is not going to limit our right under the IDEA bill to award these attorney's fees.

So what has happened?

Let's assume in a case that an attorney works long and hard for many years on a special education case and the court says, you are entitled to $10,000 in attorney's fees. The Hutchison amendment says, no, D.C. can only pay $3,000. What happens to the difference; what happens to the $7,000? The $7,000 is still an obligation of the District of Columbia. Senator HUTCHISON is not doing the District any favor.

What is happening is all of these awards in court above the Hutchison payment level continue to build up in the District of Columbia, and interest is running on them. This mountain of debt for the District of Columbia is going to be there whether Senator HUTCHISON or Senator DURBIN like it or not. It is a reality. In every city and school district across America, they face their legal obligation—in Texas, Louisiana, Alabama, and in Illinois. But Senator HUTCHISON would say we won't face that legal obligation when it comes to the District of Columbia.

The root problem is the weakness and poor performance of the D.C. public school system. They come racing to us now and say, we don't want the attorneys who want children to come in as special education children to be paid what they are entitled to be paid by the court.

Litigation is merely a symptom of a larger problem. Fifteen percent of the kids in the D.C. public school system are special needs children, 10,500 children. The appropriate way to reduce the burden of litigation on the D.C. public school system is for the system to comply with the law and provide the services and education that children with special needs deserve in every State in the Union, and every school district in America plays by those rules. But not under the Hutchison amendment. She has said there will be one exception: the District of Columbia, one of the poorest cities in America with children suffering from learning disabilities. That system, those children, those families will not have the same legal representation as kids across America.

Singling out the District of Columbia is just plain wrong. This isn't a war against trial lawyers. This is a war against poor children who need a helping hand. That is just not fair.

I asked before in the earlier debate, why is it when this appropriations bill comes to the floor, every Member of the Senate and House wants to turn into a mayor or a member of the city council? Time and again we defer these judgments to the city council and mayor. In Springfield, IL, and Chicago, IL, we say: It is your call. When it comes to the District of Columbia, no, we want to superimpose our decision, our judgment. It is not fair for the District of Columbia public school system to be standing here begging to be treated as a home rule unit and then say to Congress: Make sure you carve out a little exception for D.C. when it comes to special education students. They want to have it both ways.

The mayor, whom I respect very much, has talked out of both sides of his mouth on this issue. I don't know where he stands on this issue. I can't follow it. I really respect this man. But eight members of the D.C. city council have written a letter, a compelling letter. I ask unanimous consent that the letter from the D.C. council of September 24 be printed in the RECORD.

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

COUNCIL OF THE
DISTRICT OF COLUMBIA,
Washington, DC, September 24, 2001.

Re: special education attorney fees.

Hon. MARY LANDRIEU,
Chairwoman, Subcommittee on the District of Columbia, Senate Committee on Appropriations, Hart Senate Office Building, Washington, DC.

DEAR SENATOR LANDRIEU: As the Congress considers the District's appropriation for fiscal year 2002 we understand that the House has dropped any provision limiting attorney fees in special education cases. We hope and urge that the Senate agree.

As you know, the federal Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) mandates special education for children with learning disabilities, and provides that where a child must go to court to effect his or her right that child (if he wins) is entitled to have his attorney's fees paid by the government. That the District has been singled out for the last three years with a limit on the fees has been a matter of great controversy.

The position of the Council and Mayor is quite clear: we adopted a proposed budget that contains no cap on attorneys fees. Our objections to a fee cap include:

A cap makes it more difficult for children to obtain special education to which they are entitled. It is a simple fact: a cap on fees reduces the number of attorneys willing to take such cases and, therefore, reduces access to counsel.

A cap discriminates against low income children. Affluent families can afford legal representation; the cap affects them but they still have an economic ability to help their children.

The effect of the cap is to treat the children of the District of Columbia differently—and less favorably—than any other child in any other state in the nation. District children have fewer rights with the cap.

The way to improve special education in the District of Columbia must be programmatic—improve the programs rather than limit the advocacy for special needs children.

We want public school children to obtain the best possible education. Reforms must be done in a way that does not disadvantage children. It is our strongly held view that the cap on attorney fees places already vulnerable children at an even greater disadvantage. For all of these reasons we ask that the Senate follow the House and eschew any provision limiting attorneys fees for prevailing parties under the federal Individuals with Disabilities Education Act.

Sincerely,

SHARON AMBROSE,
Ward 6.
DAVID CATANIA,
At-Large.
KEVIN CHAVOUS,
Chairman Comm. on Education & Libraries.
ADRIAN FENTY,
Ward 4.
JIM GRAHAM,
Ward 1.
PHIL MENDELSON,
At-Large.
KATHY PATTERSON,
Ward 3.
CAROL SCHWARTZ,
At-Large.

Mr. DURBIN. These include Republican as well as Democratic and Independent members of the council. They write in part:

The position of the Council and Mayor is quite clear: we adopted a proposed budget that contains no cap on attorneys fees. Our objections to a fee cap include:

A cap makes it more difficult for children to obtain special education to which they are entitled. It is a simple fact: a cap on fees reduces the number of attorneys willing to take such cases and, therefore, reduces access to counsel.

A cap discriminates against low income children.

The effect of the cap is to treat the children of the District of Columbia differently—and less favorably—than any other child in any other state in the nation.

I was a practicing attorney before I came to Congress, and there are some wonderful people who are involved in pro bono—free—legal work. They do great work. There are also some attorneys who can't find any other kind of work; they are not up to it. I don't think we should put the future and fate of these special ed kids in the hands of an attorney who may or may not be qualified to handle the case. That is exactly what we are doing.

This is discrimination against the special ed kids in the District of Columbia. The District of Columbia school system should be ashamed that they have called on this Congress to perpetuate this injustice. I hope this Congress will think twice. If you voted proudly for IDEA, if you really stand for children with disabilities, then for goodness' sake give them the legal rights to pursue the right they have under law.

I yield the floor.

Ms. LANDRIEU. May I inquire how much time the Senator from Alabama might need to speak on this amendment?

Mr. SESSIONS. I will finish the time of Senator HUTCHISON. How much time does the Senator have?

The PRESIDING OFFICER. The Senator from Alabama has 8½ minutes.

Ms. LANDRIEU. That would be fine, of course, under the consent agreement, because the Senator from Washington State is on the floor and wants to speak not on this amendment but as in morning business. I was just inquiring. The Senator from Alabama is entitled to proceed.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Madam President, the Individuals with Disabilities Education Act has done a lot of great things. It has had a consistently strong goal to mainstream disabled children into regular classrooms.

I have in the last year or so visited 20 schools in my State. I try to take the opportunity each time to meet with the principals and teachers in a conference and ask them about their problems, what are their frustrations, what is working, what is not working, what can we do in the Federal Government to help them.

The thing I hear over and over again—and I ask Senators if they hear the same thing; I suspect they do—is that the Individuals with Disabilities Education Act has become a legal nightmare. It has created laws that are not helpful and are costing the schools tremendous sums of money in litigation. It is not helping children in ways we would like to help them. Yes, we want to mainstream every child who can be mainstreamed.

I will share this story. I attended a wonderful, award-winning elementary school in a mid-size town in Alabama. It was so well decorated. It was the first week of the school year. The classrooms were well appointed, well organized, with bulletin boards of first quality. My wife taught elementary school a number of years, and I know about those things and what you are supposed to do. The principal told me this story.

He said: The first day of school, when we were working as hard as we could to do all the things necessary to make that first day a great day for the kids, I spent that afternoon and until 7:30 that night with 13 individuals, including a group of lawyers, over how long an individual child should be kept in the mainstream classroom.

This child had a serious emotional disability and was not going to be removed from school but would be put in an alternative setting where the disability could be dealt with. But the parents and lawyers wanted the child to be mainstreamed. In the previous year, I believe that child had been in the classroom 1 hour a day. The principal had concluded the child didn't need to do that. He was disrupting the classroom and the child would not benefit from being in the classroom an hour a day, and he decided to change that policy. So they did that under the individual plan for the child. As a result, an objection was raised. The compromise—he told me this, and I find this unbelievable—was that the child was allowed to be in the classroom for 15 minutes a day. After all of that.

As part of that settlement, the school was obligated to pay the lawyer who brought the allegation because the child had prevailed—at least in some part. So they had to pay the lawyer's fee for their lawyers and the lawyer's fee of the people on the other side. The teachers and all who had relevant information about this had to disrupt their first day of school to meet and meet and meet. They had to prepare and they had to talk to experts and have expert testimony about this child and what they could do—all because of the Federal education disabilities act.

We want to help children who can be in the classroom—children who have sight disability, who can't hear, or children who have other disabilities and are in wheelchairs; they need to be mainstreamed. We want to achieve that. Nothing here would say otherwise. There are a lot of problem areas, though, and there is a cottage industry of lawyers who are filing lawsuits regularly.

The District of Columbia tells us they had nearly 2,000 cases last year, and they are over the kinds of issues about which I am talking. These children are not being thrown on the ash heap. The question often is, What kind of program or benefit do they get? Do they stay in the main classroom or go to a special education classroom.

We had a case in Alabama—and this is true all over America—where a child was so unable to control himself—apparently unable, or at least did not control himself—an aide was hired by the State to meet him at the school bus stop in the morning, go to school with that child, sit with him all day in the classroom, and come home with him in the afternoon. This is happening all over America.

The lawyers and the regulations are impacting principals and teachers who love children. They want to see children do well, and they want to see every child reach their highest and fullest potential; but they are being handicapped by complex regulations and litigation. I say that in general. Then I will say this: $150 an hour is not unusual. There are a lot of regulations that we have where the hourly fees are lower than that. Criminal defense attorneys are paid less than that in most States in America. $150 an hour is a 20-percent increase over the current law.

This Hutchison amendment is a 20-percent increase over current law in the District of Columbia. This was requested by the District of Columbia. They say, well, you don't cap other lawyer's fees. Other lawyers don't have their fees capped.

Let me say this: If someone cheats you on a contract and you sue them and you win the lawsuit, they don't pay you anything for legal fees, unless it is in the contract, which it normally is not. Most people in America file a lawsuit, they pay their lawyer out of what they recover. So we have given a special advantage to lawyers in disability cases and in several other instances in lawsuits against Government agencies. We have agreed to pay their legal fees, but they are not guaranteed unlimited legal fees, guaranteed to be paid forever, however much they want or whatever some judge may agree to award them.

So I think this is a reasonable amendment. It is a serious request of the school board of this city, which is facing an avalanche of lawsuits. There were nearly 2,000 last year. None of this money that is expended—the $10.5 million that was saved last year is not being thrown away. The $10.5 million that is saved can be used to help disabled children and provide them better programs. If we pay out more money in legal fees, from where do people think it is coming? It is coming from the children. That is where it is coming from—the people we want to help. We need to address nationally some of the litigation that is arising with the Individuals with Disabilities Education Act. There is not a superintendent of schools in America who has been on the job very long, I suggest—or certainly very few who would suggest this system is working effectively.

Principals tell me all the time it is a nightmare for them. It is disrupting their ability to educate our children. They tell me the child who is getting hurt is the average child. There are special programs for the bright children and for those with disabilities, but the average child is getting shortchanged. Oftentimes, teachers are so frustrated they are leaving the profession. They are being sued for how they handle difficult circumstances.

The PRESIDING OFFICER. The time of the Senator from Alabama has expired.

Mr. SESSIONS. I thank the Chair and reiterate my support for the Hutchison amendment.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Madam President, I want to speak for a moment. The Senator from Washington wants to be recognized. I want to say this: I voted with Senator SESSIONS on the last amendment he offered on this subject. I actually agreed very strongly with what he said. Many of us on both sides of the aisle voted with him, as he has outlined so beautifully some of the real problems with special education as far as Federal rules and regulations go. We are all well intended. We all want to help these children, but there is a major disagreement and debate about whether the rules are actually helping or hurting.

The Senator is absolutely correct that many of our resources are not being devoted to sort of mainstream children because of the complicated rules about special needs and also gifted children. It is a problem and it has to be worked out. I agree with the Senator. My disagreement is that this amendment doesn't actually fix that problem, and it makes it worse, not better, which is why I probably cannot support this exact amendment and why we have tried to work out some compromise between the Senators.

I wanted to say that for the record, and I want to also say that in limiting the attorney's fees to $150 an hour, which doesn't seem to many people to be much of a limit—that is quite a lot of money to make, particularly in these times. But the problem the Senator, as an attorney and prosecutor, should know is the real problem is the overall limit of $3,000 per case.

So what happens is an attorney basically can only spend 2½ days. That would allow them to process one or two motions and may not cover them until the end of the case.

These are long and complicated and, as he has described, very difficult cases. That is the problem Senator DURBIN is trying to raise. So I hope we can resolve it. Maybe the good prosecutor, my colleague from Alabama, would have a suggestion about that to us.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 2:30 p.m. with Senators permitted to speak therein for up to 10 minutes each and with the time to be equally divided and controlled by the two leaders or their designees.

The Senator from Washington.

Mrs. MURRAY. Madam President, I intend to speak as in morning business. I believe the Senator from Minnesota would like to propound a unanimous consent request.

Mr. WELLSTONE. Madam President, I ask unanimous consent that I follow the remarks of the Senator from Washington in morning business.

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

The Senator from Washington is recognized.

Mrs. MURRAY. I thank the Chair.

(The remarks of Mrs. MURRAY and Ms. SNOWE pertaining to the introduction of S. 1643 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from Minnesota.

UNANIMOUS CONSENT REQUEST—S. 739

Mr. WELLSTONE. Madam President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 191, S. 739, the Homeless Veterans Program Improvement Act, which my colleague, LANE EVANS, and I have called the Heather French Henry Homeless Veterans Assistance Act after the wonderful work she did as Miss America in behalf of homeless veterans. Her dad is a disabled Vietnam vet. I ask unanimous consent that the committee-reported substitute amendment be agreed to, that the bill, as amended, be read three times, passed, and the motion to reconsider be laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. SESSIONS. There is objection on this side, and I object.

The PRESIDING OFFICER. Objection is heard.

Mr. WELLSTONE. Madam President, I have to say, not so much to my colleague from Alabama because he is really objecting on behalf of someone else, that I find this process to be absolutely outrageous.

I believe the veterans community finds this process to be absolutely outrageous. This is the fourth or the fifth time I have come to the Senate to ask unanimous consent to pass this legislation. We have a similar version in the House of Representatives that has passed. We can really get this done.

This is an anonymous hold that has been put on this bill. I have to say I am more than surprised. I have now become indignant that we have a Senator on the other side who will not come to the Senate Chamber and debate me on this legislation and express his or her opposition and reasons why.

This legislation passed out of the Veterans Committee I think on a 21–0 vote. It was unanimous. It was Democrats and Republicans alike.

It is a familiar principle among veterans in our Armed Forces that we do not leave our wounded behind. Homeless veterans are our wounded, and we are leaving them behind. The VA has reported there were about 345,000 homeless vets in our country in 1999, and there are yet even more homeless veterans as we see this economic downturn.

What does the bill do? It sets a national goal to end homelessness among veterans within 10 years. Who is opposed to that? The bill provides funding, authorizes $50 million for some programs that really have a good track record—I will not even go over all of them today—for job training, for treatment for addiction, for other transitional services that are so critical to veterans: job counseling, social services, medical services, assistance in getting into affordable housing, calls for VA comprehensive homeless centers in our major metropolitan areas in America today to have kind of a one-stop continuum of services for veterans.

I would like to know what is going on in the Senate. I would like to know why this legislation is being blocked. I will say with great regret—I said it

last week, and I said it the week before—I will put a hold on all the legislation, not the major appropriations bills and judicial appointments, that individual Senators on the other side have sponsored. This legislation should go through on unanimous consent. It is not controversial. It has the support of all of us. But I have no other choice but to do so. I have no other choice but to fight like the dickens and use my leverage. I have been around the Senate for 11 years now, and I know the way things work.

It is very rare that today we continue to have these anonymous holds on legislation such as this to help homeless veterans. The only way I can fight and the only way I can continue to make this a priority—it is a priority to me, it should be a priority for every Senator, and it should be a priority for our country—is to ask my colleagues to go and spend some time—and maybe many of my colleagues have—in homeless shelters, meeting with street people. My colleagues would be amazed at how many of them are veterans, how many of them are Vietnam vets. Surely we can do better.

Anonymous hold? I do not know why. I guess I have my own suspicion, but I will say this: I have a hold on all the bills from individual Senators on the other side, and they are going nowhere until whoever the Senator is steps forward and either debates me and we have a vote or that Senator takes this hold off.

I will say this: I do not blame the Senator for wanting to remain anonymous. I would want to remain anonymous if I were blocking this legislation. We can do better for veterans in our country. We can do better for veterans in a lot of different ways, but this is legislation where a lot of us came together on both sides of the aisle. We have done some good work. It is not the cure-all or end-all. I do not want to make this out to be perfect, but I say to my colleague from Georgia it makes life a little better for some people. In this particular case it happens to be veterans. It is the kind of thing we should be doing in public service, and I cannot understand where this anonymous hold comes from or why.

Every day I am coming to the Chamber and I am going to do the same thing. I am going to continue to have a hold on all this other individual legislation sponsored by individual Senators on the other side until this bill goes through.

Other than that, I do not feel strongly about it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. May I ask the time I have reserved for morning business?

The PRESIDING OFFICER. The Senator may speak for up to 10 minutes.

Mr. MURKOWSKI. Madam President, I ask unanimous consent that I be allowed to speak for 20 minutes.

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

Mr. MURKOWSKI. I thank the Chair.

ENERGY SECURITY

Mr. MURKOWSKI. Madam President, we are all aware of the shocking events that occurred on September 11. We are certainly aware of the vulnerabilities that were shown to our Nation by this action. As we reflect on the risk today, I think we would acknowledge that never in our history have we, as a nation, been forced suddenly, shockingly, to reevaluate almost every aspect of our life.

Americans must make a choice now about risks; we must make choices we never thought we would have to make. From our mail to our shopping malls to ball games, life in America is now a reflection, looking back through the lens of terror. Surveying that risk, perhaps no single area causes greater concern than that of energy as a consequence of our increasing dependence.

We rely on safe, stable, affordable, and plentiful supplies of energy to power our progress, but the choices made on energy have left us vulnerable and exposed on two different fronts, two fronts that add up to our Nation's energy security, and I will discuss those today.

A report detailing these risks was received yesterday by Gov. Tom Ridge, head of Homeland Security. What he did was itemize some of the risks we have at home. We have seen a great deal of publicity given to the realization that about 20 percent of our energy is produced by nuclear powerplants. We have about 103 reactors around the country producing clean, affordable energy. The fact the energy is affordable, reliable, and free of emissions such as greenhouse gases, is very appealing. However, there is no free lunch. Nuclear power does create a byproduct that must be dealt with, but when managed responsibly and stored safely this waste poses no threat and no risk to public health.

I might add, in the several decades of generating nuclear power in this country, we have never had a casualty associated with the operation of nuclear reactors for power generation.

So the industry, as well as government, has done an extraordinary job of proving nuclear energy has a significant place in our energy mix.

In 1982, the Government made a promise to the American people to take care of that waste and provide a permanent repository. The contractual agreement was that the Government would take the waste in 1998.

Madam President, 1998 has come and gone. Today, after years of delay, bureaucratic wrangling and $12 billion in taxes collected from the ratepayers who depend on nuclear power, that promise made by the Federal Government to take the waste remains unkept.

I don't know the opinion of the agencies regarding the sanctity of a contract, but this was a contract. There are lawsuits pending for the lack of fulfillment of the terms of the contract, somewhere in the area of $40 to $70 billion. Instead of storing the waste in a central, single, secure facility where we can concentrate all of our resources on keeping it safe, nuclear waste is being scattered across the country. We have it in our powerplants, we have outside some of the plants storage in containers, casks designed for that storage, but these are not permanent. We have shut down plants where the waste is being stored. These plants were not designed for the permanent storage of this waste or the shutdown of plants. We have 16 different plants with a total of 230 containers now holding high-level nuclear waste on an interim basis.

In South Haven, MI, dry-cask storage pads are 200 yards from Lake Michigan. Twenty percent of the world's fresh water is in the Great Lakes chain. On the shores of the Chesapeake Bay, dry-cask storage sits less than 90 miles from Baltimore, near Washington, DC, with the U.S. Capitol and three major airports. These containers are approved, but there is no substitute for a permanent repository deep in the group, out of harm's way where it was designed, and that is Yucca Mountain in Nevada.

We have had several debates through the years on this issue. I understand the reluctance of my friends from Nevada to accept the reality that Congress made a designation, subject to licensing, that the repository would be at Yucca Mountain in Nevada. We are still waiting after years and years. We have had a Presidential veto. We are seeing a situation of delay, delay, delay.

Back to the containers. They are approved by the Nuclear Regulatory Commission, but there is no substitute for permanent repository. We have waste at home, and 14 other plants are in the process of being decommissioned, one in Massachusetts, two in Connecticut, and three in California. We are getting more and more plants that are closed.

President Clinton vetoed a bill to accelerate the waste transfer and move us ahead of our current opening date of 2012. That is the current date. I recognize nobody wants the worst, but the reality is we have to put it somewhere. The $6 billion expended on Yucca Mountain clearly indicates Yucca Mountain was the favorite site. Unfortunately, our previous President vetoed the bill, and the waste sits, no closer to a permanent home. The waste is there, exposed and vulnerable, presenting another target for potential terrorists, nestled in our communities, beside our schools, homes and families. It is irresponsible to not address this situation.

I don't want to prolong the argument relative to the issue of the danger of this waste. It is being monitored by the best oversight available, the best protection, the best security. Still, it is

not designed to stay where it is. We should put this waste in a central repository, designed to take the waste and pool it until we meet the determination of whether we will put it underground permanently or reprocess it.

I will discuss the other risk relative to our energy, and that is the risk overseas. Our risks grow greater as we leave the confines of the United States, where at least we have some control over the choices we have made. We rely on parts of the world where the leaders chose to undermine peace, democracy, and liberty, and will work to undermine our Nation, as well.

We are more than 56 percent dependent on foreign oil. We simply do not have the flexibility to be independent, should the need arise. I am not suggesting we can independently remove all of our dependence on foreign oil, but we certainly have options, and the Senate must act on the options. Unless we make the right choices now, the drivers relative to our energy security are OPEC.

What has OPEC done lately? We know they just planned to cut 1.4 billion barrels of production. Why? Clearly, to increase the price. They want to have a price between $22 and $24. The way to do that is to control the supply. That is just what they have announced they are doing. They are cutting production.

We have resources at home, but our hands are tied. We do not seem to be able to reach an accord on how to use places such as ANWR, in my State, which hold the key to energy independence by reducing substantially our dependence on Mideast oil. The Senate has approved safe and limited exploration for ANWR, but President Clinton vetoed that legislation in 1995. Had President Clinton not vetoed that bill in 1995, we would very possibly have as much as a million barrels a day flowing from the ANWR area. That would offset the million barrels a day we are importing from Iraq.

I have asked many times, how can we compromise our energy security when on the one hand we import oil from Iraq and Saddam Hussein and at the same time we are enforcing the no-fly zone over that country, putting our young American people's lives at risk with a blockade in the sky. With the oil money, he is paying his Republican guards to keep him alive. He is also developing capability for a missile, with perhaps a biological warhead. Where does he aim? Most of those items of terror are at our ally, Israel. That may be an over simplification of foreign policy, but one could reach that conclusion.

We could be far less dependent today if we considered the merits of opening this area. Using conservative estimates, in the 6 years that have elapsed since the President last vetoed the ANWR bill, that would have been more than enough time to have researched that tiny sliver of land, built the infrastructure on 2,000 acres, and gotten the oil flowing.

I have a chart that puts it in perspective. It is important, as we address this issue—and this Congress will address this issue either by an agreement with the Democratic leader to allow time for an energy bill to come up or it will be on the stimulus package because it belongs there. I ask my colleagues to reflect what other stimulus can they identify that generates somewhere in the area of $2.5 billion in Federal lease sales, money to the U.S. Treasury, provides about 200,000 jobs throughout this Nation, and does not cost the taxpayers one red cent? That is why this issue belongs on the stimulus package.

Think of the tankers that would be built in U.S. shipyards with U.S. crews to expand the oil from Alaska, which is currently about 17 percent of all the crude oil produced in this country. We could be far less dependent than we are today. We are only one supertanker terrorist activity in the Straits of Hormuz away from serious disruption of our oil supply.

Let me point out the reality associated with the ANWR issue. It is so misunderstood. There is a threat that ANWR is at risk. What is ANWR? This is ANWR in relationship to the State of South Carolina. They bear a striking resemblance: about the same acreage, 19 million acres. That is a big chunk of real estate. Of what does ANWR consist? It already consists of three specific designations by Congress: 8.5 million acres in wilderness classifications in perpetuity, another 9 million put into a refuge, and Congress left out the 1.5 million acres, the coastal plain, for determination of whether or not to open it for oil and gas exploration. Why? Clearly, the extensive exploration in Prudhoe Bay suggested the largest single deposit may be found in this coastal area.

We take that and move along a little further and recognize that the House bill, H.R. 4, said: OK, we will open this area for exploration, but the footprint can be only 2,000 acres.

That is 2,000 acres out of 19 million acres. If you reflect on that, what are the prospects? They say somewhere between 5.6 and 16 billion barrels. Prudhoe Bay has produced 13 billion barrels, and it was only supposed to produce 10. This could equal, easily, what we would import from Saudi Arabia for 30 years.

Some say it will take 10 years and some say it will take 7 years to get this oil. It is estimated if the oil is there—here is the pipeline that is already in, an 800-mile pipeline—we can open up this area somewhere in the area of 18 months if we expedite the permitting process because we already have some fields of discovery and a pipeline approximately halfway over here. Put this in perspective. What is a 2,000-acre footprint worth?

This is an item from Petroleum News, Alaska, ''Gwich'in, Ensign Link Up New Mackenzie Delta Drilling Company.''

A new native-controlled oil and gas drilling company has been formed to provide oilfield services in a land claims area of the Mackenzie Delta that is seen as a likely route for any Mackenzie Valley pipeline.

Gwich'in Oilfield Services, 51 percent owned by the Gwich'in Development Corp of Inuvik Northwest Territories and 45 percent by Calgary-based Ensign Drilling, is expecting to start operation this winter.

The Gwich'in Development settlement area covers 22,422 square miles and is governed by the Gwich'in Tribal Council.

Gwich'in Development Corp., wholly owned by the tribal council, has a mission to build an investment portfolio that offers business opportunities, employment and training to Gwich'in residents.

I ask unanimous consent the article be printed in the RECORD.

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

[From Petroleum News, Alaska; Sept. 30, 2001]

GWICH'IN, ENSIGN LINK UP IN NEW MACKENZIE DELTA DRILLING COMPANY

(By Gary Park)

A new Native-controlled oil and gas drilling company has been formed to provide oilfield services in a land claims area of the Mackenzie Delta that is seen as a likely route for any Mackenzie Valley pipeline.

Gwich'in Oilfield Services, 51 percent owned by Gwich'in Development Corp. of Inuvik, Northwest Territories, and 49 percent by Calgary-based Ensign Drilling, is expecting to start operations this winter.

The Gwich'in settlement area covers 22,422 square miles and is governed by the Gwich'in Tribal Council.

Gwich'in Development Corp., wholly owned by the tribal council, has a mission to build an investment portfolio that offers business opportunities, employment and training to Gwich'in residents.

Tom Connors, chief executive officer of the corporation, said Sept. 10 that the deal with Ensign gives the community a chance to participate in the development of oil and gas resources.

Ensign president Selby Porter said his company's experience and equipment make it the right choice to work with the Gwich'in people.

''The development of a local work force and infrastructure is key to the continued development of oil and gas resources of the Arctic region of Canada,'' he said.

Formation of the new company was announced Sept. 6.

Mr. MURKOWSKI. I also ask unanimous consent that two other articles be printed in the RECORD, ''The Slick Politics of ANWR Oil'' by Paul K. Driessen, and ''The Sacred Slope'' by Jack Stauder, Ph.D of the University of Massachusetts at Dartmouth, relative to this issue.

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

THE SLICK POLITICS OF ANWR OIL

(By Paul K. Driessen)

A new Native-controlled oil and gas drilling company was recently formed to provide oilfield services in the Mackenzie River delta area of northwestern Canada, adjacent to Alaska. According to Petroleum News Alaska, the company was created to provide investment and business opportunities, employment and training for tribal members. It expects to start operations this winter, to expand oil and gas development activities in the Arctic region.

This new enterprise, Gwich'in Oilfield Services, offers some fascinating insights into the slick politics of militant environmentalism.

The majority owner is none other than the Gwich'in Indians Tribal Council. Those are the same Gwich'in Indians that for years have been poster children for the cause of opposing oil exploration in the flat, featureless coastal plain of Alaska's Arctic National Wildlife Refuge (ANWR).

But nearly 90% of the Gwich'ins live in Canada. Only 800 live in Alaska. The Alaskan Gwich'ins live some 250 miles from the coastal plain, if one travels along the route caribou follow in migrating to and from ANWR.

As the crow flies, the Indians' Arctic Village is 140 miles across the all-but-impassable Brooks Range. Those majestic mountains—the ones seen in all the misleading ads and news stories opposing ANWR oil exploration—are 30 to 50 miles from the coastal plain. (It's amazing how a telephoto camera lens can make them look so close.)

The Gwich'in Tribal Council plans to drill in a 1.4-million-acre land claims area governed by the Indians. This is the same amount of land that's been proposed for exploration in ANWR. The proposed drill sites (and a potential pipeline route) are just east of a major migratory path, where the caribou often birth their calves, rather than awaiting their arrival in the refuge.

Back in the 1980s, the Alaska Gwich'ins leased 1.8 million acres of their tribal lands for oil development. (No oil was found.) Any reservations they may have had to the latest leasing plans were apparently very muted.

It is hard to grasp how drilling for oil in their own back yards is perfectly OK, but exploration on public and Inuit Eskimo lands 140 miles away somehow ''threatens their traditional lifestyle.'' It's equally hard to condone their willingness to collect countless thousands of dollars from environmental groups, to place full-page ads in major newspapers, appear in television spots and testify on Capitol Hill in opposition to ANWR exploration—and then lease more of their tribal lands for drilling. But none dare call it hypocrisy.

Government geologists say ANWR could contain as much as 16 billion barrels of recoverable oil. That's enough to replace all our Persian gulf imports for 10 years or more. At peak production levels, it could provide 1/10 of total U.S. oil needs. Developing this critically needed energy could also create 735,000 jobs, save us from having to send hundreds of billions of dollars to OPEC, and generate tens of billions in royalty and tax revenues to defend and rebuild our nation.

All these benefits would result in the disturbance of about 2,000 acres—less land than the terrorists destroyed or damaged in New York City—in a refuge the size of South Carolina. And any drilling would be done in the dead of winter, using ice airstrips, roads and platforms that will melt when spring arrives.

Eskimos who actually live in ANWR want the same benefits the Gwich'ins seek. As Kaktovik Inupiat Corporation president Fenton Rexford notes, the Eskimos are tired of using 5-gallon buckets for sanitation, because they don't have toilers, running water or a sewer system. They also understand the national security issues at stake here. No wonder they support exploration by an 8:1 margin.

Bin Laden & Company just sent us a wake-up call from Hell. In mere hours, they plunged us into an economic crisis and a long, difficult war that must be waged both overseas and in our own neighborhoods. Is there anyone who seriously believes we can afford to continue letting a small band of politically correct Alaska Indians and environmental militants hold the United States hostage on ANWR oil?

It's time to face reality, toss bogus anti-oil arguments on the ash heap of history, and support exploration in the Arctic National Wildlife Refuge.

THE SACRED SLOPE

(By Jack Stauder, Ph.D.)

This story bears telling first, for the silliness it exposes about the conventional wisdom of liberal opinion on campus today regarding environmental issues; and second, as an example of how to challenge such silliness.

Last spring I arranged for myself to be appointed to a new ''Sustainability Committee'' being set up by the powers on high at the University of Massachusetts, where I teach. I was suspicious of what was intended on campus under that slippery rubric.

Luckily, the Committee has done little so far except receive rather pompous memos tinged with utopian musings coming from a couple of professors at the Boston campus of our state system, including a Professor B. (Names of colleagues in this piece have been hidden to protect tender egos; but otherwise all the quoted e-mail here has been unchanged.) Professor B. regards himself as a great expert on ''sustainability.''

Anyway, the little controversy I will describe began with an e-mail forwarded through a couple of leftist professors on my campus. Its origins appear to be from one the endless number of lobbying groups on the left. One of the burdens of having left-wing friends, as I do, is that they often pass on these lobbying efforts. This e-mail, however, was circulated to all twenty or so members of our Sustainability Committee as well as the professors in Boston by one of the sillier members of our Committee. Bear with my account as you read it; the fun begins after it.

Sunday, October 7: ''Is Nothing Sacred?''
From: Professor G.

Dear Friend of MoveOn, In this time of tragic urgency, our leaders in Washington have pulled together and put all things controversial and partisan aside for the sake of national unity. Our friends on Capitol Hill are making sacrifices, holding off on key issues that can be won only through struggle, such as energy and campaign finance reform. Our opponents have respected the national need for unity too, until now.

But today we learned that Sen. Frank Murkowski (R–AK) is breaking with this patriotic spirit by trying to tack one of the most controversial issues in America onto the Defense Authorization bill:

He wants to drill for oil in the Arctic National Wildlife Refuge, the heart of the last great wilderness ecosystem in North America. This is a mistake, because:

Any oil found there wouldn't come on line for 10 years;

The refuge contains just 6 months supply of oil;

Existing fuel-efficient technologies could save more than that;

Once it's gone, it's gone forever.

The Defense bill will be debated this Wednesday through Friday.

Please call your senators now:

Senator John Kerry
Phone: 202–224–2742
Fax: 202–224–8525
Senator Edward M. Kennedy
Phone: 202–224–4543
Fax: 202–224–2417

Be sure they know you're a constituent, and urge them to:

''Please—block—the vote on the Murkowski drilling amendment to the Defense Authorization bill.''

Please call even if you think your Senators are solid supporters of protecting the refuge. Many Senators simply don't yet believe that Murkowski will do it, but our sources are reliable.

America's entire environmental movement must rally now.

Please let us know you're making this call, at our website. We'd like to keep a count. Thank you. Your call will matter.

Sincerely,

—Wes Boyd
MoveOn.org
September 19, 2001

[I was riled enough by this message to reply to all on the Committee who had received it:]

Sunday, October 7: ''Re: Is Nothing Sacred?''
From: Professor Jack Stauder

Is it appropriate to circulate such partisan lobbying action information throughout a university committee? I don't think so. We shouldn't tire others out through incessant propaganda, no matter how close to our hearts our causes are.

But if we are going to be wasting our collective time this way, let me get in on the fun.

There are two sides to each controversy. I've actually been to the North Slope of Alaska. I've never seen an uglier landscape.

The proposed drilling area is a small speck in a vast tundra: it would compare to the size of the township of North Dartmouth within the entire area of Massachusetts, Connecticut and Rhode Island put together. The ''great wilderness eco-system'' would be virtually unchanged by the proposed drilling. Nothing would be ''gone'' forever.

People can say any area is ''sacred'' if they want. However, the Inupiat (Eskimo) of the North Slope, the only people who have ever lived there or would want to live there, are by a large majority in favor of drilling for the oil. Why would people here in Massachusetts want to deny them their wish? Few of us if any will ever go to visit this ''sacred'' place, if only because it is so inhospitable to all but the Eskimo—cold and dark throughout the winter, a huge flat marshland swarming with mosquitoes in the summer. Yet out of spiritual arrogance some presume to tell the Alaskans what to do with their land.

The oil deposit is estimated to be a quite substantial one, otherwise there would be no interest in drilling there. One should automatically distrust the misleading statistics and factoids thrown out by environmental groups who make their living propagandizing issues like this. The oil from Alaska wouldn't meet all our needs, but it would make us that much less dependent on the Middle East—a welcome goal.

And even if ''existing fuel-efficient technologies could save more'' than drilling in Alaska could provide, this statement is a non-sequitur, for doing either does not preclude the other.

Should I go on and on? Should I tell you who to call in Congress and what to tell them? No, I won't, because it's not the business of the Sustainability Committee, in my eyes, to serve as a propaganda vessel for anyone's ''cause'' or ''special interest.''

—Jack Stauder, Soc/Anth Dept

[As I rather expected, my questioning of a liberal environmental icon—the sacredness of wilderness—brought a prompt reaction, from none other than Professor B., to all members of our committee. Note his condescending familiarity towards me, although I have never met the man.]

Monday, October 8
From: Professor B.: ''Re: Is Nothing Sacred?''

To All, Jack's contention that the Sustainability Committee shouldn't be used to lobby

issues is probably correct. On the other hand, if someone wants to send an e-mail to everyone on her/his address book, this a free country. I respect Jack for exercising his right of free speech and expressing his views. Now I will exercise mine.

I disagree with two points that Jack made: one, the North Slope is not ''their'' land, it is ''our land,'' and furthermore, our children's land. Second, I am convinced that focusing on the front end, i.e., the production end, of the pipeline, especially the oil pipeline, does preclude achieving anything near the easily achieved efficiencies at the use end of the pipeline. I think I read from a reliable source that increasing the fleet mileage of American automobiles will save more oil in a short time than the most optimistic estimates of oil to be obtained from the North Slope. I also understand that the average fleet miles per gallon of American made automobiles is the lowest in 25 years, largely due to SUV's not being held to the standards of automobiles.

Now Jack, those of us who argue for a philosophy and policy of increasing the efficiency of our economy over the Texas mentality of ''we'll shoot, drill, and fight our way out of this mess,'' and ''be damned with those pencil-necked liberal flakes who want us to change our superior American lifestyles of ostentatious, conspicuous consumption, and profligate waste. Be damned I say. So what if we are only 5% of the world's population and contribute 25% of the CO2 in the world.''

Jack, you sound like the Montana Cattlemen's and the Northwest Lumberman's Association's attitude that our land is their land to do what they damned well please.

Now, by God, I have changed my mind. I think any sustainability committee that is serious ought to go on record as strongly opposed to increased exploitation of finite resources and dangerous pollution when there are scientifically and technically double ways to increase efficiency of our economy, to say nothing of some of us who strongly believe we are morally wrong in our consumption habits. Yes, we do feel that the environment is a ''sacred'' trust.

Some of us even believe that there is a definite nexus between American consumerism and the feeling of being oppressed in some third world countries. A feeling so strong as to even, at least partially, foster terrorism. Hope all is well.

W. B.

[These predictable opinions of Professor B. offered some targets too tempting to resist, although I restrained myself from addressing his every point. Below is the e-mail I returned, again to the whole committee, although it was addressed to him.]

Wednesday, October 10: ''The Sacred Slope etc.''

From: Professor Jack Stauder

Dear Prof. B.: You make some interesting points in your recent memo, but I think some clarification is in order.

You are certainly right that most of the North Slope, being federal government land, in some sort of legal sense belongs collectively to all American citizens. However, perhaps because I am an anthropologist I believe it would be a bit culturally arrogant to inform the Native Americans whose ancestors have lived in that region for a couple thousand years that (in your words) ''the North Slope is not 'their' land, it is 'our land'.'' Native Americans (the Inupiat in this case) tend not to appreciate this attitude from white men.

The point I tried to make in my previous memo is that in issues like this, of environmental protection and economic development, I believe that the first consideration, out of respect, should be paid to the views of the local people actually inhabiting the place in question. After all, they know their environment best, and have the most to lose or gain depending on what happens to it. I trust their wisdom more than that of lobbying groups based in Washington, D.C. Perhaps you disagree.

Also, maybe because I grew up in the West (Colorado and New Mexico) I was put off by your glib caricature of ''the Texas mentality.'' We are encouraged in our university to celebrate diversity, but it seemed to me your remarks smacked of regional prejudice and mean-minded stereotyping of a great state of our union—a state, by the way, that has for long provided the rest of us with many valuable goods, including the oil and natural gas that have moved our vehicles and warmed our houses. We should be thanking Texans, not making fun of them.

On other Western topics, you accuse me of thinking like Montana cattlemen and Northwest lumbermen. I'm not quite sure what you mean, although you seem to be down on these groups. Do you want them put out of business? Do you want them to stop producing goods for our use? Can we in Massachusetts produce the beef and wood products we need and use? Again, as with the Texans, I say let's thank these rural producers for their efforts—not affect to despise them.

Would you not at least admit the possibility that these hard-working Americans contribute much more of real value to their countrymen, than do university professors firing off vaporous memos by e-mail?

Finally, what am I to make of the sly statement you append to the end of your last message: ''Some of us even believe that there is a definite nexus between American consumerism and the feeling of being oppressed in some third world countries. A feeling so strong as to even, at least partially, foster terrorism.''

I hope there is no insinuation in these words that somehow Americans are responsible for what those squalid foreign fanatics did on Sept. 11. I trust you are not one of the ''Blame America First'' fringe that hangs around American campuses. But what are you getting at?

I can see how the terrorists might resent and hate the United States for being such a prosperous, dynamic, creative society—one that is open, democratic, tolerant of all religions, and respectful of human rights and individual liberties. After all, none of the Middle Eastern terrorists come from societies with these characteristics. But why should we feel guilty for the evil acts their perverted ideology leads them to?

Where exactly does ''consumerism'' fit in? If we voluntarily impoverished ourselves down to the level of, say, Afghanistan, would other people feel less ''oppressed''? If we ''increased the fleet mileage of American automobiles'' to consume less oil, as you propose, do you believe that Osama bin Laden will praise us to Allah and call of his terrorists? Seems unlikely to me. Perhaps the Taliban prohibits girls from learning to read so they don't grow up to be seduced by the white sale ads of the Kabul Macy's? Or what about the destruction of those large status of Buddha? Perhaps that was in response to information that monks of that faith were driving too many SUV's around their lamaseries?

Seens to stretch. The only important product we consume from the Middle East is oil, extracted by our technology, for which the Middle East states are paid royally. It's oil. That is why I suggested that, to free us as much as possible from dependence on that oil, we develop our own resources—like Alaskan oil. We can do this as well as ''increase efficiency of our economy,'' as you desire. Again, there is no contradiction between the two goals, and its seems self-defeating and silly to pit them against each other.

No, I do not consider the 2000 acres of frozen tundra on the North Slope, where the drilling would take place, as ''sacred''—except that it oil would help us meet our sacred duly to protecting our families and keeping our nation strong.

Your, Jack Stauder
Soc/Anth Dept., UMass Dartmouth

[My riposte was apparently too much for Professor B. He threw in the towel, left the field, hung up his cleats—whatever methaphor you might choose. He replied, not to the whole Sustainability Committee, but only to me, that he could not sustain more discourse on the issue.]

Thursday, October 11: ''Re: The Sacred Slope, etc.'' From: Professor B.

Jack, I only partially read your e-mail retort. I think you are missing the purpose of the Sustainability Committee. Bantering words is a waste of time. Let's perform.

W.

I think he did read all my retort, and was wise enough to see any further attempt to cross swords with my ''banter'' might lead to more humiliation of his half-baked ideas.

For our own edification, I think a couple of lessons might he drawn from this otherwise trivial story, about how best to combat environmentalism and its nonsense.

First, as I have learned from Rush Limbaugh: humor helps, Irony, sarcasm, ridicule are useful tools in dealing with opponents, especially those who cloak themselves in pretentiousness airs of moral and intellectual superiority, as environmentalists tend to do.

Second, don't give environmentalists a chance to claim the moral high ground in any argument. Aggressively assert your own principles—in this case, the valuable contributions of resource providers, and the positive aspects of American civilization.

Third, know your opponents and exploit the contradictions in their beliefs. For example, a pious tenet of Prof.B.'s liberal creed is that Native Americans are victims □ and ecological saints, to boot—with whom good left/liberals must sympathize. Yet in this case the environmentalists want to tell them what they can or can't do with their traditional lands! No wonder he is too embarrassed to pursue an argument on this score.

My gibes about ''celebrating diversity'' (regarding Texans!) were certainly tongue-in-cheek, but highlighted another contradiction in Prof. B.'s attitudes by pointing out his use of prejudicial stereotypes, when good left/liberals always condemn these □ in the abstract. I was accusing him in effect of being a bigot, of violating one of the taboos of his sort in showing ''intolerance.'' Obviously he didn't like being called out on these grounds.

Finally, questioning him about his opinions regarding the United States put him in an impossible position. if he is like most liftists—and the types of environmentalists that foams at the mouth against ''consumerism'' and wants to use ''sustainability'' as a tool to shoehorn us into some type of socialist utopia—then he must have hated the good, but true, things I had to say about American civilization. Difficult as it may be for most Americans to comprehend, the underlying belief of U.S. leftists, including left-wing environmentalists, is that America stinks—that our country is malign, unjust, oppressive, imperialist, and altogether hateful. This view explains why they give themselves the license to tear down our civilization and to impose on us their own utopian ideas.

However, Professor B. and the wiser radicals know, especially in the wake of September 11, that they cannot be so up front

with their anti-Americanism. So he had to grit his teeth and refrain from replying as I more or less waved the stars and stripes in front of him. It must have infuriated and frustrated him.

Good, Let's hope he stays wordless, and that the sustainability project molders in inactivity. But I wouldn't be so sure. These advocates for environmental causes always have a lot of time on their hands.

Mr. MURKOWSKI. These articles highlight the reality of the issue of the Gwich'ins, which is a legitimate concern they have over the Porcupine caribou herd, and the realization that now this issue has taken on a new dimension because most of the Gwich'ins live in Canada. There is a small portion who live in Alaska in this general area.

I might add, this line shows the division between the United States and Canada. Here is the Canadian activity going on on the Canadian side. This is primarily, of course, the home of the Gwich'ins. Nearly 90 percent of the Gwich'ins live in Canada. Only 800 live in Alaska. The Alaska Gwich'ins live only 250 miles from the coastline. Our Gwich'ins are down here in the Gwich'in area of the Arctic village.

What we have here is a massive public relations effort, funded by extreme environmental groups, to suggest that somehow the Gwich'in people's lifestyle is at risk in opening this area. They never acknowledge what is going on with the same Gwich'ins on the Canadian side, where they see an opportunity for better employment, health care, a better way of life for their young people. It is important to understand this issue is more than a public relations issue by the Sierra Club and others, suggesting that somehow the Porcupine caribou herd is going to be decimated by a mild amount of activity here, when clearly this is the indication of the path of the migratory caribou herds, and the Canadians run a highway right across the pass.

This is an open season when the caribou come through and as a consequence we have the pot calling the kettle black, if you will.

It is important that Members take the time to understand this issue and reflect on it. I am going to go through a couple of other points relative to items that need evaluation. Some suggest there is no footprint up here in ANWR, and as a consequence it is a pristine area. That is totally false. This is the village of Kaktovik. There are real people who live here. You can see their homes here, and so forth. This is the spring breakup. It might not be a very pretty picture in the sense of the color, but it shows you the Arctic Ocean, and so forth. The winters are a little tough up there.

This is another picture of a village and this is in the 1002 area, physically there. There are schools, a health clinic, there is an airport. The village people and their lifestyle is as they have chosen it to be there.

I will show you a little picture of the children going to school. It is kind of tough up there in the morning. Nevertheless, these are Eskimo children. You can see telephone polls, snow. Nobody shovels the sidewalks off, I grant you, but they are there by choice. They are real people living in an area where some people say there is no footprint. It is totally inaccurate.

What we are looking at is the merits of trying to bring a fair evaluation of the issue. Some have said: I am going to filibuster this bill.

Think about it. What they are talking about filibustering addresses the national energy security of this country.

Where is our President on the issue? On October 31, October 26, October 17, October 4—he has made statements begging, if you will, and I wish he would direct that this body pass an energy bill. The House has passed H.R. 4.

Here is a statement the President made:

> But there are two aspects to a good strong economic stimulus package, one of which is an energy bill.

He asked for an energy bill each time that he has had an occasion to speak on energy. Again in October:

> I ask Congress to act now on an energy bill that the House of Representatives passed back in August.

I ask unanimous consent these statements of the President on those dates be printed in the RECORD.

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

PRESIDENT GEORGE BUSH'S COMMENTS ON ENERGY

October 31, 2001:

And I want the Congress to know that there is more to helping our economy grow than just tax relief or just spending. And there's two items I want to briefly touch on. One is an energy plan.

Our nation needs an energy plan, an energy plan that encourages conservation and encourages exploration. And I believe we can do both in a responsible way. And we need to modernize the infrastructure that develops energy from point A to point B, from plant to consumer. We need to get after it. It is our national interest that we have an energy plan, one designed to make us less reliant upon foreign sources of energy.

October 26, 2001:

Tax relief is an essential step, but it's not the only step we should take. We need an energy plan for America. Under the leadership of the vice president, we drafted a comprehensive, commonsense plan for the future of this country.

It passed the House of Representatives. It needs a vote in the United States Senate. Oh, I understand energy prices are low right now. Thank goodness. But that shouldn't lead our nation to complacency. We need to be more self-reliant and self-sufficient. It is in our nation's national interest that we develop more energy supplies at home. It is in our national interest that we look at safe nuclear power. It is in our national interest that we conserve more. It is in our national interest that we modernize the energy infrastructure of America. It's in our national interest to get a bill to by desk, and I urge the Senate to do so.

October 17, 2001:

And I ask congress to now act on an energy bill that the House of Representative passed back in August.

This is an issue of special importance to California. Too much of our energy comes from the Middle East. The Plan I sent up to Congress promotes conservation, expands energy supplies and improves the efficiency of our energy network. Our country needs greater energy independence.

October 4, 2001:

But there are two other aspects to a good, strong economic stimulus package, one of which is trade promotion authority. And the other is an energy bill.

And I urge the Senate to listen to the will of the senators and move a bill—move a bill that will help Americans find work and also make it easier for all of us around this table to protect the security of the country. The less dependent were on foreign sources of crude oil, the more secure we are at home.

We've spend a lot of time talking about homeland security. An integral piece of homeland security is energy independence. And I ask the Senate to respond to the call to get an energy bill moving.

Mr. MURKOWSKI. It is not just the Senator from Alaska crying in the dark. We have heard from Gale Norton, Secretary of Interior, saying it is in the national energy security interests of this country to reduce our dependence, and the best way to do it is basically to open up this area because we have the technology to do it. We can create American jobs.

Also, we have heard from the Secretary of Energy, indicating the significance of what this can mean to reducing our dependence.

We have had the Secretary of Veterans Affairs, Anthony Principi, indicate that America's veterans who fought the wars—and I will reflect on one comment made by a former Member, Mark Hatfield, who was a pacifist and a good friend of ours. He said: I would vote for opening ANWR anyday rather than send another American man or woman overseas to fight a war in a foreign country over oil.

That is what we are doing. We did that in the Persian Gulf conflict. We fought a war over oil to keep Saddam Hussein from going into Kuwait and moving on into Saudi Arabia.

If we look at affairs in the Mideast now and consider the vulnerability associated with that area and our dependence on Saudi Arabia and the weakness of the royal family and Bin Laden's terrorist activities that would disrupt those oilfields—we are sitting on a situation very similar to what we saw maybe 30 years ago with the fall of the Shah in Iran. That situation could happen, dramatically, overnight.

We could face a terrorist attack on the Straits of Hormuz. Why are we waiting?

Let me tell you something. I mean this in all candor. This issue has been a godsend to the extreme environmental community. It is an issue that they have been milking for revenue and dollars and will continue to do so until the very end. When it finally passes, they will move on to another issue. It has been a cash cow because they refuse to argue the merits of if it can be opened safely. It can. We have 30 years of experience in the Arctic.

Where would we be today if we didn't have Prudhoe Bay?

The same arguments today being used against opening this area were used 27 years ago against opening Prudhoe Bay: You are going to build a fence across Alaska, 850 miles. The caribou are not going to be able to cross it. It is going to break up the permafrost. All these arguments failed because it is one of the engineering wonders of the world.

Let's be realistic. America's veterans have spoken. We have had press conferences: The American Legion, Veterans of Foreign Wars, AMVETS, Catholic War Veterans of America, Vietnam Veterans Institute. The Veterans of Foreign Wars are for it. The seniors organizations support it. The 60-Plus have come out in support of it, as have the Seniors Coalition and the United Seniors Association; in Agriculture, American Farm Bureau, and National Grange. Organized labor is totally aboard.

I know many Members have been contacted by organized labor—by the International Brotherhood of Teamsters, by union laborers, by the Seafarers Union, Operating Engineers, Brotherhood of Plumbers and Steamfitters, carpenters—and America's business. There are over 1,000 businesses that support opening up this area as part of our national energy security bill.

I encourage Members to recognize the reality that we are going to get a vote on an energy bill under one of two provisions. Either the Democratic leadership is going to respond to the President's request to bring up an energy bill before this body or work out some time agreement that is reasonable. We can take it up, have amendments, and have an up-or-down vote on it. It shouldn't be a filibuster issue. Imagine filibustering on our national security. It has never been done in this body before. We should have an up-or-down vote.

Let us recognize it for what it is. If we don't get the assurance from the Democratic leader to take up an energy bill, then our other opportunity is a stimulus bill. And it will be on the stimulus bill. The House has done its job. It passed an energy bill, H.R. 4. It will be on the stimulus bill.

When you think about stimulus, you think about what other stimulus provisions we have talked about which will provide nearly $1.5 billion worth of revenue from lease sales to the Federal Treasury. It will employ a couple hundred thousand Americans in shipbuilding, and so forth. It will not cost the taxpayer one dime. I challenge my colleagues to come up with a better answer.

Thank you for the opportunity to speak this morning. I yield the floor.

The PRESIDING OFFICER (Mr. EDWARDS). The Senator from Colorado.

Mr. CAMPBELL. Mr. President, I ask unanimous consent to speak for up to 10 minutes as if in morning business for the purpose of introducing a bill.

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

Mr. CAMPBELL. Mr. President, before I do so, I would like to make a couple of comments based on Senator MURKOWSKI's observations.

I think he is absolutely right on point. About a third of Senate Members are veterans. Several are veterans of World War II. One of my comments will certainly not surprise them.

I ask the Senator if he remembers the story about how we won the North Africa Campaign in World War II when some of the world's great generals were pitted against each other: General Patton from America and Field Marshal Montgomery from Great Britain on the Allied side, and Field Marshal Rommel on the German side. History shows that Rommel was not a Nazi. In fact, he was later forced to commit suicide for his complicity in the events designed to kill Hitler.

But at that time, the state-of-art tanks were called Tiger 88s, with 88-millimeter guns in the Panzer Divisions, which outclassed anything that America and Great Britain had in the North Africa Campaign. Everybody knew it. Field Marshal Rommel, of course, was one of the great minds of World War II. Unfortunately, he was on the wrong side.

History tells us that one of the reasons we won that campaign was that we bombed the oil fields. When we cut off their oil, the tanks stopped running.

I remind my colleagues that they still run on oil. They do not run on wind power or solar power.

I am absolutely supportive of Senator MURKOWSKI's belief that there is a national security connection with being less dependent on foreign oil. He mentioned the statistics and how dependent we are. It really should not come as a big surprise to most Americans if we tell them we are more dependent on Iraqi oil than we were before the war. In fact, 25 percent of the oil we import, as I understand, comes from the Saudis, who every year divide much of the billions of America dollars among the 300 members of the extended royal family, one of whom is Bin Laden. It just defies common sense that because we cannot cut this umbilical cord, we are actually paying people for oil so they can buy weapons with the intent of killing.

I want to tell the former chairman that I am absolutely in support of his efforts. When I was chairman of the Indian Affairs Committee, I had many opportunities to visit with Native Alaskans and native peoples of the North. I found that almost to the person, when they would come down to lobby about ANWR, the Native Alaskans who are American citizens supported opening of ANWR. The only ones opposed to it were the people who were natives of Canada, Canadian citizens. There was no question in my mind when I asked them how they got here and who paid their bills, they were being spoon fed to us basically to get us to oppose something that most American natives supported.

Mr. MURKOWSKI. I thank my great friend from Colorado. We have enjoyed many meetings together in conjunction with his responsibilities as chairman of the Indian Affairs Committee. He has been an outstanding proponent of American Indian opportunities.

His reference to history and what happened in North Africa is certainly appropriate to our energy dependence on the Mideast. We just need to look at the terrorist activities associated with September 11. We have found that most of the individuals responsible for taking down the buildings in New York were Saudi Arabian.

I thank the Senator.

Mr. CAMPBELL. That is right. I hope history doesn't repeat itself. The only way we can prevent that is to become less dependent on foreign oil.

(The remarks of Mr. CAMPBELL pertaining to the introduction of S. 1644 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. CAMPBELL. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BROWNBACK. Mr. President, I ask unanimous consent to speak in morning business for up to 5 minutes.

The PRESIDING OFFICER. The Senator has that right.

LAND FOR THE FORT SCOTT NATIONAL CEMETERY

Mr. BROWNBACK. Mr. President, I rise today to recognize an activity that is going on in my home State of Kansas that I think is quite commendable. Thirteen veterans from Fort Scott, KS, have expanded the lifespan of the Fort Scott National Cemetery by about 35 years through their hard work and dedication.

I point this out because I think this is what America is all about. It is about a can-do atmosphere and about people taking it upon themselves to do something that they believe is not getting done; and making it happen.

With about 1,100 World War II veterans dying every day, many veterans cemeteries are struggling to accommodate veterans' burials. That is true in my State as well. According to the U.S. Department of Veterans Affairs, by 2008, the annual number of deaths of veterans from all U.S. conflicts will reach 620,000, or about 1,700 a day.

Fort Scott National Cemetery is one of 12 Civil War national cemeteries. It was dedicated in 1862 by President Abraham Lincoln. I grew up just north

of Fort Scott, about 40 miles away. It was an old Indian fort early on. Then it was used, obviously, as well, during the Civil War.

In a concession to make space for veterans wanting to be buried at the Fort Scott National Cemetery, burial spots are currently being made smaller, and sloping land that originally was deemed unusable is now being used.

Thanks to the extraordinary efforts of these veterans I have mentioned, these 13 veterans, working as the Fort Scott National Cemetery Expansion Committee, 10 acres of land will be added to the cemetery. This land, just across the old stone wall from the cemetery, was purchased by the 13 veterans, who took out a loan, and who then sought contributions and worked the crowds at American Legion and VFW halls throughout the region to raise money to pay off the loan. Once the loan was paid off, the veterans donated the land to the Department of Veterans Affairs.

On Veterans Day, this year, November 12, 2001, this land will be dedicated and ready to handle about 3,300 burial sites. I applaud the initiative of these Fort Scott veterans who have successfully undertaken the effort to expand this historic cemetery and provide a place of honor for veterans and their eligible dependents for several decades to come.

I point this out because Fort Scott National Cemetery is one of the oldest veterans cemeteries in the country, dedicated by Abraham Lincoln. It is filled up—or soon will be full. These veterans, by their own initiative, secured the loan, purchased the land, got the loan paid off, and donated it to the Department of Veterans Affairs, which is receiving the land, and now will be able to provide an additional 3,300 burial sites for veterans.

I think that this is such a commendable thing that these veterans have done. I will be there on November 12, along with a number of other people, to recognize and honor what these men have done. I think it is wholly appropriate to recognize what they have done in this body as well.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

(The remarks of Mr. TORRICELLI are printed in today's RECORD under ''Morning Business.'')

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

RECESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate stand in recess until the hour of 2:30 p.m.

There being no objection, the Senate, at 1:32 p.m., recessed until 2:30 p.m. and reassembled when called to order by the Presiding Officer (Mr. MILLER).

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2002—Continued

The PRESIDING OFFICER. Under the previous order, there are now 20 minutes of debate evenly divided on the Hutchison amendment. The Chair recognizes the Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I understood it was 30 minutes equally divided.

The PRESIDING OFFICER. The Senator is correct.

Ms. LANDRIEU. Mr. President, I suggest the Senator from Connecticut be recognized—and this has been cleared on both sides—as in morning business for 7 minutes.

(The remarks of Mr. DODD are printed in today's RECORD under ''Morning Business.'')

The PRESIDING OFFICER. The Senator has used his 7 minutes.

Mr. DODD. I thank my colleagues.

The PRESIDING OFFICER. Who yields time?

The Senator from Nevada.

Mr. REID. Mr. President, so there is no misunderstanding, I have spoken with Senator LANDRIEU and Senator HUTCHISON, and the unanimous consent request Senator LANDRIEU made takes 3½ minutes off each side.

The PRESIDING OFFICER. That is the Chair's understanding.

Who yields time?

The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I want to use 5 minutes and be informed at the end of 5 minutes so Senator DURBIN may take the floor, and I would like to reserve the remainder of my time.

The PRESIDING OFFICER. The Senator will be notified.

Mrs. HUTCHISON. I thank the Chair.

Mr. President, my amendment attempts to be a compromise between those who wish to take the caps off the attorney's fees for suing the District of Columbia School District and what I think is a quite reasonable approach, which is to keep the caps but raise them.

For the last 3 years, we have had caps on attorney's fees. That was made necessary because of the exorbitant fees that were being charged to the District, and that was money coming directly out of the education system. In fact, before the caps were put in place, attorney's fees represented $14 million of the DC school budget. Since the caps have been put in place, we have had a figure of $3.5 million per year average for attorney's fees, and the extra $10.5 million has been able to go into the services we are seeking to provide for handicapped and special needs children.

Moreover, we have been informed by the District of some of the excessive fees that were being billed before the caps. This is billing the school district for plaintiff's lawyer fees when the plaintiff has been successful. One attorney before the caps individually made $1.4 million in fees in 1 year suing the District of Columbia schools.

Another law firm billed over $5 million in a single year to the District of Columbia schools. Submission of a variety of questionable expenses, including flowers, ski trips, and even a trip to New Orleans ostensibly made to scout out private schools far from the District that might be able to accommodate special needs students.

The reason we are trying to put some reasonable caps on these attorney's fees and excessive billings is so the money will go into education. Our amendment has a cap of $150 an hour. If a lawyer billed 2,000 hours at $150 an hour, that would be a $300,000 annual income.

So, we are not saying lawyers should not make a reasonable amount, and we are certainly not subjecting parents to lawyers who cannot make a living. I think $150 an hour is quite respectable. That is why we have tried to reach out to the other side and do something that is reasonable but not exorbitant.

We are trying to help the District of Columbia schools. We have a letter from the superintendent of schools and the president of the school board requesting us to take this action. They are very concerned that millions of dollars will go into lawyer's fees rather than to improve the services they give. In fact, they are increasing the number of teachers for special needs students. They are increasing the amount of medical equipment for these special needs students, and that is exactly what we want them to do. So I am trying to be helpful to the DC schools. Educators are the ones who can best determine need.

Our amendment also has an out; that if the District itself believes the caps are too low, they have the ability to override this amendment and this act of Congress and increase the fee caps, with the mayor and the school district working together.

I think that takes care of letting the local people have a final decision, doing what they have asked us to do in putting on reasonable caps, as they are trying to do the very difficult job of providing a quality education for all the students of the District of Columbia.

I was the chairman of the DC Subcommittee and I want so much to do what is right for the District. I learned their needs, and I worked with the mayor and the school representatives to try to give them the tools to do the job they are doing. That is why I feel strongly enough to offer this amendment so the millions of dollars that have been actually assessed against the school, even though it was against the law by one of the judges, will not be able to be collected. It would be against the Federal law for retroactive fees to be collected.

The PRESIDING OFFICER. The Senator has used 5 minutes.

Mrs. HUTCHISON. I will stop there, and I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Illinois.

Mr. DURBIN. I believe the chair of our subcommittee has yielded her remaining time in debate to me.

I ask the Senator from Texas a simple question, and a yes or no answer would suffice. We are talking about limiting the fees paid to attorneys who represent children who are trying to get into special education. Could the Senator from Texas tell me, is there a law in her home State of Texas limiting the fees paid to attorneys in her State who represent children in special education cases?

Mrs. HUTCHISON. Mr. President, I thank the Senator for the question because, of course, there are not those kinds of limits in Texas, but neither does the State of Texas get 20 percent of its budget from the Federal Government. The Federal Government has the constitutional role of making sure the District runs. That is why we have taken on 23 percent of the Federal budget.

Mr. DURBIN. I thank the Senator from Texas for responding to my question.

Reclaiming my time, Mr. President.

Mrs. HUTCHISON. That is why we make sure the Federal taxpayer dollars are used wisely.

The PRESIDING OFFICER. The Senator from Illinois has the time.

Mr. DURBIN. I thank the Senator from Texas.

The answer was no. It was a long answer, but the answer was no, in Texas there is no limit on the amount of money paid in her home State to attorneys representing the families of children who are seeking special education. But she is saying with her amendment we are going to change that rule in the District of Columbia. No other State in the Nation has done what the Senator from Texas wants to do to the District of Columbia.

What is this all about? It is about a law passed by Congress which said we want to give kids with disabilities a chance for an education. We know sometimes when they try to seek that education they have to put up a fight. The school board says, no, we cannot put them in a special education class. If they put up a fight, they have to hire a lawyer to go through an administrative hearing.

The law we passed, for which many of us voted, said if the family prevails, if the child goes into special education, the court can decide to pay the attorney's fees for the family. Otherwise, what would happen? Exactly what has happened in the District of Columbia right now because of Senator HUTCHISON's amendment the previous years.

Poor kids from poor families cannot afford lawyers. As a result, they do not get representation. They do not get a chance to go into special education classes.

Senator HUTCHISON wants to limit the attorney's fees to stop the poor children in the District of Columbia who are seeking special education to have a legal voice in the process. That is just plain wrong. If the Senator wants to repeal the Children with Disabilities Act as it applies all across America, let her offer the amendment. I would vote against it, but it would be a fair amendment.

What she is doing is zeroing in on this town because some Members of the Senate and the House cannot help themselves from playing the role of city councilman and mayor. They just love it. They will not leave to the District of Columbia the power to make its own decisions. They want to make the decisions for it. Whether we give the District of Columbia 10 percent or 20 percent of the money it spends, the fact is it is responsible under the same laws as every State in the Union.

My colleagues ought to see the letters I received in opposition to the Hutchison amendment. The Senator from Texas would have us believe this is a battle over whether or not lawyers get paid. This letter I received from the Consortium for Citizens with Disabilities makes it clear all of these organizations—and these are not bar associations, I might say for the record: Easter Seals, the American Occupational Therapy Association, Higher Education Consortium for Special Education, Council for Learning Disabilities, Council for Exceptional Children, Epilepsy Foundation, Helen Keller National Center—oppose the Hutchison amendment.

If it was such a wonderful idea to stop paying the attorney's fees so we could give money for special education, would you not think these groups that represent disabled kids would be in favor of this amendment?

They know better. They know what Senator HUTCHISON is doing. She is taking away the legal voice of the poorest kids in the District of Columbia.

Then we received letters from some lawyers, and the lawyers tell us what has happened as a result of the Hutchison amendment over the last 3 years. The number of hearings filed in 1998, before the Hutchison amendment, for special education purposes in the District of Columbia: 2,140. As of last year, that number was cut more than 50 percent to 1,011—more than a 50-percent drop.

Why? Because the poorest kids in the District of Columbia who cannot afford to have their families pay for a lawyer cannot get to court, cannot get into special education. Imagine the life of that small child which has been decided at an early age, which says that whether they have a learning disability, a physical handicap, or a mental disability, they do not have a chance. If the District of Columbia school system turns them down, they are finished because under Senator HUTCHISON's amendment they would limit the attorneys to being paid $3,000 and not one penny more.

I want to say something about the attorneys who are involved in this. I made a statement earlier, but I want to make sure it is clear in the RECORD. The men and women involved in this practice are doing a great service to the families and a great service to our Nation, giving these kids a chance for special education to receive their fullest potential. The fact is, if we hold the fees to $3,000 as a maximum in these cases, many attorneys cannot afford to take the case and, sadly, some taking these cases are not prepared to deal with them because they frankly cannot put in the time necessary to be successful.

The worst part of the Hutchison amendment is the fact that even though each year she continues to pass this along, to stop the poor kids in the District of Columbia from having access to special education, the courts have said they are going to ignore it. They continue to award attorney's fees to these firms. Now the District of Columbia cannot pay out anything more than Senator HUTCHISON has allowed them, but the amount of money that the District still owes to these attorneys is there and continues to earn interest and grow. It is a huge element of debt for the District of Columbia that is not being served by the amendment of the Senator from Texas.

I urge all Members to think about the simple justice of this situation. Senator HUTCHISON says she is just declaring war on trial lawyers. Very few trial lawyers are going to take on cases involving special education. It takes a special attorney with a special dedication to make it happen. She may pick or choose some of the attorney's fees, if a particular fee is excessive, but each has to be approved by the court. If that court and that judge make a decision under the law, we have said that is the way it will apply to Texas, to Louisiana, and to the State of Illinois. But at this point in time, to take this city, the Nation's Capital, and say DC children will be denied access to special education at a time when all of the major disability groups beg us to vote against the Hutchison amendment is unfair.

I reserve the remainder of my time.

Mrs. HUTCHISON. Mr. President, how much time remains on both sides?

The PRESIDING OFFICER. The Senator from Texas has 6 minutes 19 seconds, and the Senator from Illinois has 6 minutes 15 seconds.

Mrs. HUTCHISON. Mr. President, please notify me when I have used 4 minutes. I want the right to close on my amendment. I will then yield to the Senator from Illinois.

Mr. President, I will discuss some of the issues raised by the Senator from Illinois. First, he says the number and quality of attorneys who take special education cases has declined since the imposition of the cap. This is not supported by the facts. The number of attorney representations in 1997 before the caps were put into place was over 2,000. Last year, there were 1,700 such representations. We have not seen a steep decline in the number of attorneys willing to take these cases. Most certainly, $125 an hour, which is what used to be the cap, and $150, which we are proposing, makes a good living for a person.

A lawyer working 2,000 hours in a year earns $300,000 with a $150-an-hour fee structure. It is not as if we are looking at people who would not be able to have a quality of life. This is a reasonable amendment.

Second, he made the statement that access to special education will be inhibited, that the disabled students will not be able to get access to this education. Access to special education in the District has improved since the imposition of attorney fee caps in 1999. The backlog of IDEA initial assessments shrank from 1,805 before the caps to 143 as of March 2001. The backlog of hearings has been reduced from 900 to 20 during the same period. Overall expenditures for special education in the District have increased 38 percent since the caps were imposed. The number of new special education placements, the number of children who have been able to be served, has increased from 8,120 before the fee caps to 11,991 last year. The argument that children are being denied access is not supported by the facts. More children have been able to be accommodated because the money is going into special education and not into the coffers of lawyers.

The Senator talks about who is against my amendment. Let's talk about who is for my amendment. The school board of the District of Columbia is elected by the people of the District. They are for this amendment. They have asked the caps be left in place because they know the money can go into education, and they are very concerned if the caps go off and the judge who has been awarded lawyer's fees, even against the Federal law, has said he is going to require the District to pay the fees that were illegal, which is a convoluted reasoning, at the very best, but nevertheless the judge has said he is going to do it.

We are told we better lift the caps so the judge can go ahead and do it, and we are told that will be good for the children of the District.

I have not quite gotten that line of thinking. The bottom line is the people elected by the people of the District of Columbia want the caps. They did not ask me to raise the caps. I did that because I was trying to come up with something that would be reasonable, to try to make sure we were not in any way doing something to harm anyone.

My bottom line is when the superintendent of schools and the chairman of the school board, elected by the people of the District, ask me to keep the caps and, for Heavens' sake, not allow a retroactive use of the District's funds to go to lawyers instead of education, to the children of the District, it will not wash.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, it should not come as a surprise the Senator from Texas says since she put a limitation on attorney's fees, few cases are filed. That is no surprise. The poor children in this District looking for special education cannot get attorneys who will do it for $3,000. What happens to those kids? They end up sitting in the back of the classroom, falling behind. They become discouraged and drop out. Then think of the problems that follow in their lives.

What a great solution offered by the Senator. We are keeping out of special education kids who have learning disabilities, mental and physical handicaps. That is the outcome. We can tighten up the system even more, I say to the Senator from Texas, by limiting how many children can go into special education. Then think of how much money would be spent per pupil. That is not fair. It is not just.

When she says we ought to do this because the DC public school board wants it done, I am sorry, I have seen the DC public schools. I have seen reports on them for years. And I frankly think the management of the DC public schools could be a heck of a lot better. It is one of the reasons the District of Columbia, year in and year out, has such poor ratings by the Annie Casey Foundation when it comes to the quality of life for children.

Let me tell you something else the DC public schools did not tell you. The average cost per case before the Hutchison cap for attorney's fees, for those representing kids going into special education, was between $7,500 and $10,000. That is the average. Senator HUTCHISON gives reference to $1 million here and $1 million there. That is not the case.

What you have here is as a result of the Hutchison amendment, the DC city council has said we should keep in mind in voting against the Hutchison amendment—8 out of 13 members of the city council said by putting the Hutchison cap on the payment of fees for those who want to get kids into special education, it makes it more difficult for the kids to get the education to which they are entitled.

It discriminates against low-income families. Make no mistake, if you live in the DC area and you want to get your child into special education, and you are wealthy, you will hire a lawyer. But if you are poor, you are out of luck under the Hutchison amendment. The effect of the cap is to treat the children in the District of Columbia differently than any other State, including the State of Texas.

The way to improve special education, according to the District of Columbia city council, is programmatic. Improve the programs rather than limit the advocacy. The fact is, the inefficiency of the DC public school system, their inability to deal with the legal challenges that face them, has led to this problem.

Although the Hutchison amendment in the last 3 years may have made us feel good about limiting DC liability, we have not done it. During that period of time, the amounts awarded to attorneys for the work they have done have continued to grow and interest has continued to grow. There will be a day of reckoning for the District of Columbia. It is time for us to face reality. These are legitimate debts of the District for attorneys who have represented some of the poorest kids in the District of Columbia. If a cap on attorney's fees in the State of Texas is not a good idea, it is not a good idea in the District of Columbia.

I ask Members to remember the simple fairness that if we stand for special education and access for all children, poor and rich alike, you cannot deny for those poor children the voice and the process they need to get into school. The Hutchison amendment denies to these children and their families a chance for special education. That is wrong. It is unjust. I hope my colleagues will join me in voting against the Hutchison amendment.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, how much time is left on both sides?

The PRESIDING OFFICER. The Senator from Texas has 2 minutes and 6 seconds. The Senator from Illinois has 27 seconds.

Mrs. HUTCHISON. I ask the Senator from Illinois if he has any further use for his time or has he yielded back?

I want to address a couple of points made by the Senator from Illinois. He says it is no surprise that since the caps were put in place there were fewer lawsuits filed. No, that is not the issue. The issue is that more students are actually being served and there is no charge by anyone that there is a denial of due process.

In fact, before the caps went into place there were 8,120 special need students in the DC schools. Now there are 11,191. There are only fewer than 50 cases even left pending.

I think the District is now getting a handle on the situation. They are putting more students in the classrooms.

That is because they have the money not going to lawyers but going into education. That is why the elected representatives of the school district have asked that the caps be left in place.

We are raising the caps to keep in step with the times. One hundred and fifty dollars an hour certainly will get a quality lawyer. I think that has been proven. The fact is, before the caps, these were the kinds of abuses that the attorneys made of the system. One attorney, before the caps, earned $1.4 million in fees alone on suing the District schools. One law firm billed over $5 million in fees in a single year, suing the District schools. There were submissions of incredible expenses, asking the District to pay for flowers, for a trip to New Orleans to supposedly scout out another school where they would argue a child should be sent, a ski trip—my goodness.

We need some limitations on these kinds of abuses. That is what the amendment would do.

The District is asking us to do this. It has worked well. It has allowed the District to increase its ability to serve the special needs students and the amendment also allows the mayor and the school superintendent to increase the caps if they think it is necessary.

I urge my colleagues to vote for this amendment for the DC children, the schoolchildren of the District.

Mr. REID. I ask unanimous consent that upon disposition of all amendments to H.R. 2944, the District of Columbia Appropriations bill, the bill be read a third time and the Senate proceed to vote on passage of the bill; that upon passage, the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint conferees on the part of the Senate, with this action occurring with no intervening action or debate.

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

All time for the amendment has expired. The Senator from Illinois.

Mr. DURBIN. I move to lay the Hutchison amendment on the table and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mrs. HUTCHISON. Mr. President, didn't the unanimous consent agreement say there would be a vote on my amendment? I ask there be a direct vote.

Mrs. BOXER. Reserving the right to object, could we find out if it said "on" or "in relation to." If not, the motion would be in order.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I say to the Senator from Texas, the unanimous consent agreement said the Senate proceed to vote in relation to the Hutchison amendment.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Let me try to clarify it. I may be confused about what we are doing. We had committed to a vote on the Hutchison amendment, which is supposed to be at this time. Then I am aware of no other amendment to this bill, and we could move to final passage.

I am also aware that Senator LEVIN had a request for a colloquy about a subject that he is very interested in. I wanted to bring that to the attention of our leader.

Mr. REID. I say to my friend from Louisiana, I guess the question is whether or not Senator DURBIN's motion to table would be in order and it is according to the unanimous consent agreement. I don't know if there was some other agreement.

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

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

Mr. DURBIN. Mr. President, I ask unanimous consent to withdraw my motion to table.

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

Mr. REID. I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment. The clerk will call the roll.

The senior assistant bill clerk called the roll.

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

The result was announced—yeas 51, nays 49, as follows:

[Rollcall Vote No. 329 Leg.]

YEAS—51

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

NAYS—49

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

The amendment (No. 2110) was agreed to.

Mrs. HUTCHISON. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, I ask unanimous consent that Senator CLELAND be recognized to speak in morning business for up to 10 minutes and that following his statement, there be 30 minutes for debate with respect to the Durbin amendment which he will offer and that the time be equally divided and controlled and that no amendments be in order prior to the vote on the amendment.

Mr. DURBIN. Reserving the right to object, I would like to amend that so I have the same opportunity the Senator from Texas had for an up-or-down vote.

Mr. REID. That was done.

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

The Senator from Georgia.

(The remarks of Mr. CLELAND pertaining to the introduction of S. 1650 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Illinois is recognized.

AMENDMENT NO. 2111

Mr. DURBIN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN], for himself and Mrs. BOXER, proposes an amendment numbered 2111.

At the appropriate place insert the following:

SEC. . The limitation on attorneys fees paid by the District of Columbia for actions brought under I.D.E.A. (20 U.S.C. 1400 et seq) (Sec. 138) shall not apply if the plaintiff is a child who is—

(a) from a family with an annual income or less than $17,600; or

(b) from a family where one of the parents is a disabled veteran; or

(c) where the child has been adjudicated as neglected or abused.

Mr. DURBIN. Mr. President, it is my understanding, pursuant to the unanimous consent request, that there are 30 minutes equally divided. I will not use the 15 minutes on my side.

The PRESIDING OFFICER. The Senator is correct.

Mr. DURBIN. I hope to bring this amendment to a vote quickly.

The purpose of this amendment is to dramatize for those who voted for the Hutchison amendment the types of children who will be affected by the limitation on attorney's fees. Without this Durbin amendment, offered by myself and Senator BOXER from California, literally children from families with less than poverty income, children from families where one of the parents is a disabled veteran, or children from families where there has

been adjudication that the child has been neglected or abused would have been limited in being represented in an effort to bring them into a special education class. These kids face learning disabilities and other mental and physical disabilities.

The purpose of this amendment is to say we are making a clear exception to the Hutchison limitation, and that section applies to these three categories—children and the families as they are described in the amendment. I sincerely hope that those who vote for this amendment will pause and reflect on the fact that these are only three categories of children who will be disadvantaged by the Hutchison amendment. There are many others, I am sure, who will come to light as we consider the impact of her amendment.

To think the District of Columbia, the Nation's Capital, would be the one city in the United States of America where we would not give the full protection of the laws to the poorest children is unacceptable. At least with this amendment, children in three categories will have a fighting chance, if they need special education to have any opportunity to be successful in life.

Ms. LANDRIEU. Will the Senator yield for a question?

Mr. DURBIN. I will be glad to yield.

Ms. LANDRIEU. Mr. President, I know the Senator from California is here to speak on the amendment. I think the amendment the Senator from Illinois has offered has a great deal of merit. If we are called to vote on it, we will be happy to vote for this amendment because it points out some of the real problems we are trying to resolve.

My question for the Senator from Illinois is, I have some language that I am prepared to offer requesting the GAO to study some of the costs associated not just with the District but for other districts in the Nation that have comparable demographics and size. Will he mind if we discuss the possibility of including this language as we debate his amendment and perhaps decide to vote on it if that will expedite this process and get to a vote more quickly on this bill?

Mr. DURBIN. I say to the Senator, I consider this a friendly amendment. I want to have a chance to review it while the Senator from California is addressing my amendment. I hope we can find a way to deal with this issue.

I yield 4 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I thank the Senator from Illinois for his leadership this afternoon on behalf of children and families who perhaps have the softest voice. Why do I say that? It is because these families are struggling with children who have disabilities, who are unable to speak for themselves, who need to get special help in school and sometimes have to fight and struggle and work to get that help.

I believe the amendment that was just adopted by this body on a narrow vote sends a very bad message. It sends a message that disabled children, children in need of special education, simply are not as important as a governmental entity that has an unlimited ability to hire the highest paid attorneys.

In the case of the District, I have learned that, in fact, the District does go to the private sector, does throw the best they can against these children and against their families. There is no limit, as my friend from Illinois pointed out, on the attorneys the school district decides to hire. Yet this onerous amendment that was just adopted quite narrowly treats these children differently.

We have the greatest country in the world, and in these days more than ever we have come to recognize that every minute of every hour of every day. One of the reasons is that before the law, everyone is equal. That is what we stand for: Before the law, everyone is equal.

But when we say to a governmental entity it can pay whatever it wants against a family who has a child in need of special help, but then we restrict the kind of attorney, the number of dollars that can go to fight that child's battle, we are setting up a playing field that is not level.

That is why I am so happy the Senator from Illinois, with the support of the chair of the subcommittee, Senator LANDRIEU, has put forward this amendment for the two of us because what we are saying is: Let's take a look at these children. Let's not just have some vague amendment that says attorney's fees shall be limited. That always looks good on a voting record, but if we dig a little bit, what do these kids look like? A lot of them are living in poverty. A lot of them are abused and neglected. Some have parents, one or two, who served in the military who may be disabled. These families need special help for these special children.

I am very proud to be a cosponsor of this amendment. I look forward to a resounding vote which will, in fact, change the amendment we just adopted and say in these circumstances, which will cover many children I am happy to note, we will not have this double standard.

I thank the Chair, and I reserve the remainder of the time for Senator DURBIN.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered. Who yields time?

Mr. WELLSTONE. Mr. President, I ask for 3 minutes to speak in behalf of the Durbin amendment.

Mr. DURBIN. I ask the Senator from Minnesota be yielded 3 minutes.

The PRESIDING OFFICER. The Senator has that right.

Mr. WELLSTONE. Mr. President, I have not had a chance to examine every word of the Durbin amendment, but my understanding of what the Senator from Illinois has said is when it comes to making sure parents of children with disabilities have legal representation if they need it to make an appeal for their children whom they believe are not receiving the support and education they need, in light of the amendment of the Senator from Texas being adopted, when it comes to a single parent or low-income or a disabled Vietnam vet or veteran and other such categories, it is clear these families absolutely should not be without legal representation. Therefore, the amendment of the Senator from Texas would not apply.

My colleague from Illinois has made an appeal to Senators to avoid the harshness, to make sure there is the legal representation for families who need it, to make sure we are on the side of vulnerable children and vulnerable families.

This amendment is compassionate. This amendment goes directly to what is at issue. I hope there will be 100 votes for the amendment offered by the Senator from Illinois. I add my support.

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

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

Ms. LANDRIEU. Mr. President, we are ready to vote on this amendment. The Senator from Illinois perhaps has some additional time, but if there are no other speakers, if the Senator from Illinois wants to call for the yeas and nays, we probably can have this vote.

Mr. DURBIN. I want to make certain the other side has the opportunity, if they want, to speak. Otherwise, I am prepared to yield all my time back and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. DURBIN. Before I yield the time, I want to see if there is anyone on the other side—the Senator from Texas or others—who wants to speak to this amendment.

Mr. President, I yield back the remainder of my time under the unanimous consent request, and I ask unanimous consent that all time on this

amendment be yielded back so we can go to a vote.

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

The question is on agreeing to amendment No. 2111. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from Nebraska (Mr. HAGEL) is necessarily absent.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 73, nays 26, as follows:

[Rollcall Vote No. 330 Leg.]

YEAS—73

Akaka	DeWine	Lugar
Allen	Dodd	McCain
Baucus	Domenici	Mikulski
Bayh	Dorgan	Murkowski
Bennett	Durbin	Murray
Biden	Edwards	Nelson (FL)
Bingaman	Feingold	Nelson (NE)
Boxer	Feinstein	Reed
Breaux	Fitzgerald	Reid
Burns	Graham	Rockefeller
Byrd	Harkin	Sarbanes
Campbell	Hollings	Schumer
Cantwell	Hutchinson	Shelby
Carnahan	Hutchison	Smith (OR)
Carper	Inouye	Snowe
Chafee	Jeffords	Specter
Cleland	Johnson	Stabenow
Clinton	Kennedy	Stevens
Cochran	Kerry	Torricelli
Collins	Kohl	Voinovich
Conrad	Landrieu	Warner
Corzine	Leahy	Wellstone
Crapo	Levin	Wyden
Daschle	Lieberman	
Dayton	Lincoln	

NAYS—26

Allard	Grassley	Nickles
Bond	Gregg	Roberts
Brownback	Hatch	Santorum
Bunning	Helms	Sessions
Craig	Inhofe	Smith (NH)
Ensign	Kyl	Thomas
Enzi	Lott	Thompson
Frist	McConnell	Thurmond
Gramm	Miller	

NOT VOTING—1

Hagel

The amendment (No. 2111) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2112

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] proposes an amendment numbered 2112.

Mr. DORGAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide for mandatory advanced electronic information for air cargo and passengers entering the United States)

On page 68, between lines 4 and 5, insert the following:

SEC. 137. MANDATORY ADVANCED ELECTRONIC INFORMATION FOR AIR CARGO AND PASSENGERS ENTERING THE UNITED STATES.

(a) AIR CARGO INFORMATION.—

(1) IN GENERAL.—Section 431(b) of the Tariff Act of 1930 (19 U.S.C. 1431(b)) is amended—

(A) by striking ''(b) PRODUCTION OF MANIFEST.—Any manifest'' and inserting the following:

''(b) PRODUCTION OF MANIFEST.—

''(1) IN GENERAL.—Any manifest'';

(B) by indenting the margin of paragraph (1), as so designated, two ems; and

(C) by adding at the end the following new paragraph:

''(2) ADDITIONAL INFORMATION.—

''(A) IN GENERAL.—In addition to any other requirement under this section, every air carrier required to make entry or obtain clearance under the customs laws of the United States, the pilot, the master, operator, or owner of such carrier (or the authorized agent of such owner or operator) shall provide by electronic transmission cargo manifest information specified in subparagraph (B) in advance of such entry or clearance in such manner, time, and form as the Secretary shall prescribe. The Secretary may exclude any class of air carrier for which the Secretary concludes the requirements of this subparagraph are not necessary.

''(B) INFORMATION REQUIRED.—The information specified in this subparagraph is as follows:

''(i) The port of arrival or departure, whichever is applicable.

''(ii) The carrier code, prefix code, or, both.

''(iii) The flight or trip number.

''(iv) The date of scheduled arrival or date of scheduled departure, whichever is applicable.

''(v) The request for permit to proceed to the destination, if applicable.

''(vi) The numbers and quantities from the master and house air waybill or bills of lading.

''(vii) The first port of lading of the cargo.

''(viii) A description and weight of the cargo.

''(ix) The shippers name and address from all air waybills or bills of lading.

''(x) The consignee name and address from all air waybills or bills of lading.

''(xi) Notice that actual boarded quantities are not equal to air waybill or bills of lading quantities.

''(xii) Transfer or transit information.

''(xiii) Warehouse or other location of the cargo.

''(xiv) Such other information as the Secretary, by regulation, determines is reasonably necessary to ensure aviation transportation safety pursuant to the laws enforced or administered by the Customs Service.

''(3) AVAILABILITY OF INFORMATION.—Information provided under paragraph (2) may be shared with other departments and agencies of the Federal Government, including the Department of Transportation and the law enforcement agencies of the Federal Government, for purposes of protecting the national security of the United States.''.

(2) CONFORMING AMENDMENTS.—Subparagraphs (A) and (C) of section 431(d)(1) of such Act are each amended by inserting before the semicolon ''or subsection (b)(2)''.

(b) PASSENGER INFORMATION.—Part II of title IV of the Tariff Act of 1930 is amended by inserting after section 431 the following new section:

''SEC. 432. PASSENGER AND CREW MANIFEST INFORMATION REQUIRED FOR AIR CARRIERS.

''(a) IN GENERAL.—For every person arriving or departing on an air carrier required to make entry or obtain clearance under the customs laws of the United States, the pilot, the master, operator, or owner of such carrier (or the authorized agent of such owner or operator) shall provide, by electronic transmission, manifest information specified in subsection (b) in advance of such entry or clearance in such manner, time, and form as the Secretary shall prescribe.

''(b) INFORMATION.—The information specified in this subsection with respect to a person is—

''(1) full name;

''(2) date of birth and citizenship;

''(3) sex;

''(4) passport number and country of issuance;

''(5) United States visa number or resident alien card number, as applicable;

''(6) passenger name record; and

''(7) such other information as the Secretary, by regulation, determines is reasonably necessary to ensure aviation transportation safety pursuant to the laws enforced or administered by the Customs Service.

''(c) AVAILABILITY OF INFORMATION.—Information provided under this section may be shared with other departments and agencies of the Federal Government, including the Department of Transportation and the law enforcement agencies of the Federal Government, for purposes of protecting the national security of the United States.''.

(c) DEFINITION.—Section 401 of the Tariff Act of 1930 (19 U.S.C. 1401) is amended by adding at the end the following new subsection:

''(t) AIR CARRIER.—The term 'air carrier' means an air carrier transporting goods or passengers for payment or other consideration, including money or services rendered.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect 45 days after the date of enactment of this Act.

Mr. DORGAN. Mr. President, the amendment I have offered is an amendment I have offered on two previous appropriations bills. I will not go into a long and tortured explanation. The Advance Passenger Information System should now be in the law. But because of a jurisdictional issue that arose a couple of weeks ago, it is not in the law. In a couple minutes, I will explain exactly what it is.

I just came from S. 207 where I am a conferee on the aviation security issue. That conference is ongoing right now. We are dealing with the issue of aviation security which is of great importance to all people in this country. How do we make flying more safe and more secure? We are doing that because of the concern about terrorism.

One of the issues in dealing with terrorism has been to try to make mandatory something that has been voluntary with respect to all airlines that are carrying passengers into this country. Some 78 million people fly into this country each year as guests of our country. They come on visas. They are guests of the United States. Most of them are precleared. Their names are provided by airline carriers under what is called the Advance Passenger Information System, APIS. They are provided to us in advance so we can run

the names of the people who are coming from other countries against a list that the FBI has, that the Customs Service has, and that 21 different Federal agencies have. It is a list to determine whether any of these people who are coming into the country are known or suspected terrorists or are people who are acquainted with and associated with terrorists because we don't want them to come to this country. People who come in are guests of ours with visas. But if they are on a list of suspected people who associate with terrorists or who are suspected of terrorist acts, we don't want them in this country.

Eighty-five percent of the people coming into the United States have their names submitted to this Advance Passenger Information System. Fifteen percent do not.

Among the airlines that do not comply with this voluntary system are airlines from Saudi Arabia, Pakistan, Egypt, Jordan, and, until last week, the country of Kuwait. I could name others.

One should ask the question: Wouldn't we want passenger information from those airlines flying here from that part of the world? The answer is clearly yes. The head of the Customs Service, the Bush administration, and others say this ought to be made mandatory. I agree.

I offered the amendment in the Senate to make it mandatory on the counterterrorism bill. The Senate approved that amendment, and we would, therefore, have mandatory information about who is coming into this country, and that would be applied to the various devices we have in the Customs Service and the FBI to check these names. It went to conference with the other body, and it was kicked out of conference because of jurisdictional issues. Some believed committee jurisdictional issues were more important than national security, so they kicked it out.

I stated that I would offer it to the bills that are on the floor of the Senate until we get it passed and into law. It should have been on the counterterrorism bill the President signed. Since the day the President signed that bill, a bill that contains this provision, 180,000 people have come into this country whose names have not been precleared under the Advance Passenger Information System. A fair number of them came from Pakistan, Egypt, Jordan, Saudi Arabia, Kuwait, and others.

Does that improve security in this country? In my judgment, no. We ought to do the right thing. This is not about committee jurisdiction; it is about national security. In my judgment, we ought to say to all foreign carriers and airlines coming into this country and bringing our foreign guests that if they do not subscribe to mandatory submission of names under the Advance Passenger Information System, they are welcome to land elsewhere; they may not land at an airport in this country.

That is all my amendment does. It is supported by the administration. It was requested by the administration and should now be law, but is not because we had a squabble here a couple of weeks ago and it was kicked out in conference. I have offered it previously. I offer it again today. My understanding is that it will be approved by a voice vote. I also intend to offer it in the conference on aviation security, of which I am a member and which is now meeting in S. 207.

I ask for immediate consideration of my amendment.

I yield the floor.

Ms. LANDRIEU. Mr. President, we have no further debate.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 2112) was agreed to.

Mr. DORGAN. 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.

Ms. LANDRIEU. Mr. President, we are ready to move to final passage. There are no other outstanding amendments that will require a vote.

AMENDMENT NO. 2113

Ms. LANDRIEU. Mr. President, I have an amendment by Senator DEWINE and myself referencing the need for a GAO report. I ask unanimous consent that it be agreed to at this time.

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

The amendment (No. 2113) was agreed to.

The amendment is as follows:

On page 68, after line 4, insert:

SEC. . The GAO, in consultation with the relevant agencies and members of the Committee on Appropriations Subcommittee on DC Appropriations, shall submit by January 2, 2002 a report to the Committees on Appropriations of the House and the Senate and the Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives detailing the awards in judgment rendered in the District of Columbia that were in excess of the cap imposed by prior appropriations acts in effect during the fiscal year when the work was performed, or when payment was requested for work previously performed, in actions brought against the District of Columbia Public Schools under the Individuals with Disabilities Act (20 U.S.C. §1400 et seq.). Provided further, that such report shall include a comparison of the cause of actions and judgments rendered against public school districts of comparable demographics and population as the District.

FOOD AND FRIENDS

Mr. SARBANES. Will the distinguished floor manager yield for the purpose of a colloquy with Senator MIKULSKI and myself regarding Food and Friends, a nonprofit organization that provides meals to adults and children battling AIDS and other life-threatening illnesses in the Washington metropolitan region?

Ms. LANDRIEU. I am happy to yield.

Mr. SARBANES. For the past 12 years, Food and Friends has been providing an invaluable and unique service to people in Washington, DC, eight counties of Maryland and seven counties in Virginia, living with HIV/AIDS and other life-challenging illnesses. The group's network of over 700 volunteers and some 45 chefs, registered dieticians and other staff provide home-delivered meals and groceries, nutrition counseling, as well as friendship and care to more than 1,300 clients daily and the number of people seeking these services continues to grow dramatically. In order to accommodate the service demands, Food and Friends has embarked on a $6 million capital campaign to construct a new facility to serve its clients. We recognize that the committee was faced with many significant funding demands in this bill and limited allocations and could not accommodate the $2 million in funding provided by the House. We hold out hope that, as the Chairwoman and the other conferees negotiate with our colleagues in the House, you could find some way to provide funding needed by Food and Friends.

Ms. MIKULSKI. We would not make this request unless we were truly convinced of the need and the terrific work that Food and Friends does. Food and Friends serves individuals from diverse economic backgrounds, but 64 percent of their clients live on incomes of less than $550 per month. With the cost of medication and treatments for critically ill individuals estimated at between $500 and $1,000 per month, the services provided by Food and Friends are critical. This funding would allow the organization to serve more than 2,000 clients daily. The organization has already raised $1.6 million for this initiative and expects to raise an additional $2 million, but needs Federal support to complete the project. For me this is a hand-up to Food and Friends, not a hand-out.

Ms. LANDRIEU. I thank the Senators from Maryland. I am certainly aware of this wonderful organization and this project and the good work that they do delivering meals to people suffering from terminal illnesses and AIDS. I know that the Senators from Maryland are very concerned about this matter and I will certainly be willing to work with you both to see if we can include this worthy project in conference with the House.

Mr. SARBANES. I thank the Chair and look forward to working with her.

Ms. MIKULSKI. As an appropriator, I appreciate the efforts of the chairman, and also look forward to working with her.

Mr. LEVIN. Mr. President, since the late-1980s, I have urged the mayors of the District of Columbia and Commissioners of the DC Taxicab Commission toward implementation of recommendations from numerous District of Columbia studies to replace the current taxicab zone fare with a meter

system. According to the nationwide Taxicab, Limousine, and Paratransit Association, the District of Columbia is the only major city in the Nation where taxi fares are calculated by a zone system rather than a meter system. The use of the zone system is especially unfair to our great number of out-of-town tourists who have to cope with a complicated, confusing zone fare system with no basis on which to judge the accuracy of a particular fare. In my own experience, as a DC resident, I have encountered at least 10 different cab fares for the exact same trip to and from National Airport. A metered system would eliminate this problem.

There is a lot of correspondence that has transpired over the years on this matter. I would like to share with the Senate the letter I recently received from Mayor Williams. I would also like to include earlier correspondence I received from Representative ELEANOR HOLMES NORTON, who I have kept informed at every stage of the taxi meter issue, as well as several letters from the Barry and Kelly administrations. There have been broken promise after broken promise. Mayor Williams' letter sets out a course of action. If it is not followed, I intend to bring this matter to a head next year—after two decades of broken promises.

Ms. LANDRIEU. Mr. President, let me just say from the outset that I appreciate my colleague's comments. The District of Columbia is the only major city that does not have a meter system in place. The current zone system compromises the integrity of the DC taxicab system. The apparent variance among cab fares to the same destination shows how the current system can be misunderstood and even abused. I deeply appreciate Senator LEVIN's decision to withhold an amendment at this time based on the mayor's letter. And I certainly understand that Senator LEVIN will be back with his amendment if meters are not in place, as indicated in Mayor Williams' letter, early next year, and I intend to support Senator LEVIN's efforts to end the current intolerably confusing situation.

Mr. LEVIN. Mr. President, I ask unanimous consent the letters to which I referred be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

OCTOBER 10, 2001.

Hon. CARL LEVIN,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR LEVIN: In accordance with your request, I am writing to advise you of the status of the introduction of a meter system for District of Columbia taxicabs. Let me state at the outset that I support a change from the current zone system to a meter system. A proposal to that effect was approved by the District of Columbia Taxicab Commission and transmitted to the Council of the District of Columbia for review in 1999. At that time, the Council requested that the proposal be withdrawn and resubmitted with more detailed information on the potential impact of increased fares on the riding public.

Since that time, the District of Columbia Taxicab Commission has developed a proposed fare structure and conducted the analysis requested by the Council. In addition, the Chairman of the Commission has held a number of meetings with drivers, individual taxicab owners, taxicab companies, and others in the industry to explain the impact of the planned change and allay any fears regarding implementation of the new system. The most recent of those meetings was held last week.

It now appears that the Commission is prepared to act on the proposal. The matter is expected to be referred to the Commission's Panel on Rates and Rules for a vote as early as next week and will thereafter be acted upon by the full Commission and transmitted to the Council for final approval. It is anticipated that meters could be required in District taxicabs by early next year.

I thank you for your interest in this matter and for sharing my commitment to improve the District's taxicab industry. Should you require any additional information, do not hesitate to contact me.

Sincerely,

ANTHONY A. WILLIAMS.

MARCH 15, 1999.

Hon. LINDA W. CROPP,
Chairman, Council of the District of Columbia,
Washington, DC.

DEAR CHAIRMAN CROPP: I am transmitting for the consideration of the Council of the District of Columbia (Council) a proposed resolution entitled the ''District of Columbia Taxicab Commission Metered System for Determining Fares Approval Resolution of 1999.'' The proposed resolution is submitted in accordance with D.C. Law 6–97, the ''District of Columbia Taxicab Commission Establishment Act of 1985,'' as amended, specifically, D.C. Code §40–1707(b)(1)(B) (1998 Repl. Vol.). The law provides that the Commission's Panel on Rates and Rules shall not authorize a metered system for determining taxicab fares without a 60-day period of Council review of the proposal.

If you have any questions regarding this matter, please contact George W. Crawford at the Taxicab Commission.

I urge the Council to take prompt and favorable action to approve the Commission's proposal for the use of meters for determining taxicab fares at your earliest convenience.

Sincerely,

ANTHONY A. WILLIAMS,
Mayor.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 22, 1998.

Senator CARL LEVIN,
Russell Senate Office Building,
Washington, DC.

DEAR CARL: Thank you for coming in to see me last week regarding the failure of the District to adopt a meter system for cabs, following the recommendations of several studies. I very much appreciate your willingness to discuss the matter with me and to give the District the opportunity to consider the matter before you consider any action. I write to provide you with a status report on my efforts since our meeting.

I have spoken directly with the new Chair of the Taxicab Commission, Chairman Novell Sullivan and with the Chair of the D.C. City Council, Linda Cropp. Chairman Sullivan has agreed to submit the matter to the full Commission at its next regularly scheduled meeting on October 6th to consider whether the District should adopt a meter system. Although Chairman Sullivan could not say what the outcome of the vote will be, he is eager, as I know you are, to resolve this matter without further study or delay. The Commission's recommendation must be submitted to the City Council for its final review and approval. I have assigned my Legislative Director, Jon Bouker, to follow-up with the Commission's General Counsel, Mr. George Crawford, and with staff from the office of City Council Chair Linda Cropp to ensure that the process moves forward as expeditiously as possible.

I hope that this information is responsive to your concerns. I appreciate that you want the District and the Taxicab Commission to resolve this matter at the local level. As always, if I can be of further assistance on this or any other matter concerning the District of Columbia, please do not hesitate to contact me.

Sincerely,

ELEANOR HOLMES NORTON.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 20, 1998.

Re Taxicab Issue Follow-up.

JACKIE PARKER,
Deputy Legislative Director (Senator Carl Levin).

This memo is a follow-up to our recent conversations on the taxicab issue. As you know, Senator Levin came in to see the Congresswoman regarding the D.C. Taxicab Commission's reluctance to forward to the City Council the previous Commission's recommendation to move to a meter system for D.C. cabs. Following the meeting with Senator Levin, the Congresswoman called Taxicab Commission Chair Novell Sullivan and City Council Chair Linda Cropp. Council Chair Cropp confirmed that the new Taxicab Commission had not yet forwarded a recommendation to the full Council for its consideration. However, Commission Chair Sullivan agreed to schedule the meters issue for a vote before the full Commission at its next regularly scheduled meeting. That vote occurred on October 6, 1998, and the Commission voted unanimously to recommend meters to the Council. Once the Council receives the transmission (after the Corporation Counsel reviews the legal sufficiency of the transmission and the Mayor gives his approval), it has 60 days to decide whether or not it will approve the recommendations of the Commission. The Commission does not have the authority, on its own, to effectuate a change to a meter system for D.C. cabs.

I hope that this information is useful. Please do not hesitate to call me if you have any further questions.

JON BOUKER,
Legislative Director and Counsel
(Congresswoman Eleanor Holmes Norton).

GOVERNMENT OF THE DISTRICT OF COLUMBIA, TAXICAB COMMISSION,
Washington, DC December 1, 1998.

JACKIE PARKER,
Senator Levin's Office.

This is to inform you that the Office of the Corporation Counsel has approved the Taxicab Commission's proposal to covert to a meter system for determing fares. The Office of Chief Financial Officer is reviewing the proposal for fiscal impact on the District. It is anticipated that the proposal will be transmitted to the City Council within the next few days. Should you need additional information, please let me know.

GEORGE W. CRAWFORD,
General Counsel and Secretary.

GOVERNMENT OF THE DISTRICT OF COLUMBIA, TAXICAB COMMISSION,
Washington, DC September 9, 1993.

Hon. CARL LEVIN,
Chairman, Subcommittee on Oversight of Government Management, Russell Senate Office Building, Washington, DC.

DEAR CHAIRMAN LEVIN: Thank you for taking time from your very demanding schedule to meet with me on August 5th. Let me assure you again that both Mayor Kelly and I understand and share your concerns about taxicab service in the District of Columbia. The Mayor has directed me to resolve the long standing issues and problems as quickly as possible. We sincerely appreciate your support and patience as we work toward this goal.

When we met, you requested a description of specific strategies we are undertaking, including timeframes, to fulfill congressional mandates and to improve regulation of the taxicab industry. Our strategies will accomplish three major goals by the end of fiscal year 1994:

(1) establishment of an appropriate mechanism—zones, meters, a new technology or a combination—for calculating taxi fares;

(2) development of a rate-setting methodology; and

(3) improvement of the Commission's regulatory and enforcement efforts.

Funding for these initiatives is being provided by fees imposed by the Commission for the Taxicab Assessment Fund; no appropriated funds will be used. Descriptions of the strategies and timeframes for each goal are enclosed.

Much needs to be done, and I am excited about the prospects for improving taxi service in the District. My plans and goals for the Taxicab Commission, and an overview of the issues facing the Commission, are provided in my testimony that was recently submitted to the House Appropriations Subcommittee on the District of Columbia. A copy of that testimony is also enclosed for your information.

Let me thank you again for your longstanding support of the District of Columbia, and your continuing interest in the District's taxicab policies and services. I am available to you and your staff if you have any questions or need additional information.

Sincerely,

KAREN JONES HERBERT,
Chairperson.

THE DISTRICT OF COLUMBIA,
Washington, DC, August 18, 1993.

Hon. CARL LEVIN,
Russell Senate Office Building, U.S. Senate, Washington, DC.

DEAR SENATOR LEVIN: I understand you recently met with Karen Herbert, our new chairperson of the D.C. Taxicab Commission. Ms. Herbert has developed an ambitious, but long overdue reform agenda for the D.C. Taxicab Commission. In addition, she has taken steps to improve driver training and testing, complaint resolution and enforcement activities.

I fully understand your concerns and frustrations and want to assure you that we are aggressively seeking consultants who specialize in taxicab regulation and transportation economics to assist us in developing a rate methodology and a definitive analysis of meters versus zones. The selection is scheduled to be made before the end of September and I will be certain that you will be provided with a timeline that will enable you to track the progress of this effort.

In the months ahead, I intend to work closely with Ms. Herbert and will be pursuing initiatives designed to make a visible difference in our regulation of the vehicle for hire industry. Your continued interest and support of this issue are helpful and have been greatly appreciated.

Sincerely,

SHARON PRATT KELLY.

Mr. LEAHY. Mr. President, I rise today in support of the FY 2002 District of Columbia appropriations bill. I want to congratulate Senator LANDRIEU and Senator DEWINE for their hard work in crafting this annual appropriations bill for the District of Columbia. This is an important piece of legislation and they have done their best to help ensure that the District of Columbia gets the resources it needs to run our Nation's capital.

In addition to many important policy provisions and essential funding provisions, this legislation removes several restrictions Congress has placed upon the District of Columbia during the last several years. These congressional provisions have prevented locally passed laws and initiatives from being implemented even with the use of local funds. With the leadership of Senator LANDRIEU, the underlying legislation takes the necessary steps to correct those past wrongs.

I am particularly pleased with Senator LANDRIEU's leadership in lifting the restriction limiting the autonomy of the local government in the District of Columbia and the rights of domestic partners who reside here. For the past 9 years, Congress has prohibited the District from using Federal or local funds to enact the locally passed Health Care Benefits Expansion Act. This law, passed by the D.C. City Council in 1992, would allow domestic partners to register with the Mayor's office. The Health Care Benefits Expansion Act would require all health care facilities to grant domestic partners visitation rights, and allow District employees to purchase health insurance at their own cost for domestic partners.

This law recognizes the legal and civil rights of domestic partners in the District of Columbia and is similar to laws passed by more than 100 jurisdictions and city governments throughout this country—including my own State of Vermont. Vermont passed its version of a domestic partnership law for health benefits in 1994. Last year, our State went even further when it took the bold and courageous step of extending the same legal State benefits already enjoyed by married couples to same sex couples.

This restriction Congress placed on the D.C. Government sent the wrong message to District residents and local officials by telling the people of Washington, DC, that the U.S. Senate knows best how local officials should spend their local dollars. This restriction sent the wrong message to the American public by disregarding the rights of domestic partners. I am pleased that the Senate has not continued down the unfortunate path of dictating social policy for the District of Columbia.

During consideration of the D.C. appropriations bill last month, the House Appropriations Committee approved an amendment to remove the ban on the use of local funds to implement the Health Benefits Expansion Act. During the House debate on the legislation, the provision prevailed, despite an effort similar to the one before us today to reinstate the ban on local funds. Our colleagues in the House have spoken on this measure, and the Senate has concurred.

This is a challenging time for our entire Nation. During this time, leaders at all levels of government—especially our local leaders—are working to ensure the safety and preparedness of their communities. Mayor Anthony Williams and the local government of the District of Columbia should be provided the same opportunity to perform those duties, and others, as are enjoyed by other cities and jurisdictions throughout the Nation. With the hard work of Senator LANDRIEU, the underlying bill recognizes the rights of D.C. residents and their elected officials to debate and decide for themselves the same policy questions that each of the states and cities in our country may debate and decide for themselves.

The issue of the rights of domestic partners—like rights for women, racial minorities, and people with disabilities—is one of basic civil rights for all people. Individuals should be evaluated on the basis of what they can offer and what they can contribute—not on irrelevant considerations like their race, gender or sexual orientation. It is a question of fundamental fairness. The United States Congress did not interfere with Vermont's approach to providing equal access to health insurance benefits, or with any of the other cities and localities throughout the country that passed their own laws governing domestic partnership. I strongly believe that Congress should follow its own example set in those instances, and should not treat the District of Columbia any differently.

Again, I applaud Senator LANDRIEU for her leadership in drafting this bill and I encourage my colleagues to vote in support of the FY 2002 District of Columbia appropriations bill.

Ms. LANDRIEU. Mr. President, as we move to final passage on this bill, I again thank my ranking member for his very extraordinary and dedicated work over the weeks and months to bring this bill to the floor and to work out many important and challenging issues. Together, we have tried to focus our efforts on post-control board financial discipline and laying a foundation so that the District, which is in a surplus today because of a lot of hard work that has been done, will remain in a surplus. Together, we have tried to enhance local decisionmaking, where appropriate. I believe we have made a lot of progress along that line.

In addition, particularly with Senator DEWINE's excellent leadership, we are reforming the child welfare system

in the District and working with the mayor and the local government officials to do that. We have put significant investments in this bill to accomplish that end.

In addition, because of the September 11 attack, we have provided additional resources for the mayor and the local government and for regional public officials—our own Senators representing Virginia and Maryland—of course, to be a part of that to enhance the security of the District and this region.

Finally, we have together made some tremendous headway in providing resources to create more excellence in the public schools here in DC and reform that system, as well as to step up the environment and children's health with some of the projects with which Senator DEWINE has been particularly helpful.

In closing, I again thank publicly the mayor and the city council chairperson, Linda Cropp, and all of the members of the city council who have been so helpful in working with us on this bill.

I would like to acknowledge the work of the District chief financial officer, Dr. Gandhi, and particularly his staff, Sam Kaiser, for their work in putting the local portion of this bill together.

I want to recognize Representative ELEANOR HOLMES Norton. She continues to work with us almost daily on these issues. I thank her, and also the shadow Senator from the District, Paul Strauss.

Our staff members, Cathleen Strottman, Kate Eltrich, Kevin Avery, Chuck Kieffer, and Mary Dietrich on the Republican side have been terrific in their help bringing us to this point.

I have no further remarks.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, I thank my colleague, Senator LANDRIEU, for doing a great job on this bill. This is a bill that will make a difference for people of the District of Columbia, particularly children of the District.

I thank Senator LANDRIEU and her staff, Chuck Kieffer and Kate Eltrich, for their hard work on this bill.

I also thank my appropriations team, particularly Mary Dietrich, who has been working hard on this bill for a long time, as well as Stan Skocki from my team.

I also commend and thank the other members of our subcommittee: Senator HUTCHISON, Senator DURBIN, and Senator REED.

Mr. President, as Senator LANDRIEU has indicated, this was a bipartisan effort. This bill makes a downpayment and is a real beginning on what we said we were going to do several years ago. In Congress, we took on the responsibility of trying to improve the court system, specifically the court system that deals with our young people. I do not have to remind anyone in this Chamber of the tragedy of the children's system in the District of Columbia—headline after headline, story after story, tragedy after tragedy, of children who have died in the system in the District of Columbia. This bill provides the money to begin to change that system.

Senator LANDRIEU and I have also been working, along with some of our other colleagues, to get a family court bill passed. Money in this bill will go a long way to making the changes that we have outlined in that family court bill.

This bill we are about to vote on also provides some significant money for Children's Hospital in the District of Columbia, which serves not only children who come from the District but serves children who come from many States.

It also provides money for the Safe Kids Program, a program that saves lives. I am convinced the money we will provide will help to save the lives of young children in the District of Columbia.

We also provide money for the Green Door Program, a mental health program of which Senator DOMENICI has been a strong supporter.

Finally, the bill provides, as Senator LANDRIEU indicated, some much needed money and resources to tie our communications system together in the District of Columbia. That need has been apparent for some time. Certainly, after the events of September 11, it is even more apparent and more obvious. So this bill provides money to do that as well.

I, again, thank my colleague for her great work on the bill. I urge my colleagues to vote aye, to pass the bill. I hope we will be able to work any differences out with the House fairly quickly and get this bill on to the President.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I know of no further amendments to be offered. I believe we are ready for third reading of the bill.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

Ms. LANDRIEU. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The bill having been read the third time, the question is, Shall the bill pass?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY) is necessarily absent.

The PRESIDIING OFFICER (Ms. STABENOW). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 75, nays 24, as follows:

[Rollcall Vote No. 331 Leg.]

YEAS—75

Akaka	Dayton	Lincoln
Allen	DeWine	Lugar
Baucus	Dodd	McCain
Bayh	Domenici	McConnell
Bennett	Dorgan	Mikulski
Biden	Durbin	Miller
Bingaman	Edwards	Murray
Bond	Feingold	Nelson (FL)
Boxer	Feinstein	Nelson (NE)
Breaux	Frist	Reed
Burns	Graham	Reid
Byrd	Hagel	Rockefeller
Campbell	Harkin	Sarbanes
Cantwell	Hatch	Schumer
Carnahan	Hollings	Smith (OR)
Carper	Hutchison	Snowe
Chafee	Inouye	Specter
Cleland	Jeffords	Stabenow
Clinton	Johnson	Stevens
Cochran	Kennedy	Thompson
Collins	Kohl	Torricelli
Conrad	Landrieu	Voinovich
Corzine	Leahy	Warner
Crapo	Levin	Wellstone
Daschle	Lieberman	Wyden

NAYS—24

Allard	Grassley	Nickles
Brownback	Gregg	Roberts
Bunning	Helms	Santorum
Craig	Hutchinson	Sessions
Ensign	Inhofe	Shelby
Enzi	Kyl	Smith (NH)
Fitzgerald	Lott	Thomas
Gramm	Murkowski	Thurmond

NOT VOTING—1

Kerry

The bill (H.R. 2944) was passed, as follows:

Resolved, That the bill from the House of Representatives (H.R. 2944) entitled ''An Act 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.'', 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 District of Columbia for the fiscal year ending September 30, 2002, and for other purposes, namely:

FEDERAL FUNDS

FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT

For a Federal payment to the District of Columbia, to be deposited into a dedicated account, for a nationwide program to be administered by the Mayor, for District of Columbia resident tuition support, $17,000,000, to remain available until expended: Provided, That such funds, including any interest accrued thereon, may be used on behalf of eligible District of Columbia residents to pay an amount based upon the difference between in-State and out-of-State tuition at public institutions of higher education, or to pay up to $2,500 each year at eligible private institutions of higher education: Provided further, That the awarding of such funds may be prioritized on the basis of a resident's academic merit, the income and need of eligible students and such other factors as may be authorized: Provided further, That the District of Columbia government shall establish a dedicated account for the Resident Tuition Support Program that shall consist of the Federal funds appropriated to the Program in this Act and any subsequent appropriations, any unobligated balances from prior fiscal years, and any interest

earned in this or any fiscal year: Provided further, That the account shall be under the control of the District of Columbia Chief Financial Officer who may use those funds solely for the purposes of carrying out the Resident Tuition Support Program: Provided further, That the Resident Tuition Support Program Office and the Office of the Chief Financial Officer shall provide a quarterly financial report to the Committees on Appropriations of the Senate and House of Representatives for these funds showing, by object class, the expenditures made and the purpose therefor: Provided further, That not more than seven percent of the amount provided herein for this program may be used for administrative expenses.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA COURTS

For salaries and expenses for the District of Columbia Courts, $140,181,000, to be allocated as follows: for the District of Columbia Court of Appeals, $8,003,000, of which not to exceed $1,500 is for official reception and representation expenses; for the District of Columbia Superior Court, $72,694,000, of which not to exceed $1,500 is for official reception and representation expenses; for the District of Columbia Court System, $31,634,000, of which not to exceed $1,500 is for official reception and representation expenses; and $27,850,000 for capital improvements for District of Columbia courthouse facilities: Provided, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration (GSA), said services to include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives: Provided further, That after providing notice to the Committees on Appropriations of the Senate and House of Representatives, the District of Columbia Courts may reallocate not more than $1,000,000 of the funds provided under this heading among the items and entities funded under such heading: Provided further, That of this amount not less than $23,315,000 is for activities authorized under S. 1382, the District of Columbia Family Court Act of 2001: Provided further, That of the funds made available for the District of Columbia Superior Court, $6,603,000 may remain available until September 30, 2003: Provided further, That of the funds made available for the District of Columbia Court System, $485,000 may remain available until September 30, 2003: Provided further, That of the funds made available for capital improvements, $21,855,000 may remain available until September 30, 2003.

ADMINISTRATIVE PROVISIONS

Section 11–1722(a), District of Columbia Code, is amended in the first sentence by striking '', subject to the supervision of the Executive Officer''.

Section 11–1723(a)(3), District of Columbia Code, is amended by striking ''and the internal auditing of the accounts of the courts''.

The Victims of Violent Crime Compensation Act of 1996 (D.C. Code, sec. 3–421 et seq. (1981 Ed., 1999 Supp.) as amended by Public Law 106–113, § 160 and Public Law 106–554, § 1(a)(4), H.R. 5666, Division A, Chapter 4, § 403) is amended: (a) in section 2 (D.C. Code, sec. 3–421 (1981 Ed., 1999 Supp.)), as amended by District of Columbia Law 13–172, § 202(a) (except for paragraph (6)); (b) in section 7(c) (D.C. Code, sec. 3–426(c) (1981 Ed., 1999 Supp.)), as amended by District of Columbia Law 13–172, § 202(b); (c) in section 8 (D.C. Code, sec. 3–427 (1981 Ed., 1999 Supp.)), as amended by District of Columbia Law 13–172, § 202(c); and (d) in section 16(e) (D.C. Code, sec. 3–435(e) (1981 Ed., 1999 Supp.)), to read as follows:

''(e) All compensation and attorneys' fees awarded under this chapter shall be paid from, and subject to, the availability of monies in the Fund. No more than five percent of the total amount of monies in the Fund shall be used to pay administrative costs necessary to carry out this chapter.''.

Section 11–2604, District of Columbia Code, is amended:

(1) in subsection (a), by striking ''50'' and inserting ''75''; and

(2) in subsection (b)—

(A) by striking ''1300'' each time it appears and inserting ''1900'';

(B) by striking ''2450'' each time it appears and inserting ''3600''.

Section 16–2326.1(b), District of Columbia Code (1997 Repl.), is amended—

(1) by striking ''1,100'' each time it appears and inserting ''1,600'';

(2) in paragraph (3), by striking ''1,500'' and inserting ''2,200''; and

(3) in paragraph (4), by striking ''750'' and inserting ''1,100''.

Section 16(d) of the Victims of Violent Crime Compensation Act of 1996 (sec. 4–515(d), D.C. Official Code), as amended by section 403 of the Miscellaneous Appropriations Act, 2001 (as enacted into law by section 1(a)(4) of the Consolidated Appropriations Act, 2001), is amended—

(1) by striking ''in excess of $250,000''; and

(2) by striking ''and approved by'' and all that follows and inserting a period.

These amendments shall take effect as if included in the enactment of section 403 of the Miscellaneous Appropriations Act, 2001.

DEFENDER SERVICES IN DISTRICT OF COLUMBIA COURTS

For payments authorized under section 11–2604 and section 11–2605, D.C. Code (relating to representation provided under the District of Columbia Criminal Justice Act), payments for counsel appointed in proceedings in the Family Division of the Superior Court of the District of Columbia under chapter 23 of title 16, D.C. Code, and payments for counsel authorized under section 21–2060, D.C. Code (relating to representation provided under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986), $39,311,000, to remain available until expended: Provided, That the funds provided in this Act under the heading ''Federal Payment to the District of Columbia Courts'' (other than the $27,850,000 provided under such heading for capital improvements for District of Columbia courthouse facilities) may also be used for payments under this heading: Provided further, That in addition to the funds provided under this heading, the Joint Committee on Judicial Administration in the District of Columbia may use funds provided in this Act under the heading ''Federal Payment to the District of Columbia Courts'' (other than the $27,850,000 provided under such heading for capital improvements for District of Columbia courthouse facilities), to make payments described under this heading for obligations incurred during any fiscal year: Provided further, That funds provided under this heading shall be administered by the Joint Committee on Judicial Administration in the District of Columbia: Provided further, That notwithstanding any other provision of law, this appropriation shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration (GSA), said services to include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA CORRECTIONS TRUSTEE OPERATIONS

For salaries and expenses of the District of Columbia Corrections Trustee, $32,700,000 for the administration and operation of correctional facilities and for the administrative operating costs of the Office of the Corrections Trustee, as authorized by section 11202 of the National Capital Revitalization and Self-Government Improvement Act of 1997 (Public Law 105–33; 111 Stat. 712) of which $1,000,000 is to fund an initiative to improve case processing in the District of Columbia criminal justice system, $2,500,000 to remain available until September 30, 2003 is for building renovation or space acquisition required to accommodate functions transferred from the Lorton Correctional Complex, and $2,000,000 to remain available until September 30, 2003, is to be transferred to the appropriate agency for the closing of the sewage treatment plant and the removal of underground storage tanks at the Lorton Correctional Complex: Provided, That notwithstanding any other provision of law, funds appropriated in this Act for the District of Columbia Corrections Trustee shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies.

FEDERAL PAYMENT TO THE COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA

(INCLUDING TRANSFER OF FUNDS)

For salaries and expenses, including the transfer and hire of motor vehicles, of the Court Services and Offender Supervision Agency for the District of Columbia, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997 (Public Law 105–33; 111 Stat. 712), $147,300,000, of which $13,015,000 shall remain available until expended, and of which not to exceed $5,000 is for official receptions related to offender and defendant support programs; of which $94,112,000 shall be for necessary expenses of Community Supervision and Sex Offender Registration, to include expenses relating to supervision of adults subject to protection orders or provision of services for or related to such persons; $20,829,000 shall be transferred to the Public Defender Service; and $32,359,000 shall be available to the Pretrial Services Agency: Provided, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: Provided further, That notwithstanding chapter 12 of title 40, United States Code, the Director may acquire by purchase, lease, condemnation, or donation, and renovate as necessary, Building Number 17, 1900 Massachusetts Avenue, Southeast, Washington, District of Columbia, or such other site as the Director of the Court Services and Offender Supervision Agency may determine as appropriate to house or supervise offenders and defendants, with funds made available by this Act: Provided further, That the Director is authorized to accept and use gifts in the form of in-kind contributions of space and hospitality to support offender and defendant programs, and equipment and vocational training services to educate and train offenders and defendants.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA FOR SECURITY COSTS RELATED TO THE PRESENCE OF THE FEDERAL GOVERNMENT IN THE DISTRICT OF COLUMBIA

For a payment to the District of Columbia to reimburse the District for certain security expenses related to the presence of the Federal Government in the District of Columbia, $16,058,000: Provided, That a detailed report of actual and estimated expenses incurred shall be provided to the Committees on Appropriations of the Senate and House of Representatives no later than June 15, 2002: Provided further, That of this amount, $3,406,000 shall be made available for reimbursement of planning and related expenses incurred by the District of Columbia in anticipation of providing security for the planned meetings in September 2001 of the World Bank and the International Monetary Fund in the District of Columbia: Provided further, That the Mayor and the Chairman of the Council of the District of Columbia shall develop, in consultation with the Director of the Office of Personnel Management, the United States Secret Service, the United States Capitol Police, the United States Park Police, the Washington Metropolitan Area Transit Authority, regional transportation authorities, the Federal Emergency Management Agency, the Governor of the State of Maryland and the Governor of the Commonwealth of Virginia, the county executives of contiguous counties of the region and the respective state and local law enforcement entities in the region an integrated emergency operations plan for the District of Columbia in cases of national security events, including terrorist threats, protests, or other unanticipated events: Provided further, That such plan shall include a response to attacks or threats of attacks using biological or chemical agents: Provided further, That the city shall submit this plan to the Committees on Appropriations of the Senate and the House of Representatives no later than January 2, 2002: Provided further, That the Chief Financial Officer of the District of Columbia shall provide quarterly reports to the Committees on Appropriations of the Senate and the House of Representatives on the use of the funds under this heading, beginning no later than January 2, 2002.

FEDERAL PAYMENT TO THE THURGOOD MARSHALL ACADEMY CHARTER SCHOOL

For a Federal payment to the Thurgood Marshall Academy Charter School, $1,000,000 to be used to acquire and renovate an educational facility in Anacostia.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA PUBLIC SCHOOLS

For a Federal payment to the District of Columbia Public Schools, $2,750,000, of which $2,000,000 shall be to implement the Voyager Expanded Learning literacy program in kindergarten and first grade classrooms in the District of Columbia Public Schools; $250,000 shall be for the Failure Free Reading literacy program for non-readers and special education students; $250,000 for Lightspan, Inc. to implement the eduTest.com program in the District of Columbia Public Schools; and $250,000 for the Southeastern University for a public/private partnership with McKinley Technical High School.

FEDERAL PAYMENT TO THE GEORGE WASHINGTON UNIVERSITY CENTER FOR EXCELLENCE IN MUNICIPAL MANAGEMENT

For a Federal payment to the George Washington University Center for Excellence in Municipal Management, $250,000 to increase the enrollment of managers from the District of Columbia government.

FEDERAL PAYMENT TO THE CHILDREN'S NATIONAL MEDICAL CENTER

For a Federal payment to the Children's National Medical Center in the District of Columbia, $3,200,000 for capital and equipment improvements.

FEDERAL PAYMENT FOR CHILD AND FAMILY SOCIAL SERVICES COMPUTER INTEGRATION PLAN

For a Federal payment to the District of Columbia, $200,000 for completion of a plan by the Mayor on integrating the computer systems of the District of Columbia government with the Family Court of the Superior Court of the District of Columbia: Provided, That, pursuant to section 4 of S. 1382, the District of Columbia Family Court Act of 2001, the Mayor shall submit a plan to the President and the Congress within six months of enactment of that Act, so that social services and other related services to individuals and families served by the Family Court of the Superior Court and agencies of the District of Columbia government (including the District of Columbia Public Schools, the District of Columbia Housing Authority, the Child and Family Services Agency, the Office of the Corporation Counsel, the Metropolitan Police Department, the Department of Health, and other offices determined by the Mayor) will be able to access and share information on the individuals and families served by the Family Court.

FEDERAL PAYMENTS FOR DISTRICT OF COLUMBIA AND FEDERAL LAW ENFORCEMENT MOBILE WIRELESS INTEROPERABILITY PROJECT

For Federal payments in support of the District of Columbia and the Federal law enforcement Mobile Wireless Interoperability Project, $1,400,000, of which $400,000 shall be for a payment to the District of Columbia Office of the Chief Technology Officer, $333,334 shall be for a payment to the United States Secret Service, $333,333 shall be for a payment to the United States Capitol Police, and $333,333 shall be for a payment to the United States Park Police: Provided, That each agency shall participate in the preparation of a joint report to the Committees on Appropriations of the Senate and the House of Representatives to be submitted no later than March 30, 2002 on the allocation of these resources and a description of each agencies' resource commitment to this project for fiscal year 2003.

FEDERAL PAYMENT TO THE CHIEF FINANCIAL OFFICER OF THE DISTRICT OF COLUMBIA

For a Federal payment to the Chief Financial Officer of the District of Columbia, $5,900,000, of which $2,250,000 shall be for payment for a pilot project to demonstrate the ''Active Cap'' river cleanup technology on the Anacostia River; $500,000 shall be for payment to the Washington, D.C. Sports and Entertainment Commission which, in coordination with the U.S. Soccer Foundation, shall use the funds for environmental and infrastructure costs at Kenilworth Park in the creation of the Kenilworth Regional Sports Complex; $600,000 shall be for payment to the One Economy Corporation, a non-profit organization, to increase Internet access to low-income homes in the District of Columbia; $500,000 shall be for payment to the Langston Project for the 21st Century, a community revitalization project to improve physical education and training facilities; $1,000,000 shall be for payment to the Green Door Program, for capital improvements at a community mental health clinic; $500,000 shall be for payment to the Historical Society of Washington, for capital improvements to the new City Museum; $200,000 for a payment to Teach for America DC, for teacher development; and $350,000 for payment to the District of Columbia Safe Kids Coalition, to promote child passenger safety through the Child Occupant Protection Initiative.

COURT APPOINTED SPECIAL ADVOCATES

For a Federal payment to the District of Columbia Court Appointed Special Advocates Unit, $250,000 to be used to expand their work in the Family Court of the District of Columbia Superior Court.

CHILD AND FAMILY SERVICES AGENCY—FAMILY COURT REFORM

For a Federal payment to the District of Columbia Child and Family Services Agency, $500,000 to be used for activities authorized under S. 1382, the District of Columbia Family Court Act of 2001.

ADMINISTRATIVE PROVISIONS

Under the heading ''Federal Payment for Incentives for Adoption of Children'' in Public Law 106–522, approved November 22, 2000 (114 Stat. 2440), is amended to read as follows: ''For a Federal payment to the District of Columbia to create incentives to promote the adoption of children in the District of Columbia foster care system, $5,000,000 to remain available until September 30, 2003: Provided, That $2,000,000 of said amount shall be used for attorney fees and home studies: Provided further, That $1,000,000 of said amount shall be used for the establishment of a scholarship fund which adoptive families and children without parents, due to the September 11, 2001 terrorist attack on the District of Columbia, will use for post high school education and training for adopted children: Provided further, That $1,000,000 of said amount shall be used for the establishment of a private adoptive family resource center in the District of Columbia to provide ongoing information, education and support to adoptive families: Provided further, That $1,000,000 of said amount shall be used for adoption incentives and support for children with special needs.''.

Of the Federal funds made available in the District of Columbia Appropriations Act, 2001, Public Law 106–522 for the District of Columbia Public Schools (114 Stat. 2441) and the Metropolitan Police Department (114 Stat. 2441) such funds may remain available for the purposes intended until September 30, 2002: Provided, That funds made available in such Act for the Washington Interfaith Network (114 Stat. 2444) shall remain available for the purposes intended until December 31, 2002: Provided further, That funds made available in such Act for Brownfield Remediation (114 Stat. 2445), shall remain available until expended.

DISTRICT OF COLUMBIA FUNDS

OPERATING EXPENSES

DIVISION OF EXPENSES

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided: Provided, That notwithstanding any other provision of law, except as provided in section 450A of the District of Columbia Home Rule Act (Public Law 93–198; D.C. Official Code, sec. 1–204.50a), the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 2002 under this heading shall not exceed the lesser of the sum of the total revenues of the District of Columbia for such fiscal year or $6,051,646,000 (of which $124,163,000 shall be from intra-District funds and $3,553,300,000 shall be from local funds): Provided further, That this amount may be increased by (i) proceeds of one-time transactions, which are expended for emergency or unanticipated operating or capital needs or (ii) additional expenditures which the Chief Financial Officer of the District of Columbia certifies will produce additional revenues during such fiscal year at least equal to 200 percent of such additional expenditures: Provided further, That such increases shall be approved by enactment of local District law and shall comply with all reserve requirements contained in this act: Provided further, That the Chief Financial Officer of the District of Columbia shall take such steps as are necessary to assure that the District of Columbia meets these requirements, including the apportioning by the Chief Financial Officer of the appropriations and funds made available to the District during fiscal year 2002, except that the Chief Financial Officer may not reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects.

GOVERNMENTAL DIRECTION AND SUPPORT

Governmental direction and support, $307,117,000 (including $228,471,000 from local funds, $61,367,000 from Federal funds, and $17,279,000 from other funds): Provided, That not to exceed $2,500 for the Mayor, $2,500 for the Chairman of the Council of the District of Columbia, and $2,500 for the City Administrator shall be available from this appropriation for official purposes: Provided further, That any program fees collected from the issuance of debt shall be available for the payment of expenses of the debt management program of the District of Columbia: Provided further, That no revenues from Federal sources shall be used to support the operations or activities of the Statehood Commission and Statehood Compact Commission: Provided further, That notwithstanding any other provision of law, or Mayor's Order 86–45, issued March 18, 1986, the Office of the Chief Technology Officer's delegated small purchase authority shall be $500,000: Provided further, That the District of Columbia government may not require the Office of the Chief Technology Officer to submit to any other procurement review process, or to obtain the approval of or be restricted in any manner by any official or employee of the District of Columbia government, for purchases that do not exceed $500,000: Provided further, That not less than $353,000 shall be available to the Office of the Corporation Counsel to support increases in the Attorney Retention Allowance: Provided further, That not less than $50,000 shall be available to support a mediation services program within the Office of the Corporation Counsel: Provided further, That not less than $50,000 shall be available to support a TANF Unit within the Child Support Enforcement Division of the Office of the Corporation Counsel: Provided further, That section 403 of the District of Columbia Home Rule Act, approved December 24, 1973 (Public Law 93–198; D.C. Official Code, sec. 1–204.03), is amended as follows:

(1) Subsection (c) is amended by striking the phrase ''shall receive, in addition to the compensation to which he is entitled as a member of the Council, $10,000 per annum, payable in equal installments, for each year he serves as Chairman, but the Chairman''.

(2) A new subsection (d) is added to read as follows:

''(d) Notwithstanding subsection (a) of this section, as of the effective date of the District of Columbia Appropriations Act, 2001, the Chairman shall receive compensation, payable in equal installments, at a rate equal to $10,000 less than the compensation of the Mayor.''.

ECONOMIC DEVELOPMENT AND REGULATION

Economic development and regulation, $230,878,000 (including $60,786,000 from local funds, $96,199,000 from Federal funds, and $73,893,000 from other funds), of which $15,000,000 collected by the District of Columbia in the form of BID tax revenue shall be paid to the respective BIDs pursuant to the Business Improvement Districts Act of 1996 (D.C. Law 11–134; D.C. Official Code, sec. 2–1215.01 et seq.), and the Business Improvement Districts Amendment Act of 1997 (D.C. Law 12–26; D.C. Official Code, sec. 2–1215.15 et seq.): Provided, That such funds are available for acquiring services provided by the General Services Administration: Provided further, That Business Improvement Districts shall be exempt from taxes levied by the District of Columbia: Provided further, That the Department of Consumer and Regulatory Affairs use $50,000 of the receipts from the net proceeds from the contractor that handles the District's occupational and professional licensing to fund additional staff and equipment for the Rental Housing Administration: Provided further, That the Department of Consumer and Regulatory Affairs transfer all local funds resulting from the lapse of personnel vacancies, caused by transferring DCRA employees into NSO positions without filling the resultant vacancies, into the revolving 5–513 fund to be used to implement the provisions in D.C. Act 13–578, the Abatement and Condemnation of Nuisance Properties Omnibus Amendment Act of 2000, pertaining to the prevention of the demolition by neglect of historic properties: Provided further, That the fees established and collected pursuant to D.C. Act 13–578 shall be identified, and an accounting provided, to the District of Columbia Council's Committee on Consumer and Regulatory Affairs: Provided further, That 18 percent of the annual total amount in the 5–513 fund, up to $500,000, deposited into the 5–513 fund on an annual basis, be used to implement section 102 and other related sections of D.C. Act 13–578: Provided further, That the Department shall hire, with the consultation and guidance of the Director of the Office of Personnel on the necessary qualifications and salary level, from these lapsed funds, as soon as possible, but in no event later than November 1, 2001, a professional human resources manager who will become part of the Department's senior management team, and provide in consultation with its newly hired human resources professional manager, and the Office of Personnel, a detailed plan to the Council's Committee on Consumer and Regulatory Affairs, by December 1, 2001, for the use of the personal services lapsed funds, including the 58 vacant positions identified by the Department, in fiscal year 2001 to reclassify positions, augment pay scales once positions are reclassified where needed to fill vacancies with qualified and necessary personnel, and to fund these new and vacant positions.

PUBLIC SAFETY AND JUSTICE

Public safety and justice, $632,668,000 (including $593,618,000 from local funds, $8,298,000 from Federal funds, and $30,752,000 from other funds): Provided, That not to exceed $500,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime: Provided further, That no less than $173,000,000 shall be available to the Metropolitan Police Department for salaries in support of 3,800 sworn officers: Provided further, That no less than $100,000 shall be available in the Department of Corrections budget to support the Corrections Information Council: Provided further, That no less than $296,000 shall be available to support the Child Fatality Review Committee: Provided further, That nothing contained in this section shall be construed as modifying or affecting the provisions of section 11(c)(3) of title XII of the District of Columbia Income and Franchise Tax Act of 1947 (70 Stat. 78; Public Law 84–460; D.C. Official Code, sec. 47–1812.11(c)(3)): Provided further, That the Mayor shall reimburse the District of Columbia National Guard for expenses incurred in connection with services that are performed in emergencies by the National Guard in a militia status and are requested by the Mayor, in amounts that shall be jointly determined and certified as due and payable for these services by the Mayor and the Commanding General of the District of Columbia National Guard: Provided further, That such sums as may be necessary for reimbursement to the District of Columbia National Guard under the preceding proviso shall be available from this appropriation, and the availability of the sums shall be deemed as constituting payment in advance for emergency services involved.

PUBLIC EDUCATION SYSTEM

Public education system, including the development of national defense education programs, $1,108,915,000 (including $894,494,000 from local funds, $187,794,000 from Federal funds, and $26,627,000 from other funds), to be allocated as follows: $813,292,000 (including $658,624,000 from local funds, $147,380,000 from Federal funds, and $7,288,000 from other funds), for the public schools of the District of Columbia; $47,370,000 (including $19,911,000 from local funds, $26,917,000 from Federal funds, $542,000 from other funds), for the State Education Office; $17,000,000 from local funds, previously appropriated in this Act as a Federal payment, and such sums as may be necessary to be derived from interest earned on funds contained in the dedicated account established by the Chief Financial Officer of the District of Columbia, for resident tuition support at public and private institutions of higher learning for eligible District of Columbia residents; and $142,257,000 from local funds for public charter schools: Provided, That there shall be quarterly disbursement of funds to the District of Columbia public charter schools, with the first payment to occur within 15 days of the beginning of each fiscal year: Provided further, That if the entirety of this allocation has not been provided as payments to any public charter schools currently in operation through the per pupil funding formula, the funds shall be available for public education in accordance with the School Reform Act of 1995 (Public Law 104–134; D.C. Official Code, sec. 38–1804.03(A)(2)(D)): Provided further, That $480,000 of this amount shall be available to the District of Columbia Public Charter School Board for administrative costs: Provided further, That $76,542,000 (including $45,912,000 from local funds, $12,539,000 from Federal funds, and $18,091,000 from other funds) shall be available for the University of the District of Columbia: Provided further, That $27,256,000 (including $26,030,000 from local funds, $560,000 from Federal funds and $666,000 other funds) for the Public Library: Provided further, That the $1,007,000 enhancement shall be allocated such that $500,000 is used for facilities improvements for 8 of the 26 library branches, $235,000 for 13 FTEs for the continuation of the Homework Helpers Program, $143,000 for 2 FTEs in the expansion of the Reach Out And Roar (ROAR) service to licensed day care homes, and $129,000 for 3 FTEs to expand literacy support into branch libraries: Provided further, That $2,198,000 (including $1,760,000 from local funds, $398,000 from Federal funds and $40,000 from other funds) shall be available for the Commission on the Arts and Humanities: Provided further, That the public schools of the District of Columbia are authorized to accept not to exceed 31 motor vehicles for exclusive use in the driver education program: Provided further, That not to exceed $2,500 for the Superintendent of Schools, $2,500 for the President of the University of the District of Columbia, and $2,000 for the Public Librarian shall be available from this appropriation for official purposes: Provided further, That none of the funds contained in this Act may be made available to pay the salaries of any District of Columbia Public School teacher, principal, administrator, official, or employee who knowingly provides false enrollment or attendance information under article II, section 5 of the Act entitled ''An Act to provide for compulsory school attendance, for the taking of a school census in the District of Columbia, and for other purposes'', approved February 4, 1925 (D.C. Official Code, sec. 38–201 et seq.): Provided further, That this appropriation shall not be available to subsidize the education of any nonresident of the District of Columbia at any District of Columbia public elementary and secondary school during fiscal year 2002 unless the nonresident pays tuition to the District of Columbia at a rate that covers 100 percent of the costs incurred by the District of Columbia which are attributable to the education of the nonresident (as established by the Superintendent of the District of Columbia Public Schools): Provided further, That this appropriation shall not be available to subsidize the education of nonresidents of the District of Columbia at the University of the District of Columbia, unless the Board of Trustees of the University of the District of Columbia adopts, for the fiscal year ending September 30, 2002, a tuition rate schedule that will establish the tuition rate for nonresident students at a level no lower than the nonresident tuition rate charged at

comparable public institutions of higher education in the metropolitan area: Provided further, That the District of Columbia Public Schools shall spend $1,200,000 to implement D.C. Teaching Fellows Program in the District's public schools: Provided further, That notwithstanding the amounts otherwise provided under this heading or any other provision of law, there shall be appropriated to the District of Columbia public charter schools on July 1, 2002, an amount equal to 25 percent of the total amount provided for payments to public charter schools in the proposed budget of the District of Columbia for fiscal year 2003 (as submitted to Congress), and the amount of such payment shall be chargeable against the final amount provided for such payments under the District of Columbia Appropriations Act, 2003: Provided further, That notwithstanding the amounts otherwise provided under this heading or any other provision of law, there shall be appropriated to the District of Columbia Public Schools on July 1, 2002, an amount equal to 10 percent of the total amount provided for the District of Columbia Public Schools in the proposed budget of the District of Columbia for fiscal year 2003 (as submitted to Congress), and the amount of such payment shall be chargeable against the final amount provided for the District of Columbia Public Schools under the District of Columbia Appropriations Act, 2003: Provided further, That no less than $200,000 be available for adult education: Provided further, That the third sentence of section 441 of the District of Columbia Home Rule Act, approved December 24, 1973 (Public Law 93–198; D.C. Official Code, sec. 1–204.41), is amended to read as follows: ''However, the fiscal year for the Armory Board shall begin on the first day of January and shall end on the thirty-first day of December of each calendar year, and, beginning the first day of July 2003, the fiscal year for the District of Columbia Public Schools, District of Columbia Public Charter Schools and the University of the District of Columbia shall begin on the first day of July and end on the thirtieth day of June of each calendar year.'': Provided further, That the first paragraph under the heading ''Public Education System'' in Public Law 107–20, approved July 24, 2001, is amended to read as follows: ''For an additional amount for 'Public Education System', $1,000,000 from local funds to remain available until expended, for the State Education Office for a census-type audit of the student enrollment of each District of Columbia Public School and of each public charter school and $12,000,000 from local funds for the District of Columbia Public Schools to conduct the 2001 summer school session.''.

HUMAN SUPPORT SERVICES

(INCLUDING TRANSFER OF FUNDS)

Human support services, $1,803,923,000 (including $711,072,000 from local funds, $1,075,960,000 from Federal funds, and $16,891,000 from other funds): Provided, That $27,986,000 of this appropriation, to remain available until expended, shall be available solely for District of Columbia employees' disability compensation: Provided further, That $75,000,000 shall be available to the Health Care Safety Net Administration established by section 1802 of the Fiscal Year 2002 Budget Support Act of 2001, D.C. Bill 14–144; $90,000,000 available under the District of Columbia Appropriations Act, 2001 (Public Law 106–522) to the Public Benefit Corporation for restructuring shall be made available to the Health Care Safety Net Administration for the purpose of restructuring the delivery of health services in the District of Columbia and shall remain available until expended: Provided further, That no less than $7,500,000 of this appropriation, to remain available until expended, shall be deposited in the Addiction Recovery Fund established pursuant to section 5 of the Choice in Drug Treatment Act of 2000, effective July 8, 2000 (D.C. Law 13–146; D.C. Official Code, sec. 7–3004), and used solely for the purpose of the Drug Treatment Choice Program established pursuant to section 4 of the Choice in Drug Treatment Act of 2000 (D.C. Official Code, sec. 7–3003): Provided further, That no less than $500,000 of the $7,500,000 appropriated for the Addiction Recovery Fund shall be used solely to pay treatment providers who provide substance abuse treatment to TANF recipients under the Drug Treatment Choice Program: Provided further, That no less than $2,000,000 of this appropriation shall be used solely to establish, by contract, a 2-year pilot substance abuse program for youth ages 16 through 21 years of age: Provided further, That no less than $60,000 be available for a D.C. Energy Office Matching Grant: Provided further, That no less than $2,150,000 be available for a pilot Interim Disability Assistance program pursuant to title L of the Fiscal Year 2002 Budget Support Act (D.C. Bill 14–144).

PUBLIC WORKS

Public works, including rental of one passenger-carrying vehicle for use by the Mayor and three passenger-carrying vehicles for use by the Council of the District of Columbia and leasing of passenger-carrying vehicles, $300,151,000 (including $286,334,000 from local funds, $4,392,000 from Federal funds, and $9,425,000 from other funds): Provided, That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business: Provided further, That no less than $650,000 be available for a mechanical alley sweeping program: Provided further, That no less than $6,400,000 be available for residential parking enforcement: Provided further, That no less than $100,000 be available for a General Counsel to the Department of Public Works: Provided further, That no less than $3,600,000 be available for ticket processing: Provided further, That no less than 14 residential parking control aides or 10 percent of the residential parking control force be available for night time enforcement of out-of-state tags: Provided further, That of the total of 3,000 additional parking meters being installed in commercial districts and in commercial loading zones none be installed at loading zones, or entrances at apartment buildings and none be installed in residential neighborhoods: Provided further, That no less than $262,000 be available for taxicab enforcement activities: Provided further, That no less than $241,000 be available for a taxicab driver security revolving fund: Provided further, That no less than $30,084,000 in local appropriations be available to the Division of Transportation, within the Department of Public Works: Provided further, That no less than $12,000,000 in rights-of-way fees shall be available for the Local Roads, Construction and Maintenance Fund: Provided further, That funding for a proposed separate Department of Transportation is contingent upon Council approval of a reorganization plan: Provided further, That no less than $313,000 be available for handicapped parking enforcement: Provided further, That no less than $190,000 be available for the Ignition Interlock Device Program: Provided further, That no less than $473,000 be available for the Motor Vehicle Insurance Enforcement Program: Provided further, That $11,000,000 shall be available for transfer to the Highway Trust Fund's Local Roads, Construction and Maintenance Fund, upon certification by the Chief Financial Officer that funds are available from the 2001 budgeted reserve or where the Chief Financial Officer certifies that additional local revenues are available: Provided further, That $1,550,000 made available under the District of Columbia Appropriations Act, 2001 (Public Law 106–522) for taxicab driver security enhancements in the District of Columbia shall remain available until September 30, 2002.

RECEIVERSHIP PROGRAMS

For all agencies of the District of Columbia government under court ordered receivership, $403,868,000 (including $250,015,000 from local funds, $134,839,000 from Federal funds, and $19,014,000 from other funds).

WORKFORCE INVESTMENTS

For workforce investments, $42,896,000 from local funds, to be transferred by the Mayor of the District of Columbia within the various appropriation headings in this Act for which employees are properly payable.

RESERVE

For replacement of funds expended, if any, during fiscal year 2001 from the Reserve established by section 202(j) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, Public Law 104–8, $120,000,000 from local funds.

RESERVE RELIEF

For reserve relief, $30,000,000, for the purpose of spending funds made available through the reduction from $150,000,000 to $120,000,000 in the amount required for the Reserve established by section 202(j) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, Public Law 104–8: Provided, That $12,000,000 shall be available to the District of Columbia Public Schools and District of Columbia Public Charter Schools for educational enhancements: Provided further, That $18,000,000 shall be available pursuant to a local District law: Provided further, That of the $30,000,000, funds shall only be expended upon: (i) certification by the Chief Financial Officer of the District of Columbia that the funds are available and not required to address potential deficits, (ii) enactment of local District law detailing the purpose for the expenditure, (iii) prior notification by the Mayor to the Committees on Appropriations of both the Senate and House of Representatives in writing 30 days in advance of any such expenditure: Provided further, That the $18,000,000 provided pursuant to local law shall be expended only when the Emergency Reserve established pursuant to Section 450A(a) of the District of Columbia Home Rule Act (Public Law 93–198; D.C. Official Code, sec. 1–204.50a(a)), has a minimum balance in the amount of $150,000,000.

EMERGENCY AND CONTINGENCY RESERVE FUNDS

For the Emergency and Contingency Reserve Funds established under section 450A of the District of Columbia Home Rule Act (Public Law 93–198; D.C. Official Code, sec. 1–204.50a(b)), the Mayor may deposit the proceeds required pursuant to Section 159(a) of Public Law 106–522 and Section 404(c) of Public Law 106–554 in the Contingency Reserve Fund beginning in fiscal year 2002 if the minimum emergency reserve balance requirement established in Section 450A(c) has been met.

REPAYMENT OF LOANS AND INTEREST

For payment of principal, interest, and certain fees directly resulting from borrowing by the District of Columbia to fund District of Columbia capital projects as authorized by sections 462, 475, and 490 of the District of Columbia Home Rule Act (Public Law 93–198; D.C. Official Code, secs. 1–204.62, 1–204.75, 1–204.90), $247,902,000 from local funds: Provided, That any funds set aside pursuant to section 148 of the District of Columbia Appropriations Act, 2000 (Public Law 106–113; 113 Stat. 1523) that are not used in the reserve funds established herein shall be used for Pay-As-You-Go Capital Funds: Provided further, That for equipment leases, the Mayor may finance $14,300,000 of equipment cost, plus cost of issuance not to exceed 2 percent of the par amount being financed on a lease purchase basis with a maturity not to exceed 5 years: Provided further, That $4,440,000 shall be for the Fire and Emergency Medical Services Department, $2,010,000 shall be for the Department of Parks and Recreation, and $7,850,000 shall be for the Department of Public Works: Provided further, That no less than $533,000 be available for trash transfer capital

debt service. Notwithstanding any other provision of law, the District of Columbia is hereby authorized to make any necessary payments related to the ''District of Columbia Emergency Assistance Act of 2001'': Provided, That the District of Columbia shall use local funds for any payments under this heading: Provided further, That the Chief Financial Officer shall certify the availability of such funds, and shall certify that such funds are not required to address budget shortfalls in the District of Columbia.

REPAYMENT OF GENERAL FUND RECOVERY DEBT

For the purpose of eliminating the $331,589,000 general fund accumulated deficit as of September 30, 1990, $39,300,000 from local funds, as authorized by section 461(a) of the District of Columbia Home Rule Act, (105 Stat. 540; D.C. Official Code, sec. 1–204.61(a)).

PAYMENT OF INTEREST ON SHORT-TERM BORROWING

For payment of interest on short-term borrowing, $500,000 from local funds.

WILSON BUILDING

For expenses associated with the John A. Wilson Building, $8,859,000 from local funds.

EMERGENCY RESERVE FUND TRANSFER

Subject to the issuance of bonds to pay the purchase price of the District of Columbia's right, title, and interest in and to the Master Settlement Agreement, and consistent with the Tobacco Settlement Trust Fund Establishment Act of 1999 (D.C. Official Code, sec. 7–1811.01(a)(ii)) and the Tobacco Settlement Financing Act of 2000 (D.C. Official Code, sec. 7–1831.03 et seq.), there is transferred the amount available pursuant thereto and Section 404(c) of Public Law 106–554 to the Emergency and Contingency Reserve Funds established pursuant to section 450A of the District of Columbia Home Rule Act (Public Law 93–198; D.C. Official Code, sec. 1–204.50a(a)).

NON-DEPARTMENTAL AGENCY

To account for anticipated costs that cannot be allocated to specific agencies during the development of the proposed budget including anticipated employee health insurance cost increases and contract security costs, $5,799,000 from local funds.

ENTERPRISE AND OTHER FUNDS

WATER AND SEWER AUTHORITY

For operation of the Water and Sewer Authority, $244,978,000 from other funds for fiscal year 2002 of which $44,244,000 shall be apportioned for repayment of loans and interest incurred for capital improvement projects ($17,953,000 payable to the District's debt service fund and $26,291,000 payable for other debt service).

For construction projects, $152,114,000, in the following capital programs: $52,600,000 for the Blue Plains Wastewater Treatment Plant, $11,148,000 for the sewer program, $109,000 for the combined sewer program, $118,000 for the stormwater program, $77,957,000 for the water program, $10,182,000 for the capital equipment program: Provided, That the requirements and restrictions that are applicable to general fund capital improvements projects and set forth in this Act under the Capital Outlay appropriation account shall apply to projects approved under this appropriation account.

WASHINGTON AQUEDUCT

For operation of the Washington Aqueduct, $46,510,000 from other funds for fiscal year 2002.

STORMWATER PERMIT COMPLIANCE ENTERPRISE FUND

For operation of the Stormwater Permit Compliance Enterprise Fund, $3,100,000 from other funds for fiscal year 2002.

LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND

For the Lottery and Charitable Games Enterprise Fund, established pursuant to the District of Columbia Appropriation Act, 1982 (95 Stat. 1174, 1175; Public Law 97–91), for the purpose of implementing the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia (D.C. Law 3–172; D.C. Official Code, sec. 3–1301 et seq. and sec. 22–1716 et seq.), $229,688,000: Provided, That the District of Columbia shall identify the source of funding for this appropriation title from the District's own locally generated revenues: Provided further, That no revenues from Federal sources shall be used to support the operations or activities of the Lottery and Charitable Games Control Board.

SPORTS AND ENTERTAINMENT COMMISSION

For the Sports and Entertainment Commission, $9,127,000 from other funds: Provided, That the Mayor shall submit a budget for the Armory Board for the forthcoming fiscal year as required by section 442(b) of the District of Columbia Home Rule Act (87 Stat. 824; Public Law 93–198; D.C. Official Code, sec. 1–204.42(b)).

DISTRICT OF COLUMBIA RETIREMENT BOARD

For the District of Columbia Retirement Board, established by section 121 of the District of Columbia Retirement Reform Act of 1979 (93 Stat. 866; D.C. Official Code, sec. 1–711), $13,388,000 from the earnings of the applicable retirement funds to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board: Provided, That the District of Columbia Retirement Board shall provide the Mayor, for transmittal to the Council of the District of Columbia, an itemized accounting of the planned use of appropriated funds in time for each annual budget submission and the actual use of such funds in time for each annual audited financial report.

WASHINGTON CONVENTION CENTER ENTERPRISE FUND

For the Washington Convention Center Enterprise Fund, $57,278,000 from other funds.

HOUSING FINANCE AGENCY

For the Housing Finance Agency, $4,711,000 from other funds.

NATIONAL CAPITAL REVITALIZATION CORPORATION

For the National Capital Revitalization Corporation, $2,673,000 from other funds.

CAPITAL OUTLAY

(INCLUDING RESCISSIONS)

For construction projects, an increase of $1,550,786,700 of which $1,348,782,387 shall be from local funds, $44,431,135 shall be from the Highway Trust Fund, and $157,573,178 shall be from Federal funds, and a rescission of $476,182,431 from local funds appropriated under this heading in prior fiscal years, for a net amount of $1,074,604,269 to remain available until expended: Provided, That funds for use of each capital project implementing agency shall be managed and controlled in accordance with all procedures and limitations established under the Financial Management System: Provided further, That all funds provided by this appropriation title shall be available only for the specific projects and purposes intended: Provided further, That the capital budget of $83,400,000 for the Department of Health shall not be available until the District of Columbia Council's Committee on Human Services receives a report on the use of any capital funds for projects on the grounds of D.C. General Hospital: Provided further, That notwithstanding the foregoing, all authorizations for capital outlay projects, except those projects covered by the first sentence of section 23(a) of the Federal Aid Highway Act of 1968 (82 Stat. 827; Public Law 90–495), for which funds are provided by this appropriation title, shall expire on September 30, 2003, except authorizations for projects as to which funds have been obligated in whole or in part prior to September 30, 2003: Provided further, That upon expiration of any such project authorization, the funds provided herein for the project shall lapse: Provided further, That except for funds approved in the budgets prior to the fiscal year 2002 budget and FL–MA2 in the fiscal year 2002 Budget Request, no local funds may be expended to renovate, rehabilitate or construct any facility within the boundaries of census tract 68.04 for any purpose associated with the D.C. Department of Corrections, the CSOSA, or the federal Bureau of Prisons unit until such time as the Mayor shall present to the Council for its approval, a plan for the development of census tract 68.04 south of East Capitol Street, S.E., and the housing of any misdemeanants, felons, ex-offenders, or persons awaiting trial within the District of Columbia: Provided further, That none of the conditions set forth in this paragraph shall interfere with the operations of any Federal agency.

GENERAL PROVISIONS

SEC. 101. Whenever in this Act, an amount is specified within an appropriation for particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor.

SEC. 102. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor: Provided, That in the case of the Council of the District of Columbia, funds may be expended with the authorization of the chair of the Council.

SEC. 103. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of legal settlements or judgments that have been entered against the District of Columbia government: Provided, That nothing contained in this section shall be construed as modifying or affecting the provisions of section 11(c)(3) of title XII of the District of Columbia Income and Franchise Tax Act of 1947 (70 Stat. 78; Public Law 84–460; D.C. Code, sec. 47–1812.11(c)(3)).

SEC. 104. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 105. No funds appropriated in this Act for the District of Columbia government for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate, or further partisan political activities. Nothing herein is intended to prohibit the availability of school buildings for the use of any community or partisan political group during non-school hours.

SEC. 106. None of the Federal funds appropriated in this Act shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

SEC. 107. At the start of the fiscal year, the Mayor shall develop an annual plan, by quarter and by project, for capital outlay borrowings: Provided, That within a reasonable time after the close of each quarter, the Mayor shall report to the Council of the District of Columbia and the Congress the actual borrowings and spending progress compared with projections.

SEC. 108. (a) None of the funds provided under this Act to the agencies funded by this Act, both Federal and District government agencies, that remain available for obligation or expenditure in fiscal year 2002, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for an agency through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or responsibility center; (3) establishes or changes

allocations specifically denied, limited or increased by Congress in this Act; (4) increases funds or personnel by any means for any program, project, or responsibility center for which funds have been denied or restricted; (5) reestablishes through reprogramming any program or project previously deferred through reprogramming; (6) augments existing programs, projects, or responsibility centers through a reprogramming of funds in excess of $1,000,000 or 10 percent, whichever is less; or (7) increases by 20 percent or more personnel assigned to a specific program, project or responsibility center; unless the Committees on Appropriations of both the Senate and House of Representatives are notified in writing 30 days in advance of any reprogramming as set forth in this section.

(b) None of the local funds contained in this Act may be available for obligation or expenditure for an agency through a reprogramming or transfer of funds which transfers any local funds from one appropriation title to another unless the Committees on Appropriations of the Senate and House of Representatives are notified in writing 30 days in advance of the reprogramming or transfer, except that in no event may the amount of any funds reprogrammed or transferred exceed four percent of the local funds.

SEC. 109. Consistent with the provisions of 31 U.S.C. 1301(a), appropriations under this Act shall be applied only to the objects for which the appropriations were made except as otherwise provided by law.

SEC. 110. Notwithstanding any other provisions of law, the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Law 2–139; D.C. Code, sec. 1–601.1 et seq.), enacted pursuant to section 422(3) of the District of Columbia Home Rule Act (87 Stat. 790; Public Law 93–198; D.C. Code, sec. 1–242(3)), shall apply with respect to the compensation of District of Columbia employees: Provided, That for pay purposes, employees of the District of Columbia government shall not be subject to the provisions of title 5, United States Code.

SEC. 111. No later than 30 days after the end of the first quarter of the fiscal year ending September 30, 2002, the Mayor of the District of Columbia shall submit to the Council of the District of Columbia the new fiscal year 2002 revenue estimates as of the end of the first quarter of fiscal year 2002. These estimates shall be used in the budget request for the fiscal year ending September 30, 2003. The officially revised estimates at midyear shall be used for the midyear report.

SEC. 112. No sole source contract with the District of Columbia government or any agency thereof may be renewed or extended without opening that contract to the competitive bidding process as set forth in section 303 of the District of Columbia Procurement Practices Act of 1985 (D.C. Law 6–85; D.C. Code, sec. 1–1183.3), except that the District of Columbia government or any agency thereof may renew or extend sole source contracts for which competition is not feasible or practical: Provided, That the determination as to whether to invoke the competitive bidding process has been made in accordance with duly promulgated rules and procedures and said determination has been reviewed and certified by the Chief Financial Officer of the District of Columbia.

SEC. 113. For purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (99 Stat. 1037; Public Law 99–177), the term ''program, project, and activity'' shall be synonymous with and refer specifically to each account appropriating Federal funds in this Act, and any sequestration order shall be applied to each of the accounts rather than to the aggregate total of those accounts: Provided, That sequestration orders shall not be applied to any account that is specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 114. In the event a sequestration order is issued pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 (99 Stat. 1037: Public Law 99–177), after the amounts appropriated to the District of Columbia for the fiscal year involved have been paid to the District of Columbia, the Mayor of the District of Columbia shall pay to the Secretary of the Treasury, within 15 days after receipt of a request therefor from the Secretary of the Treasury, such amounts as are sequestered by the order: Provided, That the sequestration percentage specified in the order shall be applied proportionately to each of the Federal appropriation accounts in this Act that are not specifically exempted from sequestration by such Act.

SEC. 115. ACCEPTANCE AND USE OF GIFTS. (a) APPROVAL BY MAYOR.—

(1) IN GENERAL.—An entity of the District of Columbia government may accept and use a gift or donation during fiscal year 2002 if—

(A) the Mayor approves the acceptance and use of the gift or donation (except as provided in paragraph (2)); and

(B) the entity uses the gift or donation to carry out its authorized functions or duties.

(2) EXCEPTION FOR COUNCIL AND COURTS.—The Council of the District of Columbia and the District of Columbia courts may accept and use gifts without prior approval by the Mayor.

(b) RECORDS AND PUBLIC INSPECTION.—Each entity of the District of Columbia government shall keep accurate and detailed records of the acceptance and use of any gift or donation under subsection (a), and shall make such records available for audit and public inspection.

(c) INDEPENDENT AGENCIES INCLUDED.—For the purposes of this section, the term ''entity of the District of Columbia government'' includes an independent agency of the District of Columbia.

(d) EXCEPTION FOR BOARD OF EDUCATION.—This section shall not apply to the District of Columbia Board of Education, which may, pursuant to the laws and regulations of the District of Columbia, accept and use gifts to the public schools without prior approval by the Mayor.

SEC. 116. None of the Federal funds provided in this Act may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representative under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979 (D.C. Law 3–171; D.C. Code, sec. 1–113(d)).

SEC. 117. None of the funds appropriated under this Act shall be expended for any abortion except where the life of the mother would be endangered if the fetus were carried to term or where the pregnancy is the result of an act of rape or incest.

SEC. 118. None of the Federal funds made available in this Act may be used to implement or enforce the Health Care Benefits Expansion Act of 1992 (D.C. Law 9–114; D.C. Code, sec. 36–1401 et seq.) or to otherwise implement or enforce any system of registration of unmarried, cohabiting couples, including but not limited to registration for the purpose of extending employment, health, or governmental benefits to such couples on the same basis that such benefits are extended to legally married couples.

SEC. 119. ACCEPTANCE AND USE OF GRANTS. Notwithstanding any other provision of this Act, the Mayor, in consultation with the Chief Financial Officer, may accept, obligate, and expend Federal, private, and other grants received by the District government that are not reflected in the amounts appropriated in this Act. No such Federal, private, or other grant may be accepted, obligated, or expended until (1) the Chief Financial Officer of the District of Columbia submits to the Council a report setting forth detailed information regarding such grant, and (2) the Council has reviewed and approved the acceptance, obligation, and expenditure of such grant, such approval contingent upon (A) no written notice of disapproval being filed with the Secretary to the Council within 14 calendar days of the receipt of the report from the Chief Financial Officer, and no oral notice of disapproval is given during a meeting of the Council during such 14 calendar day period, the report shall be deemed to be approved, and (B) should notice of disapproval be given during such initial 14-calendar day period, the Council may approve or disapprove the report by resolution within 30 calendar days of the initial receipt of the report from the Chief Financial Officer, or such report shall be deemed to be approved. No amount may be obligated or expended from the general fund or other funds of the District government in anticipation of the approval or receipt of a grant or in anticipation of the approval or receipt of a Federal, private, or other grant not subject to these provisions. The Chief Financial Officer of the District of Columbia shall prepare a quarterly report setting forth detailed information regarding all Federal, private, and other grants subject to these provisions. Each such report shall be submitted to the Council of the District of Columbia, and to the Committees on Appropriations of the House of Representatives and the Senate, not later than 15 days after the end of the quarter covered by the report.

SEC. 120. (a) RESTRICTIONS ON USE OF OFFICIAL VEHICLES.—Except as otherwise provided in this section, none of the funds made available by this Act or by any other Act may be used to provide any officer or employee of the District of Columbia with an official vehicle unless the officer or employee uses the vehicle only in the performance of the officer's or employee's official duties. For purposes of this paragraph, the term ''official duties'' does not include travel between the officer's or employee's residence and workplace (except: (1) in the case of an officer or employee of the Metropolitan Police Department who resides in the District of Columbia or is otherwise designated by the Chief of the Department; (2) at the discretion of the Fire Chief, an officer or employee of the District of Columbia Fire and Emergency Medical Services Department who resides in the District of Columbia and is on call 24 hours a day; (3) the Mayor of the District of Columbia; and (4) the Chairman of the Council of the District of Columbia).

(b) INVENTORY OF VEHICLES.—The Chief Financial Officer of the District of Columbia shall submit, by November 15, 2001, an inventory, as of September 30, 2001, of all vehicles owned, leased or operated by the District of Columbia government. The inventory shall include, but not be limited to, the department to which the vehicle is assigned; the year and make of the vehicle; the acquisition date and cost; the general condition of the vehicle; annual operating and maintenance costs; current mileage; and whether the vehicle is allowed to be taken home by a District officer or employee and if so, the officer or employee's title and resident location.

SEC. 121. No officer or employee of the District of Columbia government (including any independent agency of the District but excluding the Chief Financial Officer of the District of Columbia, the Metropolitan Police Department, and the Office of the Chief Technology Officer) may enter into an agreement in excess of $2,500 for the procurement of goods or services on behalf of any entity of the District government until the officer or employee has conducted an analysis of how the procurement of the goods and services involved under the applicable regulations and procedures of the District government would differ from the procurement of the goods and services involved under the Federal supply schedule and other applicable regulations and procedures of the General Services Administration, including an analysis of any differences in the costs to be incurred and the time required to obtain the goods or services.

SEC. 122. Notwithstanding any other provision of law, not later than 120 days after the date that a District of Columbia Public Schools

(DCPS) student is referred for evaluation or assessment—

(1) the District of Columbia Board of Education, or its successor, and DCPS shall assess or evaluate a student who may have a disability and who may require special education services; and

(2) if a student is classified as having a disability, as defined in section 101(a)(1) of the Individuals with Disabilities Education Act (84 Stat. 175; 20 U.S.C. 1401(a)(1)) or in section 7(8) of the Rehabilitation Act of 1973 (87 Stat. 359; 29 U.S.C. 706(8)), the Board and DCPS shall place that student in an appropriate program of special education services.

SEC. 123. (a) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with the Buy American Act (41 U.S.C. 10a–10c).

(b) SENSE OF THE CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products to the greatest extent practicable.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each agency of the Federal or District of Columbia government shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 124. None of the funds contained in this Act may be used for purposes of the annual independent audit of the District of Columbia government for fiscal year 2002 unless—

(1) the audit is conducted by the Inspector General of the District of Columbia, in coordination with the Chief Financial Officer of the District of Columbia, pursuant to section 208(a)(4) of the District of Columbia Procurement Practices Act of 1985 (D.C. Code, sec. 1–1182.8(a)(4)); and

(2) the audit includes a comparison of audited actual year-end results with the revenues submitted in the budget document for such year and the appropriations enacted into law for such year.

SEC. 125. None of the Federal funds contained in this Act may be used by the District of Columbia Corporation Counsel or any other officer or entity of the District government to provide assistance for any petition drive or civil action which seeks to require Congress to provide for voting representation in Congress for the District of Columbia.

SEC. 126. No later than November 1, 2001, or within 30 calendar days after the date of the enactment of this Act, whichever occurs later, the Chief Financial Officer of the District of Columbia shall submit to the appropriate committees of Congress, the Mayor, and the Council a revised appropriated funds operating budget in the format of the budget that the District of Columbia government submitted pursuant to section 442 of the District of Columbia Home Rule Act (Public Law 93–198; D.C. Code, sec. 47–301), for all agencies of the District of Columbia government for such fiscal year that is in the total amount of the approved appropriation and that realigns all budgeted data for personal services and other-than-personal-services, respectively, with anticipated actual expenditures.

SEC. 127. (a) None of the Federal funds contained in this Act may be used for any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

(b) Any individual or entity who receives any funds contained in this Act and who carries out any program described in subsection (a) shall account for all funds used for such program separately from any funds contained in this Act.

SEC. 128. None of the funds contained in this Act may be used after the expiration of the 60-day period that begins on the date of the enactment of this Act to pay the salary of any chief financial officer of any office of the District of Columbia government who has not filed a certification with the Mayor and the Chief Financial Officer of the District of Columbia that the officer understands the duties and restrictions applicable to the officer and the officer's agency as a result of this Act (and the amendments made by this Act), including any duty to prepare a report requested either in the Act or in any of the reports accompanying the Act and the deadline by which each report must be submitted, and the District's Chief Financial Officer shall provide to the Committees on Appropriations of the Senate and the House of Representatives by the 10th day after the end of each quarter a summary list showing each report, the due date and the date submitted to the Committees.

SEC. 129. (a) None of the funds contained in this Act may be used to enact or carry out any law, rule, or regulation to legalize or otherwise reduce penalties associated with the possession, use, or distribution of any schedule I substance under the Controlled Substances Act (21 U.S.C. 802) or any tetrahydrocannabinols derivative.

(b) The Legalization of Marijuana for Medical Treatment Initiative of 1998, also known as Initiative 59, approved by the electors of the District of Columbia on November 3, 1998, shall not take effect.

SEC. 130. Nothing in this Act may be construed to prevent the Council or Mayor of the District of Columbia from addressing the issue of the provision of contraceptive coverage by health insurance plans, but it is the intent of Congress that any legislation enacted on such issue should include a ''conscience clause'' which provides exceptions for religious beliefs and moral convictions.

PROMPT PAYMENT OF APPOINTED COUNSEL

SEC. 131. (a) ASSESSMENT OF INTEREST FOR DELAYED PAYMENTS.—If the Superior Court of the District of Columbia or the District of Columbia Court of Appeals does not make a payment described in subsection (b) prior to the expiration of the 45-day period which begins on the date the Court receives a completed voucher for a claim for the payment, interest shall be assessed against the amount of the payment which would otherwise be made to take into account the period which begins on the day after the expiration of such 45-day period and which ends on the day the Court makes the payment.

(b) PAYMENTS DESCRIBED.—A payment described in this subsection is—

(1) a payment authorized under section 11–2604 and section 11–2605, D.C. Code (relating to representation provided under the District of Columbia Criminal Justice Act);

(2) a payment for counsel appointed in proceedings in the Family Division of the Superior Court of the District of Columbia under chapter 23 of title 16, D.C. Code; or

(3) a payment for counsel authorized under section 21–2060, D.C. Code (relating to representation provided under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986).

(c) STANDARDS FOR SUBMISSION OF COMPLETED VOUCHERS.—The chief judges of the Superior Court of the District of Columbia and the District of Columbia Court of Appeals shall establish standards and criteria for determining whether vouchers submitted for claims for payments described in subsection (b) are complete, and shall publish and make such standards and criteria available to attorneys who practice before such Courts.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require the assessment of interest against any claim (or portion of any claim) which is denied by the Court involved.

(e) EFFECTIVE DATE.—This section shall apply with respect to claims received by the Superior Court of the District of Columbia or the District of Columbia Court of Appeals during fiscal year 2002, and claims received previously that remain unpaid at the end of fiscal year 2001, and would have qualified for interest payment under this section.

SEC. 132. The Mayor of the District of Columbia shall submit to the Senate and House Committees on Appropriations, the Senate Governmental Affairs Committee, and the House Government Reform Committee quarterly reports addressing the following issues: (1) crime, including the homicide rate, implementation of community policing, the number of police officers on local beats, and the closing down of open-air drug markets; (2) access to drug abuse treatment, including the number of treatment slots, the number of people served, the number of people on waiting lists, and the effectiveness of treatment programs; (3) management of parolees and pre-trial violent offenders, including the number of halfway house escapes and steps taken to improve monitoring and supervision of halfway house residents to reduce the number of escapes to be provided in consultation with the Court Services and Offender Supervision Agency; (4) education, including access to special education services and student achievement to be provided in consultation with the District of Columbia Public Schools; (5) improvement in basic District services, including rat control and abatement; (6) application for and management of Federal grants, including the number and type of grants for which the District was eligible but failed to apply and the number and type of grants awarded to the District but for which the District failed to spend the amounts received; and (7) indicators of child well-being.

RESERVE FUNDS

SEC. 133. (a) IN GENERAL.—Section 202(j) of Public Law 104–8, the District of Columbia Financial Responsibility and Management Assistance Act of 1995 is amended to read as follows:

''(j) RESERVE FUNDS.—

''(1) BUDGET RESERVE.—

''(A) IN GENERAL.—For each of the fiscal years 2002 and 2003, the budget of the District government for the fiscal year shall contain a budget reserve in the following amounts:

''(i) $120,000,000, in the case of fiscal year 2002.

''(ii) $70,000,000, in the case of fiscal year 2003.

''(B) AVAILABILITY OF FUNDS.—Any amount made available from the budget reserve described in subparagraph (A) shall remain available until expended.

''(C) AVAILABILITY OF FY 2001 BUDGET RESERVE FUNDS.—For fiscal year 2001, any amount in the budget reserve shall remain available until expended.

''(2) CUMULATIVE CASH RESERVE.—In addition to any other cash reserves required under section 450A of the District of Columbia Home Rule Act, for each of the fiscal years 2004 and 2005, the budget of the District government for the fiscal year shall contain a cumulative cash reserve of $50,000,000.

''(3) CONDITIONS ON USE.—The District of Columbia may obligate or expend amounts in the budget reserve under paragraph (1) or the cumulative cash reserve under paragraph (2) only in accordance with the following conditions:

''(A) The Chief Financial Officer of the District of Columbia shall certify that the amounts are available.

''(B) The amounts shall be obligated or expended in accordance with laws enacted by the Council in support of each such obligation or expenditure.

''(C) The amounts may not be used to fund the agencies of the District of Columbia government under court ordered receivership.

''(D) The amounts may be obligated or expended only if the Mayor notifies the Committees on Appropriations of the House of Representatives and Senate in writing 30 days in advance of any obligation or expenditure.

''(4) REPLENISHMENT.—Any amount of the budget reserve under paragraph (1) or the cumulative cash reserve under paragraph (2) which is expended in one fiscal year shall be replenished in the following fiscal year appropriations to maintain the required balance.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect October 1, 2001.

(c) CONFORMING AMENDMENTS.—Section 159(c) of the District of Columbia Appropriations Act, 2001 (Public Law 106–522; 114 Stat. 2482) is amended to read as follows:

''(c) EFFECTIVE DATE.—

''(1) IN GENERAL.—Except as provided in paragraph (2), this section and the amendments made by this section shall take effect on October 1, 2000.

''(2) REPEAL OF POSITIVE FUND BALANCE REQUIREMENT.—The amendment made by subsection (b)(2) shall take effect October 1, 1999.

''(3) TRANSFER OF FUNDS.—All funds identified by the District government pursuant to section 148 of Public Law 106–113, as reflected in the certified annual financial report for fiscal year 2000, shall be deposited during fiscal year 2002 into the Emergency and Contingency Reserve Funds established pursuant to Section 159 of Public Law 106–522, during fiscal year 2002.''.

(d) CONTINGENCY RESERVE FUND.—Section 450A(b) of the Home Rule Act (Public Law 93–198) is amended—

(1) by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—There is established a contingency cash reserve fund (in this subsection referred to as the 'contingency reserve fund') as an interest-bearing account (separate from other accounts in the General Fund) into which the Mayor shall deposit in cash not later than October 1 of each fiscal year (beginning with fiscal year 2002) such amount as may be required to maintain a balance in the fund of at least 3 percent of the total budget appropriated for operating expenditures for such fiscal year which is derived from local funds (or, in the case of fiscal years prior to fiscal year 2007, such amount as may be required to maintain a balance in the fund of at least the minimum contingency reserve balance for such fiscal year, as determined under paragraph (2)).''; and

(2) by striking subparagraph (B) of paragraph (2) and inserting the following:

''(B) APPLICABLE PERCENTAGE DEFINED.—In subparagraph (A), the 'applicable percentage' with respect to a fiscal year means the following:

''(i) For fiscal year 2002, 0 percent.

''(ii) For fiscal year 2003, 0 percent.

''(iii) For fiscal year 2004, 0 percent.

''(iv) For fiscal year 2005, 1 percent.

''(v) For fiscal year 2006, 2 percent.''.

SEC. 134. INTEGRATED PRODUCT TEAM. No funds appropriated by this Act shall be available for an Integrated Product Team until reorganization plans for the Integrated Product Team and a Capital Construction Services Administration have been approved, or deemed approved, by the Council: Provided, That this paragraph shall not apply to funds appropriated for the Office of Contracting and Procurement.

SEC. 135. CORPORATION COUNSEL ANTITRUST, ANTIFRAUD, CONSUMER PROTECTION FUNDS. All funds whenever deposited in the District of Columbia Antitrust Fund established pursuant to section 2 of the District of Columbia Antitrust Act of 1980 (D.C. Law 3–169; D.C. Code § 28–4516), the Antifraud Fund established pursuant to section 820 of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6–85; D.C. Code § 1–1188.20), and the District of Columbia Consumer Protection Fund established pursuant to section 1402 of the District of Columbia Budget Support Act for fiscal year 2001 (D.C. Law 13–172; D.C. Code § 28–3911), are hereby appropriated for the use of the Office of the Corporation Counsel of the District of Columbia until September 30, 2003, in accordance with the statutes that established these funds.

SEC. 136. RISK MANAGEMENT FOR SETTLEMENTS AND JUDGMENTS. In addition to any other authority to pay claims and judgments, any department, agency, or instrumentality of the District government may pay the settlement or judgment of a claim or lawsuit in an amount less than $10,000, in accordance with the Risk Management for Settlements and Judgments Amendment Act of 2000, effective October 19, 2000 (D.C. Law 13–172; D.C. Official Code § 2–402).

SEC. 137. To waive the period of Congressional review of the Closing of Portions of 2nd and N Streets, N.E. and Alley System in Square 710, S.O. 00–97, Act of 2001. Notwithstanding section 602(c)(1) of the District of Columbia Home Rule Act (sec. 1–233(c)(1), D.C. Code), the Closing of Portions of 2nd and N Streets, N.E. and Alley System in Square 710, S.O. 00–97, Act of 2001 (D.C. Act 14–106) shall take effect on the date of the enactment of such Act or the date of the enactment of this Act, whichever is later.

SEC. 138. (a) None of the funds contained in this Act may be made available to pay the fees of an attorney who represents a party who prevails in an action or any attorney who defends any action, including an administrative proceeding, brought against the District of Columbia Public Schools under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) if—

(1) the hourly rate of compensation of the attorney exceeds 300 percent of the maximum amount of compensation under section 11–2604(b)(1), District of Columbia Code; or

(2) the maximum amount of compensation of the attorney exceeds 300 percent of the maximum amount of compensation under section 11–2604(b)(1), District of Columbia Code, except that compensation and reimbursement in excess of such maximum may be approved for extended or complex representation in accordance with section 11–2604(c), District of Columbia Code; and

(3) in no case may the compensation limits in paragraphs (1) and (2) exceed $3,000.

(b) Notwithstanding the preceding subsection, if the Mayor and the Superintendent of the District of Columbia Public Schools concur in a Memorandum of Understanding setting forth a new rate and amount of compensation, or a new limit referred to in subsection (a)(3), then such new rates or limits shall apply in lieu of the rates and limits set forth in the preceding subsection to both the attorney who represents the prevailing party and the attorney who defends the action.

(c) Notwithstanding 20 U.S.C. § 1415, 42 U.S.C. § 1988, 29 U.S.C § 794a, or any other law, none of the funds appropriated under this Act, or in appropriations Acts for subsequent fiscal years, may be made available to pay attorneys' fees accrued prior to the effective date of this Act that exceeds a cap imposed on attorneys' fees by prior appropriations Acts that were in effect during the fiscal year when the work was performed, or when payment was requested for work previously performed, in an action brought against the District of Columbia Public Schools under the Individuals With Disabilities Act (20 U.S.C. § 1400 et seq.).

SEC. 139. The limitation on attorneys' fees paid by the District of Columbia for actions brought under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) (sec. 138) shall not apply if the plaintiff is a child who is—

(1) from a family with an annual income of less than $17,600; or

(2) from a family where one of the parents is a disabled veteran; or

(3) where the child has been adjudicated as neglected or abused.

SEC. 140. MANDATORY ADVANCED ELECTRONIC INFORMATION FOR AIR CARGO AND PASSENGERS ENTERING THE UNITED STATES. (a) AIR CARGO INFORMATION.—

(1) IN GENERAL.—Section 431(b) of the Tariff Act of 1930 (19 U.S.C. 1431(b)) is amended—

(A) by striking ''(b) PRODUCTION OF MANIFEST.—Any manifest'' and inserting the following:

''(b) PRODUCTION OF MANIFEST.—

''(1) IN GENERAL.—Any manifest'';

(B) by indenting the margin of paragraph (1), as so designated, two ems; and

(C) by adding at the end the following new paragraph:

''(2) ADDITIONAL INFORMATION.—

''(A) IN GENERAL.—In addition to any other requirement under this section, every air carrier required to make entry or obtain clearance under the customs laws of the United States, the pilot, the master, operator, or owner of such carrier (or the authorized agent of such owner or operator) shall provide by electronic transmission cargo manifest information specified in subparagraph (B) in advance of such entry or clearance in such manner, time, and form as the Secretary shall prescribe. The Secretary may exclude any class of air carrier for which the Secretary concludes the requirements of this subparagraph are not necessary.

''(B) INFORMATION REQUIRED.—The information specified in this subparagraph is as follows:

''(i) The port of arrival or departure, whichever is applicable.

''(ii) The carrier code, prefix code, or, both.

''(iii) The flight or trip number.

''(iv) The date of scheduled arrival or date of scheduled departure, whichever is applicable.

''(v) The request for permit to proceed to the destination, if applicable.

''(vi) The numbers and quantities from the master and house air waybill or bills of lading.

''(vii) The first port of lading of the cargo.

''(viii) A description and weight of the cargo.

''(ix) The shippers name and address from all air waybills or bills of lading.

''(x) The consignee name and address from all air waybills or bills of lading.

''(xi) Notice that actual boarded quantities are not equal to air waybill or bills of lading quantities.

''(xii) Transfer or transit information.

''(xiii) Warehouse or other location of the cargo.

''(xiv) Such other information as the Secretary, by regulation, determines is reasonably necessary to ensure aviation transportation safety pursuant to the laws enforced or administered by the Customs Service.

''(3) AVAILABILITY OF INFORMATION.—Information provided under paragraph (2) may be shared with other departments and agencies of the Federal Government, including the Department of Transportation and the law enforcement agencies of the Federal Government, for purposes of protecting the national security of the United States.''.

(2) CONFORMING AMENDMENTS.—Subparagraphs (A) and (C) of section 431(d)(1) of such Act are each amended by inserting before the semicolon ''or subsection (b)(2)''.

(b) PASSENGER INFORMATION.—Part II of title IV of the Tariff Act of 1930 is amended by inserting after section 431 the following new section:

"SEC. 432. PASSENGER AND CREW MANIFEST INFORMATION REQUIRED FOR AIR CARRIERS.

''(a) IN GENERAL.—For every person arriving or departing on an air carrier required to make entry or obtain clearance under the customs laws of the United States, the pilot, the master, operator, or owner of such carrier (or the authorized agent of such owner or operator) shall provide, by electronic transmission, manifest information specified in subsection (b) in advance of such entry or clearance in such manner, time, and form as the Secretary shall prescribe.

''(b) INFORMATION.—The information specified in this subsection with respect to a person is—

''(1) full name;

''(2) date of birth and citizenship;

''(3) sex;

''(4) passport number and country of issuance;

''(5) United States visa number or resident alien card number, as applicable;

''(6) passenger name record; and

''(7) such other information as the Secretary, by regulation, determines is reasonably necessary to ensure aviation transportation safety pursuant to the laws enforced or administered by the Customs Service.

''(c) AVAILABILITY OF INFORMATION.—Information provided under this section may be shared with other departments and agencies of the Federal Government, including the Department of Transportation and the law enforcement agencies of the Federal Government, for purposes of protecting the national security of the United States.''.

(c) DEFINITION.—Section 401 of the Tariff Act of 1930 (19 U.S.C. 1401) is amended by adding at the end the following new subsection:

''(t) AIR CARRIER.—The term 'air carrier' means an air carrier transporting goods or passengers for payment or other consideration, including money or services rendered.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect 45 days after the date of enactment of this Act.

SEC. 141. The General Accounting Office, in consultation with the relevant agencies and members of the Committee on Appropriations Subcommittee on the District of Columbia, shall submit by January 2, 2002 a report to the Committees on Appropriations of the House and the Senate and the Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives detailing the awards in judgment rendered in the District of Columbia that were in excess of the cap imposed by prior appropriations Acts in effect during the fiscal year when the work was performed, or when payment was requested for work previously performed, in actions brought against the District of Columbia Public Schools under the Individuals with Disabilities Education Act (20 U.S.C. §1400 et seq.): Provided, That such report shall include a comparison of the cause of actions and judgments rendered against public school districts of comparable demographics and population as the District.

This Act may be cited as the ''District of Columbia Appropriations Act, 2002''.

Ms. LANDRIEU. 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.

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendments, requests a conference with the House on the disagreeing votes of the two Houses, and the Chair appoints Ms. LANDRIEU, Mr. DURBIN, Mr. REED, Mr. INOUYE, Mr. DEWINE, Mrs. HUTCHISON, and Mr. STEVENS conferees on the part of the Senate.

Ms. LANDRIEU. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that there now be a period for morning business, with Senators allowed to speak for up to 10 minutes each.

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

SEPTEMBER 11 VICTIMS' TAX LEGISLATION

Mr. TORRICELLI. Madam President, nearly 2 months have passed since the events of September 11. The tragedy and its ramifications have been part of the life of every American family in the weeks that have followed. Even American schoolchildren can recount not only the images but recite the numbers of the dead, the cost, and the consequences.

In my State there are hundreds of people who did not come home on that night. The changes experienced by average Americans cannot obviously be compared with the families themselves—wives and husbands, children, brothers and sisters who are rebuilding shattered lives. They wake up every day reminding themselves of the new reality that will follow them throughout their lives.

Recently, Senator CORZINE and I met with a number of the widows and widowers. You can only imagine, if this entire Nation has found it difficult to accept the reality of these circumstances, what it is like for a young mother still recoiling from the experience of informing her children, or a father, now left to raise children alone.

The pain of September 11 is measured on many scales. It has changed the finances of this Government. It has forever impacted our national sense of safety. But for these few thousand families, it has changed lives in ways we could never hope to understand.

There is little in terms of the things that matter that any of us can do to generally offer comfort or consolation. But in the ways that Government can measure compassion, there are things we must try to do.

Families that JON CORZINE and I met with indicated to us that when they are not dealing with the pain or the trauma, life has returned to much more mundane things: A woman who even as she buries her husband thinks about next month's mortgage; the young family who even when they are consoling their children are dealing with colleges or grade schools on next year's tuition; the young family who may have just started life together and bought a home or rented an apartment and used all their resources; and now, as a mother thinks about her children's future, she is thinking about the groceries next week.

America can afford to debate this issue philosophically and how it may have changed our laws or our lives. That luxury is not available to these young families.

It raises in the Senate an important question about how we can respond. Some weeks ago the House of Representatives passed legislation to provide tax relief to families of these victims so that as these young mothers or fathers received their last paychecks or struggled to deal with the financial realities or negotiate perhaps bonuses from employers who are themselves struggling to deal with the impact, they can at least husband these resources without concern that the Federal Government will tax what they have remaining. That legislation has been sent to the Senate Finance Committee. These weeks we have been working to prepare it and have it ready for committee consideration.

I want my colleagues to know that enough time has now passed. I am, on this day, introducing this legislation to the Senate. I will offer it as an amendment when the Senate Finance Committee meets tomorrow to consider stimulus and tax legislation as an amendment.

I commend Senator BAUCUS for not only his support but his efforts in drafting this legislation. I also understand Senator NICKLES wants to understandably change the legislation to include equitable treatment for the victims of Oklahoma City.

The victims' tax legislation will essentially extend the benefits currently offered to military personnel and Government employees who die as a result of combat or terrorism to civilians abroad. The legislation will waive income tax liability for both this year and last year and will refund any income taxes paid in those years to the family.

As I am certain my colleagues would agree, these funds are better used by families to rebuild their lives rather than used by the Federal Government at this moment.

There is, however, the question of those employees who lost their lives and their families who may have had income so modest, they did not pay Federal income tax. Under my legislation, which improves upon the version of the House of Representatives, the Senate bill I am introducing will refund 2 years' worth of payroll taxes to families of those who lost their lives on September 11.

I have also drafted legislation to include significant estate tax relief for families by exempting the first $3 million in assets from both Federal and State estate taxes and $8.5 million from Federal estate tax.

These are the funds these families will use for this generation and perhaps

succeeding generations to bring order and security to their lives. They should keep this money. It is not for us. If this is the last and only gift a mother or father had to give to their children or husband, or wife to their spouse, that is as it should be. It is not for us.

Current law excludes disability benefits from income if a U.S. employee is injured in a terrorist attack outside the United States. This legislation will also expand this to include those injured in a terrorist attack in the United States.

Every Member of the Senate should feel proud to be part of this legislation. We have offered assistance to the States of Virginia and New York and New Jersey because of the terrorist attacks. We have offered relief to the airline industry to save them from bankruptcy. There is debate now on what should be done for the insurance industry. These things may all be right and proper. They are not complete.

No financial arrangement, no change of the law could possibly be complete unless we address the question of families themselves. Senator CORZINE and I made a solemn pledge to these families that we would not rest until this is done. I can assure you that promise will be kept. There is little else this Government can offer these people. This much, Madam President, we can and should do.

THANKING SENATOR ALLEN

Ms. MIKULSKI. Madam President, I would like to take this opportunity to thank Senator ALLEN for his generosity and his collegiality.

As one of the displaced Hart people, he very graciously offered facilities in his own office to welcome my staff. It was a bridge across the Potomac, hopefully a little bit less expensive than the Woodrow Wilson Bridge. Now we are working together on the capital region security plan. I express in this time this is what bipartisan collegiality is all about.

COVE POINT

Ms. MIKULSKI. Madam President, I want to bring the full attention of the Senate to a national security issue about which I am deeply alarmed. Plans are well underway to reactivate and expand a liquefied natural gas, LNG, terminal at Cove Point in Maryland.

What would this mean? It would mean that foreign ships, transporting flammable liquid natural gas, would come up the Chesapeake Bay and dock 3½ miles down from the nuclear powerplant at Calvert Cliffs.

Can you believe that the Federal Energy Regulatory Commission has given preliminary approval to reopen the Cove Point LNG facility and will let this type of tanker steam up the bay and park next to a nuclear powerplant? And guess when they did it? They did it on October 11, the 1-month anniversary of the terrorist attack on America.

The President of the United States was warning us against more attacks. The Attorney General had us on high alert. And FERC is signing little pieces of paper saying ''you all come from Algeria.''

I cannot believe it. Calvert Cliffs, 3½ miles away, needs to be protected. The International Atomic Energy Agency and U.S. officials have warned that nuclear powerplants are at risk.

The Homeland Security Director, Tom Ridge, has called for increased security at nuclear powerplants.

We cannot fly over nuclear powerplants. Why should we be able to dock next to them with an LNG tanker?

From where do these LNG tankers come? One of the main sources is Algeria. Algeria is on every terrorist watch list. It is the home of the Armed Islamic Group, or IGA, a terrorist group with international reach. Islamic radicals from Algeria are key players in bin Laden's terrorist network. But that is OK; an Algerian tanker can just come up and park in Maryland next to a nuclear powerplant. I am concerned that these terrorists could attack ships carrying fuels, posing a real risk.

The mayor of Boston is also worried about it. That is why he tried to keep an LNG tanker out of Boston Harbor.

If LNG tankers are allowed in the Chesapeake Bay near Calvert Cliffs, a nightmare scenario could become a reality.

As America leads the war on terrorism, we cannot do business as usual and issue permits without analysis through a national security prism.

I acknowledge we do need more natural gas in our country. I acknowledge we need to look at energy policy. But while we are looking at the long-range solutions, we should not make short-range decisions that put us further at risk.

So what am I doing about it?

I am demanding that the Chairman of FERC review their permitting process and review their Commission's decision on Cove Point in the interest of national security and national safety. I don't know what they were thinking about on October 11, but they are going do have to rethink this whole process.

I am bringing this matter to the attention of Homeland Security Director Tom Ridge and FBI Director Robert Mueller, urging them to fully consider potential risks from terrorism and to get a hold on the permitting processes that are going on in this country.

I am turning to U.S. Coast Guard Admiral Loy to ensure that the Coast Guard rigorously reviews the Cove Point proposal, working with the Office on Homeland Security and the FBI to fully consider potential risks from terrorism.

The Coast Guard has authority over foreign LNG tankers that would come into the Chesapeake Bay. I have already discussed this with our local commander, Captain Peoples, who is now taking a look at this issue.

I am asking the Nuclear Regulatory Commission to look into the potential threat to the safety of Calvert Cliffs by this proposed reopening.

Finally, I am asking the Governor of Maryland, Parris Glendening, to use his local regulatory authority to review this proposal.

You can be sure that I will follow up with all these officials. I am very serious about the threat of terrorism. And I am sure some of my colleagues will share my concern.

I want to make sure that LNG shipments into Cove Point and other American terminals are thoroughly considered as a national security issue, not just an energy issue, and that they are part of our threat assessment.

I am not confident that those who gave preliminary approval to reopen Cove Point gave this matter the rigorous review it deserves.

I want every single agency with authority over LNG plants and shipping to take a look at the risk of terrorist attacks.

Madam President, let me conclude by saying this. We are all warriors in the war on terrorism. Whether we are a bureaucrat or a technocrat or whether we are a soldier in Afghanistan, we all need to stand sentry. Thousands of people died at the two World Trade Center Towers because of sloppiness and incompetence at our airports. We cannot let the same sloppiness go on at our seaports.

I will stand sentry, working for the United States of America and protecting the Chesapeake Bay. I wanted to bring this to my colleagues' attention. I say to my colleagues, where they are giving permits, you want to make sure that it is not quite as permissible as people might think.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

ELECTION REFORM

Mr. DODD. Madam President, I thank the distinguished Senator from Louisiana, the distinguished Senator from Texas, and the distinguished Senator from Illinois for allowing me to speak for 7 minutes on an unrelated subject matter.

It was 1 year ago on this very day that we had a national election. It was on November 7 of last year when 105 million of our fellow citizens went to the polls to elect a President of the United States, Congress, and a variety of governorships and State legislative offices. As we all recall, although it is hard to imagine it has been a year, it was a very controversial election, one that went on for a month before a final decision was made by the Supreme Court.

According to the CalTech-MIT report, as many as 4 million to 6 million people actually showed up to vote that day, but for a variety of reasons in States across the country, were told they could not vote or they voted and their vote was not counted. That is according to CalTech and MIT.

According to that same report, these votes were lost due to a variety of reasons that have existed for a long time. They did not just happen in one place or in one election: Faulty equipment, confusing ballots, registration mixups, flawed polling place operations, absentee ballot problems, and the list goes on.

It was not about one State. We all focused on Florida, but the fact remains, in the other 49 States there were problems to varying degrees. Again, these problems were not limited to one State. In fact, the General Accounting Office found that 57 percent of voting jurisdictions nationwide experienced major problems conducting the November 7, 2000, elections.

These problems were not limited to one election. In fact, many of these are systemic problems with our election systems that have existed for years. For example, over 11 million Americans who are blind or have a hand mobility disability have never been able to cast a secret ballot. Not a single ballot in America is in braille.

In fact, according to the General Accounting Office, of the 120,000 polling places in America, 50,000 of them are physically inaccessible to the disabled. Despite the fact we passed the Americans with Disabilities Act, there still is a staggering number of our voting places that are not accessible.

We could spend a lot of time talking about what happened a year ago, but I want to take the few minutes available to me to strike a more positive note. Senator BOND of Missouri, Senator MCCONNELL of Kentucky, myself, and Senator SCHUMER of New York are all working to put together a bill to bring to the Senate in the coming weeks. We are working on a compromise proposal that will allow us to try to fix the problems that existed in the year 2000 elections.

This is not about the past, but about the future of our democracy. As Thomas Paine once said, the right to vote is the right upon which all other rights depend. Certainly we ought to be able to get this right in the 21st century.

To reach that goal, those of us who are interested in the issue have been working together to come up with a bipartisan proposal that will meet the concerns and objectives of all of us in this Chamber and, hopefully, in the other body as well.

On August 2, the Rules Committee, which I chair, approved a bill which does three major things:

It creates a temporary commission to study election reform issues and issue ''best practice'' recommendations.

It creates a grant program to provide States and localities with Federal funds to acquire updated voting systems and technology, improve voter registration systems, and educate voters and poll workers.

It establishes three minimum Federal requirements for Federal elections and authorizes Federal funding for these requirements.

These three requirements provide for: Federal standards for voting machines and technology, provisional voting, and distribution of sample ballots and voting instructions.

There are a lot of ideas for improving our system that can be incorporated. It is not about ideology, it is about what reforms need to be made to enhance the voting systems of our country.

Our staffs are meeting. Senator BOND is deeply interested in the fraud issue. He has said what I think is the best line about the election process. Senator BOND says: Voting ought to be easy, and cheating ought to be hard. He is exactly right, and his efforts to try to deal with the fraud issues are ones I welcome.

I am hopeful we can weave reforms which address these issues into a bill to which we all will be willing to lend our names. I intend to continue to work with those Members who are interested in this subject.

We do not have the answer yet, but I did not want this day to pass when I know there will be a lot of discussion about what happened a year ago. Obviously, the events of September 11 threw the entire agenda of the Congress off its predictable path. We are scrambling to get back to some of these issues that need to be addressed. For Americans who wonder if anything has been done over the last year, the answer is yes. These are not simple matters. There are strongly held views. We have longstanding traditions about how voting is to be conducted in this country.

Americans, as they demonstrated yesterday in New Jersey, Connecticut, Virginia, and in places all over the country where elections were held, still believe very deeply in the right to vote and have their votes counted. I am hopeful that in the coming days we will be able to announce a compromise proposal.

Again, I thank my colleague from Missouri, Senator BOND, my colleague from Kentucky, Senator MCCONNELL, my colleague from New York, Senator SCHUMER, and many others interested in this subject matter. Our hope is we will soon be able to bring a compromise election reform bill before the Senate of the United States.

LABOR, HHS, EDUCATION APPROPRIATIONS BILL

COMPASSION CAPITAL FUND

Mr. REED. Madam President, I rise to inquire about the Compassion Capital Fund, which is funded in this bill at $89 million. As my colleagues know, this fund was requested by the President as part of his Faith-Based Initiative. This is a significant amount of money and I want to note that the Senate has not yet considered legislation authorizing various aspects of the President's Faith-Based Initiative, including provisions which might alter longstanding rules on government funding of religious organizations.

Therefore, I would like to clarify several points with the chairman and ranking member of the subcommittee about the uses of these funds. It is my understanding that this fund is supposed to provide grants to organizations for the purpose of advising charitable organizations on expanding their operations effectively and providing guidance on how to emulate model social service practices. Am I correct on that point?

Mr. HARKIN. The Senator is correct. The Compassion Capital Fund will provide grants to public/private partnerships to help charitable organizations develop ''best practices'' as a social service agency. The goal of grantees of the Compassion Capital Fund will be to improve the effectiveness of social programs and community initiatives around the Nation. The Senate has not yet debated the President's Faith Based Initiative, and the Senator is correct that this fund is only for the development of model best practices.

Mr. SPECTER. I appreciate the chairman and Senator from Rhode Island for clarifying these points. It is important to note that this appropriations bill is not changing any of the rules or standards for government funding of religious organizations and we have funded the two programs in the President's Faith-Based Initiative that we believe are authorized.

Mr. REED. I thank the chairman and the ranking member of the subcommittee for clarifying these points, and I look forward to working to further clarify this matter during the conference committee process.

CHANGES TO THE 2002 APPROPRIATIONS COMMITTEE ALLOCATION AND BUDGETARY AGGREGATES

Mr. CONRAD. Madam President, section 314 of the Congressional Budget Act, as amended, requires the chairman of the Senate Budget Committee to adjust the budgetary aggregates and the allocation for the Appropriations Committee by the amount of appropriations designated as emergency spending pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended. The conference report to H.R. 2620, the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act of 2002, provides $1.5 billion in designated emergency funding in 2002 for FEMA disaster relief. Because that budget authority is not estimated to result in any new outlays in 2002, the adjustment made herein is for budget authority only.

Pursuant to section 302 of the Congressional Budget Act, I hereby revise the 2002 allocation provided to the Senate Appropriations Committee in the concurrent budget resolution in the following amounts.

Pursuant to section 311 of the Congressional Budget Act, I hereby revise the 2002 budget aggregates included in

the concurrent budget resolution in the following amounts.

I ask to print tables 1 and 2 in the RECORD, which reflect the changes made to the committee's allocation and to the budget aggregates.

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

TABLE 1.—REVISED ALLOCATION FOR APPROPRIATIONS COMMITTEE, 2002

[In millions of dollars]

	Budget authority	Outlays
Current Allocation:		
General Purpose Discretionary	547,944	537,907
Highways	0	28,489
Mass Transit	0	5,275
Conservation	1,760	1,232
Mandatory	358,567	350,837
Total	908,271	923,740
Adjustments:		
General Purpose Discretionary	1,500	0
Highways	0	0
Mass Transit	0	0
Conservation	0	0
Mandatory	0	0
Total	1,500	0
Revised Allocation:		
General Purpose Discretionary	549,444	537,907
Highways	0	28,489
Mass Transit	0	5,275
Conservation	1,760	1,232
Mandatory	358,567	350,837
Total	909,771	923,740

TABLE 2.—REVISED BUDGET AGGREGATES, 2002

[In millions of dollars]

	Budget authority	Outlays	Surplus
Current allocation: Budget Resolution	1,516,219	1,481,928	186,737
Adjustments: Emergency funds, FEMA	1,500	0	0
Revised allocation: Budget Resolution	1,517,719	1,481,928	186,737

EMPOWERING STUDENTS TO PREVENT GUN VIOLENCE IN SCHOOLS

Mr. LEVIN. Madam President, over the past several years, there have been a number of incidents of gun violence in our schools. Tragedies such as the shootings at Columbine High School in Littleton, CO, have amplified concerns among students across the Nation that gun violence could happen in their schools.

Many organizations have initiated efforts to help students cope with their fear. The National Crime Prevention Council, NCPC, for example, has developed a list of ''12 Things Students Can Do'' to stop school violence. Some of the suggestions include, reporting any crime immediately to school authorities or police and reporting suspicious or worrisome behavior or talk by other students to a teacher or counselor. There are also recommendations for students to manage their anger effectively and to refuse to bring a weapon to school, refuse to carry a weapon for another, and refuse to keep silent about those who carry weapons. The complete list can be found on the NCPC website at http://www.ncpc.org/2schvio2.htm. Every student should read this list and consider involvement in the safety and security of his or her own school.

LOCAL LAW ENFORCEMENT ACT OF 2001

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

I would like to describe a terrible crime that occurred February 9, 1993, in Hartford, CT. Johny Pittman, 29, and John L. Pittman, 21, allegedly robbed, abducted, and sexually assaulted a gay man. The assailants allegedly asked the victim if he was gay before assaulting him. They were charged with a hate crime and four other offenses related to the incident.

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.

IN MEMORY OF JOSEPH CURSEEN, JR. AND THOMAS MORRIS, JR.

Mrs. CLINTON. Madam President, I rise today to pay tribute to two men who lost their lives while serving their country, and to express the profound sorrow that our entire country feels as a result of this loss. I want to extend my deepest sympathies to the families of Joseph Curseen, Jr. of Clinton, MD and Thomas Morris, Jr. of Suitland, MD. I commend their service to our country, which combined totals nearly 50 years, and pay tribute to the honorable lives they lived.

The sudden deaths of two District of Columbia postal employees a few weeks ago shook our nation. We have come to realize that in our battle against terrorism at home, our postal workers, men and women in uniform, are on the front lines.

Joseph Curseen, Jr., 47, an employee of the United States Postal Service for 15 years, never missed a day of work—a truly commendable feat. He worked evenings at the Brentwood Road mail facility in Northeast Washington, D.C. where he supervised bar coding machines that handled government mail. Mr. Curseen was dedicated to his community and served as president of the homeowners' association. He helped institute a neighborhood watch and, although he did not have children of his own, he helped build the neighborhood playground. Shortly before his death, Mr. Curseen, concerned about speeding traffic, went door to door to urge his neighbors to sign a petition to install speed bumps in their neighborhood. One of his neighbors has pledged to carry on Mr. Curseen's petition drive for the speed bumps.

A religious man, who led a bible study group at work and was often the first one at church on Saturdays, Mr. Curseen never forgot the Washington, D.C. neighborhood where he was raised and often returned to visit his old church and school. The Reverend Lowell Chase of Our Lady of Perpetual Help church in Washington said of Mr. Curseen, He was just a good and honorable man who did his duty in a very simple and responsible way.

The account of Mr. Curseen's illness and sudden death is tragic. On a Tuesday, he started feeling ill, but assumed it was just a cold. Despite his worsening pain in the following days, he insisted on going to work, and was upset on Friday when he had to leave work early because he was so ill.

Mr. Curseen did not suspect that his illness might be something more dangerous than a cold. He was not worried that he might have contracted anthrax, according to his wife Celestine, because the Postmaster-General had told the workers that there was little risk of infection from sealed envelopes at mail sorting facilities. Still, Mr. Curseen took some precautions and purchased rubber gloves and shared them with seven co-workers.

In church that Saturday, he fainted. The medics who came to revive him asked if he wanted to go the hospital. Replying that it would not be necessary, Mr. Curseen went to work instead. At work, he felt worse and decided to go to the hospital. There, he was treated for flu-like symptoms and released only to faint again on Sunday, this time at home. His family rushed him to the hospital where he died six hours later.

His sister, Joan Jackson, has remarked,

> And I just feel that my brother did not die in vain; that he is an example, he is a saint, he's a martyr for this country. He's every man, and . . . He's an example to us of how this affects home, how it affects us in all of our lifestyles.

Thomas Morris, Jr., 55, fondly called ''Moe'' by those who knew him, had 32 years of service with the Postal Service. His strong work ethic—he often worked overtime on the night shift—was well known. He had a passion for bowling and served as president of the ''Tuesday Morning Mixed League'' at the Parkland Bowl in Silver Hill, Maryland. Mr. Morris was dedicated to his family. He leaves behind his wife, Mary, a son, two stepchildren and three grandchildren.

Mr. Morris was an intensely private man and, in keeping with this, his family requested that people who knew him not share their memories of him with the media.

Washington Mayor Anthony Williams, who attended Morris' funeral, said of him, ''He was a man who worked in the Post Office, a God-fearing man, a diligent man trying to support his family.''

Our nation's postal employees are mothers and fathers, grandparents, sons and daughters and neighbors who, just like other Americans, go to work and earn a living. Unlike our men and women in uniform overseas, they did not sign up for this new battle. However, like their own predecessors in years gone by, they are serving our country with courage and distinction.

Mr. Curseen and Mr. Morris, two men who were dedicated to their jobs and never sidestepped their responsibilities even when there were risks, have inspired us all to live up to our responsibilities and face with determination and courage the obstacles that are placed before us. Their lives have become an inextricable part of our nation's history and their spirits live on.

ADDITIONAL STATEMENTS

RECOGNIZING THE CONTRIBUTIONS OF THE EMPLOYEES OF DELL COMPUTER CORPORATION

• Mr. GRAMM. Mr. President, I am sure many Americans know of the Dell Computer Corporation because they use a Dell at work or at home. However, I would like to recognize Dell for the outstanding contribution the company's employees made in helping America respond to the terrorist attacks of September 11.

On the day after the attacks, Dell technicians were helping Department of Defense employees displaced from the Pentagon to set up computers in temporary offices. Dell employees also worked diligently to prioritize and facilitate orders critical to the rebuilding effort, intelligence gathering, and our Nation's military offensive. Shipments for financial services firms were also pushed to the head of the assembly line so they had needed computers to reopen for business when Wall Street and the financial markets resumed trading. On a personal level, Dell and its employees contributed more than $3.4 million to the rebuilding and recovery effort, including equipment to the American Red Cross to help serve the families directly affected by those terrible attacks.

I am grateful for the hard work and generosity of the people at Dell, and I am proud of their efforts in the difficult and challenging time.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 10:28 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1408. An act 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.

H.R. 2047. An act to authorize appropriations for the United States Patent and Trademark Office for fiscal year 2002, and for other purposes.

The message also announced that the House insists upon its amendment to the bill (S. 1447) to improve aviation security, and for other purposes, and asks a conference with the Senate on the disagreeing votes of the two Houses thereon; and appoints for consideration of the Senate bill and the House amendment, and modifications committed to conference: Mr. YOUNG of Alaska, Mr. PETRI, Mr. DUNCAN, Mr. MICA, Mr. EHLERS, Mr. OBERSTAR, Mr. LIPINSKI, and Mr. DEFAZIO, as managers of the conference on the part of the House.

The message further announced that the House agrees to amendments of the Senate to the bill (H.R. 768) to amend the Improving America's Schools Act of 1994 to make permanent the favorable treatment of need-based educational aid under the antitrust laws.

At 2:30 p.m., a message from the House of Representatives, delivered by Mr. Hayes, one of its reading clerks, announced that the House disagrees to the amendment of the Senate to the bill (H.R. 2506) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints as the managers of the conference on the part of the House: Mr. KOLBE, Mr. CALLAHAN, Mr. KNOLLENBERG, Mr. KINGSTON, Mr. LEWIS of California, Mr. WICKER, Mr. BONILLA, Mr. SUNUNU, Mr. YOUNG of Florida, Mrs. LOWEY, Ms. PELOSI, Mr. JACKSON of Illinois, Ms. KILPATARICK, Mr. ROTHMAN, and Mr. OBEY.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 852. An act 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.''

H.R. 2998. An act to authorize the establishment of Radio Free Afghanistan.

H.R. 3167. An act 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.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 262. Concurrent resolution expressing the sense of Congress that the President, at the WTO round of negotiations to be held at Doha, Qatar, from November 9–13, 2001, and at any subsequent round of negotiations, should preserve the ability of the United States to enforce rigorously its trade laws and should ensure that United States exports are not subject to the abusive use of trade laws by other countries.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 852. An act 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''; to the Committee on Environment and Public Works.

H.R. 1408. An act 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; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 2047. An act to authorize appropriations for the United States Patent and Trademark Office for fiscal year 2002, and for other purposes; to the Committee on the Judiciary.

H.R. 2998. An act to authorize the establishment of Radio Free Afghanistan; to the Committee on Foreign Relations.

H.R. 3167. An act 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; to the Committee on Foreign Relations.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 262. Concurrent resolution expressing the sense of Congress that the President, at the WTO round of negotiations to be held at Doha, Qatar, from November 9–13, 2001, and at any subsequent round of negotiations, should preserve the ability of the United States to enforce rigorously its trade laws and should ensure that United States exports are not subject to the abusive use of trade laws by other countries; to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BAUCUS, from the Committee on Finance, with an amendment in the nature of a substitute:

S. 942: A bill to authorize the supplemental grant for population increases in certain states under the temporary assistance to needy families program for fiscal year 2002. (Rept. No. 107–94).

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 Mrs. MURRAY (for herself, Ms. SNOWE, Mr. LIEBERMAN, Mr. SANTORUM, Mr. DORGAN, Mr. THURMOND, Mr. DURBIN, Mr. CRAIG, Mr. CLELAND, Mr. BOND, and Mrs. FEINSTEIN):

S. 1643. A bill to provide Federal reimbursement to State and local governments for a limited sales, use and retailers' occupation tax holiday; to the Committee on Finance.

By Mr. CAMPBELL:

S. 1644. A bill to further the protection and recognition of veterans' memorials, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. HELMS:

S. 1645. A bill to provide for the promotion of democracy and rule of law in Belarus and for the protection of Belarus' sovereignty and independence; to the Committee on Foreign Relations.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 1646. A bill to identify certain routes in the States of Texas, Oklahoma, Colorado, and New Mexico as part of the Ports-to-Plains Corridor, a high priority corridor on the National Highway System; to the Committee on Environment and Public Works.

By Mrs. LINCOLN:

S. 1647. A bill to amend title XVI of the Social Security Act to include any veterans' or survivors' compensation or pension in the determination of the yearly income disregard for purposes of the supplemental security income program; to the Committee on Finance.

By Mrs. LINCOLN:

S. 1648. A bill to amend title 38, United States Code, to provide an increase in the maximum annual rates of pension payable to surviving spouses of veterans of a period of war, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. CANTWELL (for herself and Mrs. MURRAY):

S. 1649. A bill to amend the Omnibus Parks and Public Lands Management Act of 1996 to increase the authorization of appropriations for the Vancouver National Historic Reserve and for the preservation of Vancouver Barracks; to the Committee on Energy and Natural Resources.

By Mr. CLELAND:

S. 1650. A bill to amend the Public Health Service Act to change provisions regarding emergencies; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DORGAN (for himself, Mr. BROWNBACK, and Mr. CONRAD):

S. 1651. A bill to establish the United States Consensus Council to provide for a consensus building process in addressing national public policy issues, and for other purposes; to the Committee on Governmental Affairs.

By Mr. SANTORUM (for himself and Mr. MCCAIN):

S. 1652. A bill to amend the Agricultural Market Transition Act to convert the price support program for sugarcane and sugar beets into a system of solely recourse loans and to provide for the gradual elimination of the program; to the Committee on Agriculture, Nutrition, and Forestry.

ADDITIONAL COSPONSORS

S. 730

At the request of Mr. JOHNSON, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 730, a bill to amend title XVIII of the Social Security Act to provide for the fair treatment of certain physician pathology services under the medicare program.

S. 990

At the request of Mr. SMITH of New Hampshire, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 990, a bill to amend the Pittman-Robertson Wildlife Restoration Act to improve the provisions relating to wildlife conservation and restoration programs, and for other purposes.

S. 1084

At the request of Mr. CHAFEE, his name was added as a cosponsor of S. 1084, a bill to prohibit the importation into the United States of diamonds unless the countries exporting the diamonds have in place a system of controls on rough diamonds, and for other purposes.

S. 1179

At the request of Mr. JOHNSON, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1179, a bill to amend the Richard B. Russell National School Lunch Act to ensure an adequate level of commodity purchases under the school lunch program.

S. 1324

At the request of Mr. LIEBERMAN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1324, a bill to provide relief from the alternative minimum tax with respect to incentive stock options exercised during 2000.

S. 1377

At the request of Mr. SMITH of Oregon, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 1377, a bill to require the Attorney General to establish an office in the Department of Justice to monitor acts of inter-national terrorism alleged to have been committed by Palestinian individuals or individuals acting on behalf of Palestinian organizations and to carry out certain other related activities.

S. 1409

At the request of Mr. SANTORUM, his name was added as a cosponsor of S. 1409, a bill to impose sanctions against the PLO or the Palestinian Authority if the President determines that those entities have failed to substantially comply with commitments made to the State of Israel.

S. 1522

At the request of Mr. CONRAD, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1522, a bill to support community-based group homes for young mothers and their children.

S. 1523

At the request of Mrs. FEINSTEIN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1523, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 1548

At the request of Mrs. CARNAHAN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1548, a bill to allow the Director of the Centers for Disease Control and Prevention to award a grant to create and maintain a website with information regarding bioterrorism.

S. 1552

At the request of Mr. HARKIN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1552, a bill to provide for grants through the Small Business Administration for losses suffered by general aviation small business concerns as a result of the terrorist attacks of September 11, 2001.

S. 1570

At the request of Ms. COLLINS, the names of the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Ohio (Mr. DEWINE), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Minnesota (Mr. DAYTON), the Senator from Maryland (Ms. MIKULSKI), the Senator from North Dakota (Mr. CONRAD), and the Senator from Vermont (Mr. JEFFORDS) were added as cosponsors of S. 1570, a bill to provide the Secretary of Education with specific waiver authority to respond to conditions in the national emergency declared by the President on September 14, 2001.

S. 1578

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of S. 1578, a bill to preserve the continued viability of the United States travel industry.

S. 1615

At the request of Mr. SCHUMER, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1615, a bill to provide for the sharing of certain foreign intelligence information with local law enforcement personnel, and for other purposes.

S. 1627

At the request of Mrs. FEINSTEIN, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 1627, a bill to enhance the security of the international borders of the United States.

S. 1630

At the request of Mrs. CARNAHAN, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 1630, a bill to extend for 6 additional months the period for which chapter 12 of title 11, United States Code, is reenacted.

AMENDMENT NO. 2107

At the request of Mr. ALLEN, the name of the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of amendment No. 2107 proposed to H.R. 2944, a bill 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.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. MURRAY (for herself, Ms. SNOWE, Mr. LIEBERMAN, Mr. SANTORUM, Mr. DORGAN, Mr. THURMOND, Mr. DURBIN, Mr. CRAIG, Mr. CLELAND, Mr. BOND, and Mrs. FEINSTEIN):

S. 1643. A bill to provide Federal reimbursement to State and local governments for a limited sales, use and retailers' occupation tax holiday; to the Committee on Finance.

Mrs. MURRAY. Madam President, I rise today along with my colleagues, Senator SNOWE, Senator LIEBERMAN, Senator SANTORUM, Senator DORGAN, Senator THURMOND, Senator DURBIN, Senator CRAIG, Senator CLELAND, Senator BOND, and Senator FEINSTEIN, to introduce the Sales Tax Holiday Act of 2001.

Our economy needs a shot in the arm. The GDP is declining, consumer confidence is at a 7-year low, and consumer spending has slowed to its lowest level in 8 years. But consumer spending is just what we need to get our economy going again. In fact, two-thirds of our economy depends on consumer spending.

Today, we are proposing an innovative way to get Americans back into stores and to get our economy back on its feet. What we are proposing is a national sales tax holiday, a 10-day period where every American can shop without having to pay a State sales tax.

The national sales tax holiday will save one money on everything from cars and computers to books and baby clothes. It will boost retail sales and consumer confidence, and it will help everyone in the retail chain, from assembly line workers and truck drivers to shelf stockers and sales people.

This national sales tax holiday we are proposing is immediate. Every American can take advantage of it. It will not break the bank, and it will directly stimulate our economy by boosting sales and supporting retail, transportation, and manufacturing jobs throughout our entire country.

Many businesses rely on the holiday season to make it through the year, and many workers count on those retail jobs before the holidays. Our bill will help both. Even before September 11, this was shaping up to be a very difficult time for retail businesses and the thousands of workers they employ. This sales tax holiday will give our economy a shot in the arm and will give families a break when they need it the most.

Our bill sets the date of the tax holiday from November 23 to December 2. That is the traditional start of the holiday shopping season. Many Americans are looking for ways to support our country. With the sales tax holiday, we can help jump-start our economy by buying things for school, for work, or for home.

It is all so easy. You do not have to wait for a check. You do not have to fit into a certain income tax bracket. You buy what you need, you put someone to work, you give our country a boost, and you save money.

Seven States, plus the District of Columbia, have used these sales tax holidays, and they have had great results. Under our approach, the Federal Government will reimburse States for the lost sales tax revenue. Right now we estimate the cost to be about $6.5 billion, depending on how many States participate and how strongly consumers respond.

Under our plan, every penny of the $6.5 billion will go directly into the economy.

In the coming weeks, the Senate will debate legislation to stimulate the American economy and to help workers who have lost their jobs as a result of the economic downturn. The final product needs to stimulate additional economic activity. It needs to boost consumer confidence and spending. It needs to encourage business investment and job creation. It needs to address the needs of workers and their families who have lost their jobs. It must maintain a commitment to fiscal discipline and the long-term economic health of this Nation. And it should help return the country to a sense of normalcy.

I believe the legislation I am introducing today with Senator SNOWE can be an important part of a balanced economic stimulus package.

First, our proposal will stimulate economic activity and consumer confidence. States and businesses that have participated in sales tax holidays reported an increase in sales during their sales tax holiday. Most importantly, businesses have found that consumers do not just shift their spending to the holiday period, but these holidays create new spending that would not have otherwise occurred.

Second, our proposal will stimulate business investment and job creation. Retail businesses will need to boost inventories to prepare for larger crowds. That is good news for manufacturers, distributors, and other businesses that help meet consumer demand for all kinds of products.

Third, it benefits all Americans. Low, middle, and upper income people all pay sales taxes on the products they buy, and since the sales tax is the most regressive kind of tax, lower income consumers will benefit the most.

Our proposal is fiscally responsible. This tax holiday will last for no more than 10 days in any State and, therefore, there are no exploding costs in the long term.

Our proposal does not negatively affect State and local budgets. Here, in fact, is how the States will get reimbursed: Every State that participates in the holiday will receive a quick payment of their estimated lost revenue. Before the tax holiday, a State can decide if it wants to be reimbursed for the exact amount of its loss. Then after the tax holiday, those States would go through a reconciliation process with the Federal Government.

We need a sales tax holiday. The economic slowdown and other factors are having a tremendous impact on the ability of State and local governments to provide critical services and to help working families who have been hurt by higher unemployment. That is why I have worked very hard to make sure that the Federal Government will fully compensate the States that take advantage of this holiday. In addition, our plan is optional so States can choose to opt in if they want to stimulate their own economy.

Even without Federal incentives, seven States and the District of Columbia have already used sales tax holidays to help working families buy school clothes, computers, and to stimulate economic activity.

This will help return this country to a sense of normalcy. Our Nation, and each of our lives, have been changed forever by the events of September 11. We can never go back to September 10. Those events reminded us how fragile life is. They reminded us of everything for which we have to be thankful—our family, our friends, our faith, our communities, and our democracy. But as we celebrate these important things during the upcoming holiday season, I believe it is important that we not feel guilty about getting back to business and to our daily lives.

President Bush has urged all of us in the wake of the September 11 attacks to return to our daily lives and get back to business. I believe this legislation will help us get the Nation back to business. It is fair, it is responsible, it will help families, and it will stimulate our economy.

I urge my colleagues to support including it in the economic stimulus package.

I ask unanimous consent that the bill be printed in the RECORD.

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

S. 1643

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 ''Sales Tax Holiday Act of 2001''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Consumer confidence and spending is critical to a healthy United States economy.

(2) In order to prevent a further decline in consumer spending, which fell 1.8 percent in September 2001, and consumer confidence, which is at its lowest level since February 1994, the Federal Government needs to provide an immediate and targeted tax incentive to encourage consumer spending.

(3) The most immediate and targeted incentive for consumption would be to reduce the price of goods to consumers, which can be done most effectively by removing sales taxes imposed on those goods.

(4) A 10-day sales tax holiday, prior to the 2001 Holiday season, would encourage Americans to make immediate purchases and help to counteract the decline in consumer confidence Americans have experienced since September 11, 2001. The direct boost to consumption resulting from a sales tax holiday

would enhance the benefits of individual tax cuts provided by any Federal tax stimulus legislation.

(5) A State and local sales tax holiday would allow all taxpayers to benefit, especially lower-income Americans who spend a larger portion of their income.

(6) To encourage a State and local sales tax holiday, the Federal Government should ensure that each participating State and local government receives fast and fair reimbursement for lost sales tax revenue.

(7) Florida, Texas, Pennsylvania, South Carolina, Iowa, Connecticut, Maryland, Ohio, North Carolina, and the District of Columbia currently provide consumers with similar temporary sales tax holidays. Consumer response to these holidays has been extraordinary, with retailers reporting greatly increased foot traffic in stores as well as an increase in incremental retail sales.

SEC. 3. STATE AND LOCAL SALES TAX RELIEF FOR CONSUMERS.

(a) IN GENERAL.—The Secretary shall reimburse each State for the amount of State and local sales tax payable and not collected during the sales tax holiday period.

(b) DETERMINATION AND TIMING OF REIMBURSEMENT.—

(1) PREDETERMINED AMOUNT.—Not later than December 20, 2001, the Secretary shall pay to each State an amount equal to the sum of—

(A)(i) the amount of State and local sales tax payable and collected in such State during the same period in 2000 as the sales tax holiday period, times

(ii) an acceleration factor equal to 1.73, plus

(B) an amount equal to 1 percent of the amount determined under subparagraph (A) for State administrative costs.

(2) RECONCILIATION AMOUNT.—Not later than February 20, 2002, the Secretary shall pay to each electing State under subsection (c)(2) an amount equal to the excess (if any) of—

(A) the amount of State and local sales tax payable and not collected in such State during the sales tax holiday period, over

(B) the amount determined under paragraph (1)(A) and paid to such State.

(c) REQUIREMENT FOR REIMBURSEMENT.—The Secretary may not pay a reimbursement under this section unless—

(1) the chief executive officer of the State informs the Secretary, not later than November 15, 2001, of the intention of the State to qualify for such reimbursement by not collecting sales tax payable during the sales tax holiday period,

(2) in the case of a State which elects to receive the reimbursement of a reconciliation amount under subsection (b)(2)—

(A) the chief executive officer of the State informs the Secretary and the Director of Management and Budget and the retail sellers of tangible property in such State, not later than November 15, 2001, of the intention of the State to make such an election,

(B) the chief executive officer of the State informs the retail sellers of tangible property in such State, not later than November 15, 2001, of the intention of the State to make such an election and the additional information (if any) that will be required as an addendum to the standard reports required of such retail sellers with respect to the reporting periods including the sales tax holiday period,

(C) the chief executive officer reports to the Secretary and the Director of Management and Budget, not later than January 31, 2002, the amount determined under subsection (b)(2) in a manner specified by the Secretary,

(D) if amount determined under subsection (b)(1)(A) and paid to such State exceeds the amount determined under subsection (b)(2)(A), the chief executive officer agrees to remit to the Secretary such excess not later than February 20, 2002, and

(E) the chief executive officer of the State certifies that such State—

(i) in the case of any retail seller unable to identify and report sales which would otherwise be taxable during the sales tax holiday period, shall treat the reporting by such seller of sales revenue during such period, multiplied by the ratio of taxable sales to total sales for the same period in 2000 as the sales tax holiday period, as a good faith effort to comply with the requirements under subparagraph (B), and

(ii) shall not treat any such retail seller of tangible property who has made such a good faith effort liable for any error made as a result of such effort to comply unless it is shown that the retailer acted recklessly or fraudulently,

(3) in the case of any home rule State, the chief executive officer of such State certifies that all local governments that impose sales taxes in such State agree to provide a sales tax holiday during the sales tax holiday period,

(4) the chief executive officer of the State agrees to pay each local government's share of the reimbursement (as determined under subsection (d)) not later than 20 days after receipt of such reimbursement, and

(5) in the case of not more than 20 percent of the States which elect to receive the reimbursement of a reconciliation amount under subsection (b)(2), the Director of Management and Budget certifies the amount of the reimbursement required under subsection (b)(2) based on the reports by the chief executive officers of such States under paragraph (2)(C).

(d) DETERMINATION OF REIMBURSEMENT OF LOCAL SALES TAXES.—For purposes of subsection (c)(4), a local government's share of the reimbursement to a State under this section shall be based on the ratio of the local sales tax to the State sales tax for such State for the same time period taken into account in determining such reimbursement, based on data published by the Bureau of the Census.

(e) DEFINITIONS.—For purposes of this section—

(1) HOME RULE STATE.—The term ''home rule State'' means a State that does not control imposition and administration of local taxes.

(2) LOCAL.—The term ''local'' means a city, county, or other subordinate revenue or taxing authority within a State.

(3) SALES TAX.—The term ''sales tax'' means—

(A) a tax imposed on or measured by general retail sales of taxable tangible property, or services performed incidental to the sale of taxable tangible property, that is—

(i) calculated as a percentage of the price, gross receipts, or gross proceeds, and

(ii) can or is required to be directly collected by retail sellers from purchasers of such property,

(B) a use tax, or

(C) the Illinois Retailers' Occupation Tax, as defined under the law of the State of Illinois,

but excludes any tax payable with respect to food and beverages sold for immediate consumption on the premises, beverages containing alcohol, and tobacco products.

(4) SALES TAX HOLIDAY PERIOD.—The term ''sales tax holiday period'' means the period beginning after November 22, 2001, and ending before December 3, 2001.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Treasury.

(6) STATE.—The term ''State'' means any of the several States, the District of Columbia, or the Commonwealth of Puerto Rico.

(7) USE TAX.—The term ''use tax'' means a tax imposed on the storage, use, or other consumption of tangible property that is not subject to sales tax.

Ms. SNOWE. Madam President, I rise today with Senator MURRAY and our other colleagues to introduce the Sales Tax Holiday Act of 2001.

Since last Wednesday, when Senators MURRAY, LIEBERMAN and I first publically raised the idea of a national sales tax holiday, this exciting and innovative concept has truly taken root. Indeed, the idea of a sales tax holiday has been supported by economists and editorial writers alike and from all across the political spectrum—from Alan Blinder, former Vice Chairman of the Federal Reserve Bank to Grover Norquist, President of Americans for Tax Reform. So we are talking about a bipartisan bill with support as wide as it is deep.

And one thing everyone agrees on is that our National Sales Tax Holiday legislation offers the ultimate economic stimulus, literally feeding Federal stimulus dollars directly into the economy. We believe that this direct approach is perhaps the most immediate, fair, and responsible approach that will have the most stimulative effect on the economy.

With December fast approaching, we need to give a ''shot in the arm'' to our economy and help restore the confidence of consumers, because we have seen a dramatic and negative reaction to the events of September 11. In fact, the Conference Board's first report on consumer confidence since the attacks showed the steepest two-month drop since the 1980 recession—and confidence has plummeted to the lowest level in 7 years, since 1994, even as consumer spending dropped 1.8 percent in September, the first decline in 2½ years and the biggest spending drop since 1987.

According to a survey released yesterday by the Credit Union National Association and the Consumer Federation of America, almost one-third, 28 percent, of those surveyed plan to spend less this year than last. With the economy already on the brink of a recession following the attacks—including economic growth actually declining 0.4 percent in the third quarter—a one-third decline in spending this season could be detrimental.

Clearly, we need to take action to restore this confidence in the economy, and tell consumers that ''Help is on the way.'' As Lynn Franco, director of The Conference Board Consumer Research Center said recently, ''Widespread layoffs and rising unemployment do not signal a rebound in confidence anytime soon. With the holiday season quickly approaching, there is little positive stimuli on the horizon.''

Indeed, the signs are ominous. According to the National Governors Association, dollar Christmas sales may actually fall below last year—which

would be the first decline since Christmas of 1953, in the wake of the Korean War.

Our Sales Tax Holiday Act of 2001 will provide that positive stimuli at a critical time when consumers need the help most. Holiday sales make up one-fifth, 22.8 percent, of annual consumer spending, so we will target our bill directly toward these sales. States that opt to participate by rolling back their sales tax will be ''held harmless'' for their decisions, with reimbursement made by the Federal Government for lost sales tax revenue. This revenue will be replaced on a timely basis so that States' cash flows are not affected, with States opting to be reimbursed for lost revenue based on a formula which is based on historical December sales tax revenue, or opting to receive dollar for dollar reimbursement based on actual sales. States will have to choose which method of reimbursement they would like to receive prior to implementation of the sales tax holiday.

Forty-five States, and the District of Columbia will be eligible to participate in our plan, with an estimated overall economic impact of about $6.5 billion for the 10-day sales tax holiday. Needless to say, no State would be required to take action, but we think they deserve to have the option.

This is a proven approach that can dramatically boost sales. When Maryland and the District of Columbia tried sales tax holidays last August, for example, monthly sales jumped by 10 percent. One retailer even saw sales jump 35 percent over the same period a year ago. And the Wall Street Journal in 1997 reported that a survey of 102 stores in the New York City metropolitan area averaged 125 percent increases in sales during the region's January sales tax holiday on most clothing and footwear.

The fact is, this is an approach that fulfills every one of the principles for a stimulus that the Centrist Coalition I cochair laid out earlier this month. And as the Los Angeles Times reported on October 12, ''in the view of many economists—conservative as well as liberal—most plans fall short of the key criteria for stimulus proposals: they should take effect quickly, promote new spending or investment that otherwise would not occur, and do no long-term damage.''

Our plan fits the bill and makes perfect sense—and will pay off for consumers with more dollars and cents in their pockets. What better signal of holiday cheer and confidence than to include a savings on every purchase, enticing consumers back into the stores and giving a much-needed boost to our economy?

As we approach this holiday season, rather than being ''a day late and a dollar short'' in helping consumers and stimulating the economy, we should pass this legislation and give America the gift of an immediate boost to our economic strength and well-being.

I thank the Chair.

By Mr. CAMPBELL:

S. 1644. A bill to further the protection and recognition of veterans' memorials, and for other purposes; to the Committee on Veterans' Affairs.

PROTECTING THE SITES HONORING THOSE WHO PROTECT US

Mr. CAMPBELL. Madam President, today, 4 days before Veterans Day, I introduce legislation that would recognize and protect the sanctity of veterans' memorials. Currently, there is no comprehensive Federal law to protect veterans' memorials, which is why I am introducing the Veterans' Memorial Preservation and Recognition Act of 2001.

My bill would prohibit the desecration of veterans' memorials, provide for repairs of veterans memorials and permit guide signs to veterans' cemeteries on Federal-aid highways.

Under this legislation, someone who willfully desecrates any type of monument commemorating those in the Armed Forces on public property would be fined or put in jail. The violator would be subject to a civil penalty in addition to the fine, equal to the cost of repairing the damage.

The funds generated by these penalties would then go into a Veterans' Memorial Restoration Fund, established by the Secretary of Veterans' Affairs, to make those monies available for the repair of the damaged memorials. But the vandals won't be the only ones contributing to the fund; individuals and veterans' organizations could also make donations and get a charitable contribution deduction. In essence, this would be a new way to provide for the repair of veterans' memorials without any new appropriation or providing other Federal funding.

The second part of this bill would permit states to place supplemental guide signs for veterans' cemeteries on Federal-aid highways. These veterans' cemeteries deserve recognition; by allowing signs to be posted, we pay our respect to these sites by offering direction to them. It is my goal to make these important sites easily accessible.

Our veterans, living and lost, are a reminder of our unity. Those who served in our Armed Services are more than just symbols of freedom and justice in the midst of conflict and during times of peace.

They are real people, integral to our entire population, who enrich our day-to-day lives with their proud service, with their personal accounts of war, their organizations of service, and their expressions of deep-down American pride. Not only have we lost many of these brave men and women in conflict, but we lose thousands of them forever each year as the veteran population ages. We have to honor their sacrifices by protecting the sites that recognize them.

It is a shame that there is no comprehensive federal law to protect veterans' memorials.

Sometimes they are the only tangible reminders we have of courageous service to this country. We can easily read about those brave Americans who served in war, but it's not always easy to gather more than just hard facts from newspapers or history books. Being in the presence of a statue or memorial structure can evoke a deeper response. We can walk around it, sometimes we can touch it, and oftentimes we can see the names of each brave American who died in conflict.

Madam President, the timing of this bill is appropriate. This Sunday, November 11, we will recognize Veterans' Day, which informally began as a series of memorial gestures to celebrate the end of World War I in 1918. Three years later, on the eleventh hour of the eleventh day of the eleventh month, an unknown American soldier of the war was buried on a hillside in Arlington Cemetery, overlooking the Potomac River. This site became a summit of veneration for Americans everywhere. Similarly, at Westminster Abbey in England and the Arc de Triomphe in France, an unknown soldier was buried in each of these places of highest honor.

These three memorial sites are symbols of our reverence; it is only appropriate that we do everything we can to preserve sites like these across America.

There are hundreds of veterans' memorials, on public property, here in the United States. From nationally-known places such as Iwo Jima, to smaller sites such as the Colorado Veterans' Memorial across from the capitol in Denver, each is a site where we go to heal and to remember. As a veteran myself, I am committed to seeing that not a single one is stripped of its dignity.

I encourage my colleagues to work together for swift consideration of this timely and important legislation. I have the support of several veterans' organizations, who have offered words of encouragement for this bill. These Americans know, firsthand, the concept of service. Let's honor what they and thousands of others have done to preserve our freedom.

Madam President, I thank the Chair and ask unanimous consent that letters of support from the American Legion, Rolling Thunder, Inc., and the Paralyzed Veterans of America be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE AMERICAN LEGION,
Washington, DC, November 6, 2001.

Hon. BEN NIGHTHORSE CAMPBELL,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR CAMPBELL: On behalf of the 2.9 million members of The American Legion, I would like to express full support for the Veterans' Memorial Preservation and Recognition Act. We applaud your efforts to prohibit the desecration of veterans' memorials, and to permit guide signs to veterans cemeteries on federal highways.

The American Legion recognizes the need to preserve the sanctity and solemnity of veterans' memorials. These historic monuments serve not only to honor the men and women of the nation's armed services, but to educate future generations of the sacrifices endured to preserve the freedoms and liberties enjoyed by all Americans.

Once again, The American Legion fully supports the Veterans' Memorial Preservation and Recognition Act. We appreciate your continued leadership in addressing the issues that are important to veterans and their families.

Sincerely,

STEVE A. ROBERTSON,
Director, National Legislative Commission.

ROLLING THUNDER, INC.,
Neshanic Station, NJ, November 5, 2001.

Senator BEN ''NIGHTHORSE'' CAMPBELL,
Russell Senate Office Building,
Washington, DC.

HONORABLE BEN CAMPBELL: I am sending this letter in support of Bill, ''Veterans Memorial Preservation and Recognition Act of 2001.

Rolling Thunder National and our members are in full support of this bill. Those who destroy and deface any Veterans Memorial should be punished and made to pay full restitution for the damages they have caused. Many Americans have fought and died for the freedom of all Americans and their Memorials should be honored and respected by all.

I thank you for your help and support to all American Veterans.

Sincerely,

SGT., ARTIE MULLER,
National President.

PARALYZED VETERANS OF AMERICA,
Washington, DC, November 5, 2001.

Hon. BEN NIGHTHORSE CAMPBELL,
U.S. Senate,
Washington, DC.

DEAR SENATOR CAMPBELL: On behalf of the Paralyzed Veterans of America (PVA) I am writing to offer our support for the ''Veterans' Memorial Preservation and Recognition Act of 2001.''

Memorials to the men and women who have served this Nation, in times of war and in times of peace, are tokens of our gratitude for their service, and their sacrifice. They are tangible reminders of our past, and an inspiration for our future. For this reason they are well worth protecting and preserving. This legislation addresses both of these goals.

Again, thank you for introducing the ''Veterans' Memorial Preservation and Recognition Act of 2001.''

Sincerely,

RICHARD B. FULLER,
National Legislative Director.

By Mr. HELMS:

S. 1645. A bill to provide for the promotion of democracy and rule of law in Belarus and for the protection of Belarus' sovereignty and independence; to the Committee on Foreign Relations.

Mr. HELMS. Madam President, on top of the mayhem and slaughter in New York and at the Pentagon in Washington last September, a travesty against democracy occurred, again, in Belarus. Aleksandr Lukashenka, the dictator controlling this country, stole through intimidation and repression, the presidential elections that took place on September 9.

Tragic as the events in our own country were and as serious an undertaking as the war against terrorism will continue to be, we must not overlook the brutality and injustice of a regime such as the one led by Lukashenka, especially in the heart of Europe.

For this reason, I am introducing today the Belarus Democracy Act of 2001, the purpose of which is to support the people in Belarus who are struggling, often at great peril to their lives, to revive democracy, and to reconsolidate their country's declining independence and sovereignty.

Democracy has been crushed in Belarus by a fanatical dictatorship that can only be described as a brutal throwback to the Soviet era. Aleksandr Lukashenka is an authoritarian obsessed with recreating the former Soviet Union, which he believes he will ultimately lead. Because of Lukashenka, Belarus has emerged as a dark island of repression, censorship, and command economy in a region of consolidating democracies.

Belarus has tragically become the Cuba of Europe. Nonetheless, the people of Belarus have not succumbed to Lukashenka. Independent newspapers struggle to publish. The leadership of the parliament he unconstitutionally dismissed refuses to concede legitimacy to his sham regime. Scores of non-governmental organizations fight to promote the rule of law and to protect fundamental human rights. The vibrancy of Belarus's struggling civil society has been made evident by the ''Freedom Marches'' that have attracted literally tens of thousands of Belarusians to the streets of Minsk and countless other anti-Lukashenka demonstrations elsewhere in Belarus.

Their agenda is the promotion of a free, independent, democratic and Western-oriented Belarus, a sharp contrast to Lukashenka's efforts to reanimate the former Soviet Union.

This is an agenda not without risk. Those who have dared to take a stand against Lukashenka have disappeared. Yuri Zakharenko disapproved soon after he resigned his post as Lukashenka's Minister of Interior and began working with the opposition. Opposition leader Victor Gonchar and his colleague, Anatoly Krasovsky, vanished just hours after Lukashenka, in a drooling rage broadcast on state television, called upon his henchmen to crackdown on the ''opposition scum.''

Other opposition leaders such as Andrei Klimov, have been imprisoned under harsh conditions simply for expressing their opposition to Lukashenka's regime.

This regime has tried to crush opposition marches with truncheon-wielding riot police. The independent press and non-governmental organizations promoting democracy, rule of law and human rights in Belarus are subject to constant government harassment, intimidation, arrests, fines, beatings, and murder. Dmitry Zavadsky, a cameraman for Russian television, known for his critical reporting of the Lukashenka regime, disappeared under mysterious circumstances.

If passed, this bill will impose sanctions against the Lukashenka regime. It will deny international assistance to his government. It will freeze Belarusian assets in the United States. It will prohibit trade with the Lukashenka government and businesses owned by that government. It will also deny officials of the Lukashenka government the right to travel to the United States.

And, if Lukashenka continues to surrender Belarusian sovereignty, this bill will strip his government of the diplomatic properties it currently enjoys in the United States. Indeed, if he is successful in his warped effort to recreate the Soviet Union, the Government of Belarus will sadly have no need for these properties.

This bill supports our Nation's vision of Europe that is democratic, free and undivided. That vision will never be fulfilled as long as Belarus suffers under the tyranny of Aleksandr Lukashenka. It is our moral and strategic interest to support those fighting for democracy and freedom in Belarus and the return of their country to the European community of free states.

To ignore this struggle for democracy and freedom and to turn an indifferent eye upon Lukashenka's effort to reconstruct the former Soviet Union would be a grave error. Not only would it be immoral, it would be strategically shortsighted.

Allowing Moscow to reabsorb a state that was once independent and democratic would only whet Moscow's appetite to restore the old Soviet borders. That would set a precedent that would only jeopardize the security of Ukraine, Lithuania, Latvia, and Estonia. Indulging antiquated Russian imperial pretensions would also undercut the prospects for democratic reform in Russia.

For these reasons the Belarus Democracy Act of 2001 authorizes $30 million in assistance to restore and strengthen the institutions of democratic government in Belarus. It specifically urges the President of the United States to furnish assistance to political parties in Belarus committed to those goals.

It expands the resources available to support radio broadcasting into Belarus that will facilitate the flow of uncensored information to the people of Belarus.

The September elections in Belarus were stained by the Lukashenka regime's cruel suppression of democratic and human rights. Let the Belarus Democracy Act be America's response to Europe's last dictator, Aleksandr Lukashenka.

I ask unanimous consent 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. 1645

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 ''Belarus Democracy Act of 2001''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the United States has a vital interest in the consolidation and strengthening of the independence and sovereignty of the Republic of Belarus and its integration into the European community of democracies;

(2) the United States supports the promotion of democracy, the rule of law, and respect for human rights in Belarus;

(3) in November 1996, Belarusian President Aleksandr Lukashenka orchestrated an illegal and unconstitutional referendum that enabled him to impose upon the Belarusian people a new constitution, abolish the old parliament, the 13th Supreme Council, replace it with a rubber stamp legislature, and extend his term office to 2001;

(4) in May 1999, the Belarusian opposition challenged Lukashenka's illegal extension of his presidential term by staging alternative presidential elections and these elections were met with repression;

(5) the Belarusian opposition has organized peaceful demonstrations against the Lukashenka regime in cities and towns throughout Belarus, including the Freedom I March of October 17, 1999, the Freedom II March of March 15, 2000, and the Chernobyl Way March of April 26, 2000, each of which took place in Minsk and involved tens of thousands of Belarusians;

(6) the Lukashenka regime has responded to these peaceful marches with truncheon-swinging security personnel, mass arrests, extended incarcerations, and beatings;

(7) Andrei Klimov, a member of the last democratically elected Parliament in Belarus remains imprisoned under harsh conditions for his political opposition to Lukashenka;

(8) Victor Gonchar, Yuri Krasovsky, and Yuri Zakharenka, who have been leaders and supporters of the opposition, have disappeared under mysterious circumstances;

(9) former Belarus government officials, including four police investigators, have come forward with credible allegations and evidence that top officials of the Lukashenka regime were involved in the murders of opposition figures Yury Zakharenka, Victor Gonchar, Anatol Krasovsky, Dmitry Zavadsky, and scores of other people.

(10) the Lukashenka regime systematically harasses and persecutes the independent media and actively suppresses freedom of speech and expression;

(11) Dmitry Zavadsky, a cameraman for Russian public television, known for his critical reporting of the Lukashenka regime, disappeared under mysterious circumstances;

(12) the Lukashenka regime harasses the autocephalic Belarusian Orthodox Church, the Roman Catholic Church, evangelical churches, and other minority groups;

(13) Lukashenka advocates and actively promotes a merger between Russia and Belarus, and initiated negotiations and signed December 8, 1999, the Belarus-Russia Union Treaty even though he lacks the necessary constitutional mandate to do so;

(14) the Belarusian opposition denounces these intentions and has repeatedly called upon the international community to ''unambiguously announce the nonrecognition of any international treaties concluded by Lukashenka'';

(15) the United States, the European Union, the NATO Parliamentary Assembly, the OSCE Parliamentary Assembly, and other international bodies continue to recognize the 13th Supreme Council as the legal Belarusian Parliament;

(16) the parliamentary elections of October 15, 2000, conducted by Aleksandr Lukashenka were illegitimate and unconstitutional;

(17) these elections were plagued by violent human rights abuses committed by his regime, including the harassment, beatings, arrest, and imprisonment of members of the opposition;

(18) these elections were conducted in the absence of a democratic election law;

(19) the presidential election of September 2001 was fundamentally unfair and featured significant and abusive misconduct by the regime of Aleksandr Lukashenka, including—

(A) the harassment, arrest, and imprisonment of opposition leaders;

(B) the denial of opposition candidates equal and fair access to the dominant state-controlled media;

(C) the seizure of equipment and property of independent nongovernmental organizations and press organizations and the harassment of their staff and management;

(D) voting and vote counting procedures that were not transparent; and

(E) a campaign of intimidation directed against opposition activists, domestic election observation organizations, opposition and independent media, and a libelous media campaign against international observers; and

(20) the last parliamentary election in Belarus deemed to be free and fair by the international community took place in 1995 and from it emerged the 13th Supreme Soviet whose democratically and constitutionally derived authorities and powers have been usurped by the authoritarian regime of Aleksandr Lukashenka.

SEC. 3. ASSISTANCE TO PROMOTE DEMOCRACY AND CIVIL SOCIETY IN BELARUS.

(a) PURPOSES OF ASSISTANCE.—The assistance under this section shall be available for the following purposes:

(1) To assist the people of Belarus in regaining their freedom and to enable them to join the international community of democracies.

(2) To restore and strengthen institutions of democratic government in Belarus.

(3) To encourage free and fair presidential and parliamentary elections in Belarus, conducted in a manner consistent with internationally accepted standards and under the supervision of internationally recognized observers.

(4) To sustain and strengthen international sanctions against the Lukashenka regime in Belarus.

(b) AUTHORIZATION FOR ASSISTANCE.—To carry out the purposes of subsection (a), the President is authorized to furnish assistance and other support for the activities described in subsection (c) and primarily for indigenous Belarusian political parties and nongovernmental organizations.

(c) ACTIVITIES SUPPORTED.—Activities that may be supported by assistance under subsection (b) include—

(1) democratic forces, including political parties, committed to promoting democracy and Belarus' independence and sovereignty;

(2) democracy building;

(3) radio and television broadcasting to Belarus;

(4) the development and support of nongovernmental organizations promoting democracy and supporting human rights both in Belarus and in exile;

(5) the development of independent media working within Belarus and from locations outside of Belarus and supported by nonstate-controlled printing facilities;

(6) international exchanges and advanced professional training programs for leaders and members of the democratic forces in skill areas central to the development of civil society; and

(7) the development of all elements of democratic processes, including political parties and the ability to conduct free and fair elections.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the President $30,000,000 for the fiscal year 2002.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

SEC. 4. AUTHORIZED FUNDING FOR RADIO BROADCASTING IN AND INTO BELARUS.

(a) IN GENERAL.—The purpose of this section is to augment support for independent and uncensored radio broadcasting in and into Belarus that will facilitate the dissemination of information in a way that is not impeded by the government of Lukashenka.

(b) ALLOCATION OF FUNDS.—Not less than $5,000,000 made available under section 3 shall be available only for programs that facilitate and support independent broadcasting into and in Belarus on AM and FM bandwidths, including programming from the Voice of America and RFE/RL, Incorporated.

(c) REPORTING ON RADIO BROADCASTING TO AND IN BELARUS.—Not later than 120 days after the date of enactment of this Act, the Secretary of State shall submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report on how funds allocated under subsection (b) will be used to provide AM and FM broadcasting that covers the territory of Belarus and delivers to the people of Belarus programming free from censorship of the government of Lukashenka.

SEC. 5. SANCTIONS AGAINST THE LUKASHENKA REGIME.

(a) APPLICATIONS OF MEASURES.—The sanctions described in this section and sections 6, 8, and 9, shall apply with respect to Belarus until the President determines and certifies to the appropriate congressional committees that the Government of Belarus has made significant progress in meeting the conditions described in subsection (b).

(b) CONDITIONS.—The conditions referred to in subsection (a) are the following:

(1) The release of all those individuals who have been jailed for their political views.

(2) The withdrawal of politically motivated legal charges against all opposition figures.

(3) The provision of a full accounting of those opposition leaders and journalists, including Victor Gonchar, Yuri Krasovsky, Yuri Zakharenka, and Dmitry Zavadsky, who have disappeared under mysterious circumstances, and the prosecution of those individuals who are responsible for those disappearances.

(4) The cessation of all forms of harassment and repression against the independent media, nongovernmental organizations, and the political opposition.

(5) The implementation of free and fair presidential and parliamentary elections.

(c) INTERNATIONAL FINANCIAL INSTITUTIONS.—The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions to oppose, and vote against, any extension by those institutions of any financial assistance (including any technical assistance or grant) of any kind to the Government of Belarus, except for loans and assistance that serve basic human needs.

(d) INTERNATIONAL FINANCIAL INSTITUTIONS DEFINED.—In this section, the term international financial institution includes the

International Monetary Fund, the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Multilateral Investment Guaranty Agency, and the European Bank for Reconstruction and Development.

SEC. 6. BLOCKING BELARUSIAN ASSETS IN THE UNITED STATES.

(a) BLOCKING OF ASSETS.—All property and interests in property, including all commercial, industrial, or public utility undertakings or entities, that are owned in whole or in part by the Government of Belarus, or by any member of the senior leadership of Belarus, that are in the United States, that hereafter come within the United States, or that are or hereafter come within the possession or control of United States persons, including their overseas branches, are hereby blocked.

(b) EXERCISE OF AUTHORITIES.—The Secretary of the Treasury, in consultation with the Secretary of State, shall take such actions, including the promulgation of regulations, orders, directives, rulings, instructions, and licenses, and employ all powers granted to the President by the International Emergency Economic Powers Act, as may be necessary to carry out subsection (a).

(c) PROHIBITED TRANSFERS.—Transfers prohibited under subsection (b) include payments or transfers of any property or any transactions involving the transfer of anything of economic value by any United States person to the Government of Belarus, or any person or entity acting for or on behalf of, or owned or controlled, directly or indirectly, by that government, or to any member of the senior leadership of Belarus.

(d) PAYMENT OF EXPENSES.—All expenses incident to the blocking and maintenance of property blocked under subsection (a) shall be charged to the owners or operators of such property, which expenses shall not be met from blocked funds.

(e) PROHIBITIONS.—The following shall be prohibited as of the date of enactment of this Act:

(1) The exportation to any entity owned, controlled, or operated by the Government of Belarus, directly or indirectly, of any goods, technology, or services, either—

(A) from the United States;

(B) requiring the issuance of a license for export by a Federal agency; or

(C) involving the use of United States registered vessels or aircraft, or any activity that promotes or is intended to promote such exportation.

(2) The performance by any United States person of any contract, including a financing contract, in support of an industrial, commercial, or public utility operated, controlled, or owned by the Government of Belarus.

(f) EXCEPTIONS.—Notwithstanding any other provision of this section, this section does not apply to—

(1) assistance provided under section 3 or 4 of this Act;

(2) those materials described in section 203(b)(3) of the International Emergency Economic Powers Act relating to informational materials; or

(3) materials being sent to Belarus as relief in response to a humanitarian crisis.

(g) STATUTORY CONSTRUCTION.—Nothing in this Act prohibits any contract or other financial transaction with any private or nongovernmental organization or business in Belarus.

SEC. 7. DENYING ENTRY INTO THE UNITED STATES TO BELARUSIAN OFFICIALS.

It is the sense of Congress that the President should use his authority under section 212(f) of the Immigration and Nationality Act (8 U.S.C. 1182(f)) to suspend the entry into the United States of any alien who—

(1) holds a position in the senior leadership of the Government of Belarus; or

(2) is a spouse, minor child, or agent of a person inadmissible under paragraph (1).

SEC. 8. PROHIBITION ON STRATEGIC EXPORTS TO BELARUS.

No computers, computer software, goods intended to manufacture or service computers, no technology intended to manufacture or service computers, or any other goods or technology may be exported to or for use by the Government of Belarus, or by any of the following entities of that government:

(1) The military.

(2) The police.

(3) The prison system.

(4) The national security agencies.

SEC. 9. PROHIBITION ON LOANS AND INVESTMENT.

(a) UNITED STATES GOVERNMENT FINANCING.—No loan, credit guarantee, insurance, financing, or other similar financial assistance may be extended by any agency of the United States Government (including the Export-Import Bank and the Overseas Private Investment Corporation) to the Government of Belarus.

(b) TRADE AND DEVELOPMENT AGENCY.—No funds made available by law may be available for activities of the Trade and Development Agency in or for Belarus.

(c) THIRD COUNTRY ACTION.—Congress urges the Secretary of State to encourage all other countries, particularly European countries, to suspend any of their own programs providing support similar to that described in subsection (a) or (b) to the Government of Belarus, including the rescheduling of repayment of the indebtedness of that government under more favorable conditions.

(d) PROHIBITION ON PRIVATE CREDITS.—No United States person may make or approve any loan or other extension of credit, directly or indirectly, to the Government of Belarus or to any corporation, partnership, or other organization that is owned, operated, or controlled by the Government of Belarus.

SEC. 10. DENIAL OF GSP.

(a) FINDING.—Congress finds that the Government of Belarus has failed to respect internationally recognized worker rights.

(b) DENIAL OF GSP BENEFITS.—Congress approves the decision of the United States Government to deny tariff treatment under title V of the Trade Act of 1974 (the Generalized System of Preferences (GSP)) to Belarus.

SEC. 11. MULTILATERAL SANCTIONS.

It is the sense of Congress that the President should continue to seek to coordinate with other countries, particularly European countries, a comprehensive, multilateral strategy to further the purposes of this Act, including, as appropriate, encouraging other countries to take measures similar to those described in this Act.

SEC. 12. OWNERSHIP AND USE OF DIPLOMATIC AND CONSULAR PROPERTIES.

It is the sense of Congress that, if an undemocratic and illegitimate Government of Belarus, enters into a union with the Russian Federation that results in the loss of sovereignty for Belarus, the United States should immediately withdraw any and all privileges and immunities under the Vienna Convention on Diplomatic Relations enjoyed by the personnel and property of the Government of Belarus and demand the immediate departure of such personnel from the United States.

SEC. 13. REPORTS.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, and every year thereafter, the President shall submit a report to the appropriate congressional committees reporting on—

(1) assistance and commerce received by Belarus from other foreign countries during the previous 12-month period;

(2) the sales of weapons and weapons-related technologies from Belarus during that 12-month period;

(3) the relationship between the Lukashenka regime and the Government of the Russian Federation; and

(4) the personal assets and wealth of Aleksandr Lukashenka and other senior leaders of the Government of Belarus.

(b) REPORT ELEMENTS.—Each report required by subsection (a) shall, for the period covered by the report, contain, to the extent such information is known—

(1) a description of all assistance, including humanitarian assistance, provided to the Government of Belarus by foreign governments and multilateral institutions;

(2) a description of Belarus' commerce with foreign countries, including the identification of Belarus' chief trading partners and the extent of such trade;

(3) a description of joint ventures completed, or under construction by foreign nationals involving facilities in Belarus; and

(4) an identification of the countries that purchase or have purchased, arms or military supplies from Belarus or that have come into agreements with the Belarus Government that have a military application, including—

(A) a description of the military supplies, equipment, or other material sold, bartered, or exchanged between Belarus and such countries; and

(B) a listing of the goods, services, credits, or other consideration recieved by the Belarus government in exchange for military supplies, equipment, or material.

SEC. 14. SENSE OF CONGRESS.

Congress hereby—

(1) expresses its support to those in Belarus seeking—

(A) to promote democracy and the rule of law, to consolidate the independence and sovereignty of Belarus; and

(B) to promote its integration into the European community of democracies;

(2) expresses its grave concern about the disappearances of Victor Gonchar, Yuri Krasovsky, Yuri Zakharenka, Dmitry Zavadsky, and other members of the opposition and press;

(3) calls upon Lukashenka's regime to cease its persecution of political opponents and to release those, including Andrei Klimov, who have been imprisoned for opposing his regime;

(4) calls upon the Lukashenka regime to respect the basic freedoms of speech, expression, assembly, association, language, and religion;

(5) calls upon Lukashenka to allow parliamentary and presidential elections to be conducted that are free, fair, and fully meet international standards;

(6) calls upon the Government of Russia, the State Duma, and the Federation Council to end its support, including financial support, to the Lukashenka regime and to fully respect the sovereignty and independence of the Republic of Belarus;

(7) calls upon the Government of Belarus to resolve the continuing constitutional and political crisis through free, fair, and transparent elections, including, as called for by the Organization for Security and Cooperation in Europe (OSCE), of which Belarus is a member—

(A) respect for human rights;

(B) an end to the current climate of fear;

(C) opposition and meaningful access to state media;

(D) modification of the electoral code to make the code more democratic;

(E) engaging in genuine talks with the opposition; and

(F) permitting real power for the parliament.

(8) calls upon other governments to refuse to use as diplomatic residences or for any other purpose properties seized by the Lukashenka regime from the Belarusian political opposition;

(9) calls upon the international community, including the Government of Russia, to refuse to ratify or accept any treaty signed by Aleksandr Lukashenka or any other official of his government.

(10) commends the democratic opposition in Belarus for their commitment to freedom, their courage in the face of Lukashenka's brutal repression, and the unity and cooperation their various political parties and nongovernmental organizations demonstrated during the October 2000 parliamentary elections and the October 2001 presidential elections and calls upon the democratic opposition of Belarus to sustain that unity and cooperation as part of the effort to bring an end to Lukashenka's dictatorship.

SEC. 15. DEFINITIONS.

In this Act:

(1) SENIOR LEADERSHIP OF BELARUS.—The term ''senior leadership of Belarus'' includes—

(A) the President, Prime Minister, Deputy Prime Ministers, government ministers, and deputy ministers of Belarus;

(B) the Governor of the National Bank of Belarus;

(C) officials of the Belarus Committee for State Affairs (BKGB), the police, and any other organ of repression;

(D) any official of the Government of Belarus involved in the suppression of freedom in Belarus, including judges and prosecutors;

(E) any official of the Government of Belarus directly appointed by Aleksandr Lukashenka; and

(F) officials of the presidential administration.

(2) UNITED STATES.—The term ''United States'' means the States of the United States, the District of Columbia, and any commonwealth, territory, dependency, or possession of the United States.

(3) UNITED STATES PERSON.—The term ''United States person'' means any United States resident or national (other than an individual resident outside the United States and employed by other than a United States person), any domestic concern (including any permanent domestic establishment of any foreign concern) and any foreign subsidiary or affiliate (including any permanent foreign establishment) of any domestic concern which is controlled in fact by such domestic concern, as determined under regulations of the President.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 1646. A bill to identify certain routes in the states of Texas, Oklahoma, Colorado, and New Mexico as part of the Ports-to-Plains Corridor, a high priority corridor on the National Highway System; to the Committee on Environmental and Public Works.

Mr. BINGAMAN. Madam President, I rise today to introduce legislation that will enhance the future economic vitality of communities in Union and Colfax Counties and throughout all of Northeastern New Mexico. By improving the transportation infrastructure, I believe this legislation will also help promote tourism across all of northern New Mexico.

The bill we are introducing today completes the designation of the route for the Ports-to-Plains High Priority Corridor, which runs 1,000 miles from Laredo, Texas, to Denver, CO. I am honored to have my colleague, Senator DOMENICI, as a cosponsor of the bill.

I continue to believe strongly in the importance of highway infrastructure for economic development in my State. Even in this age of the new economy and high-speed digital communications, roads continue to link our communities together and to carry the commercial goods and products our citizens need. Safe and efficient highways are especially important to citizens in the rural parts of New Mexico.

It is well known that regions with four-lane highways will more readily attract out-of-state visitors and new jobs. Travelers prefer the safety of a four-lane highway rather than sharing a two-lane road with a large number of semi tractor-trailer rigs.

In 1998, Congress identified the Ports-to-Plains corridor between the border with Mexico to Denver, CO, as a High Priority Corridor on the National Highway System. This designation arose in part as a result of the North American Free Trade Agreement. Under NAFTA, commercial border traffic is already increasing, and the Ports-to-Plains corridor was considered to be centrally situated to serve international trade and promote economic development along its entire route. Congress had previously designated a parallel route, the Camino Real Corridor, including Interstate Highway 25 through central New Mexico, as a high priority corridor; this corridor runs from the Mexican border at El Paso, TX, through Albuquerque and Denver, and on to the Canadian border.

Last year, a comprehensive study was undertaken to determine the feasibility of creating a second continuous four-lane highway along the proposed Ports-to-Plains High Priority corridor. Alternative highway alignments for the trade corridor were developed and evaluated. The study was conducted under the direction of a steering committee consisting of the State departments of transportation in Texas, New Mexico, Oklahoma, and Colorado. The Ports-to-Plains feasibility study was completed and a final report circulated earlier this year.

With the results of the feasibility study in hand, representatives of the four State highway departments met on July 30 to reach consensus on the preferred designation for the northern portion of the Ports-to-Plains corridor between Dumas, TX, and Denver, CO. The four representatives agreed to recommend designating the route north of Dumas, TX, along U.S. Highway 287 through Boise City, OK, to Limon, CO, and then along Interstate 70 to Denver. They also recommended including the route from Dumas, TX, along U.S. Highway 87 through Clayton, NM, to Raton in the corridor.

I am pleased the four States were able to come to a unified consensus on the route for the Ports-to-Plains corridor. I ask unanimous consent that a letter from the directors of the four State highway departments to the Federal Highway Administration summarizing the four-State consensus recommendation be printed in the RECORD at the conclusion of my remarks.

I do believe the consensus recommendation is a good result for all four States in the region. Both New Mexico and Texas plan to upgrade their portion of the corridor to the full four lanes envisioned in the feasibility study for the Ports-to-Plains trade corridor. Indeed, the State of Texas will soon begin construction that will four-lane its portion of Highway 87 from Dumas to the New Mexico State line. Meanwhile, Colorado plans to develop it's portion as a super-two-lane highway at a cost of $537 million. The estimated cost to four-lane New Mexico's 81 miles of the corridor between Clayton and Raton is $185 million.

I do believe that once Highway 87 has been upgraded to four lanes between Dumas and Raton, the route will act as a magnet for out-of-state visitors to the year-round tourist attractions throughout northern New Mexico. Tourists in particular will prefer the safety and a convenience of a four-lane highway.

Congress designated the southern portion of the Ports-to-Plains corridor last year. Now the feasibility study has been completed and all four States are in unanimous agreement on the preferred route for the northern portion. The time to act is now. Congress should move quickly to confirm the four-state consensus of the Ports-to-Plains Trade Corridor by passing our bill. I look forward to working with the Chairman of the Environment and Public Works Committee, Senator JEFFORDS and the Ranking Member, Senator SMITH, to confirm the four states' recommendation with this non-controversial, bipartisan legislation.

Once the route is established, I am committed to working to help secure the funding required to complete the four-lane upgrade as soon as possible. I do believe the four-lane upgrade of Highway 87 is vital to economic development for the communities of Raton and Clayton and throughout all of northeast New Mexico.

I again thank Senator DOMENICI for cosponsoring the bill, and I hope all Senators will join us in support of this important legislation.

I ask unanimous consent that the text of the bill and the previously referenced letter be printed in the RECORD.

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

S. 1646

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

SECTION 1. IDENTIFICATION OF PORTS-TO-PLAINS HIGH PRIORITY CORRIDOR ROUTES.

Section 1105(c)(38) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032; 114 Stat. 2763A–201) is amended—

(1) in subparagraph (A), by redesignating clauses (i) through (viii) as subclauses (I) through (VIII), respectively;

(2) by redesignating subparagraph (A) as clause (i);

(3) by striking ''(38) The'' and inserting ''(38)(A) The'';

(4) in subparagraph (A) (as designated by paragraph (3))—

(A) in clause (i) (as redesignated by paragraph (2))—

(i) in subclause (VII) (as redesignated by paragraph (1)), by striking ''and'' at the end;

(ii) in subclause (VIII) (as redesignated by paragraph (1)), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(IX) United States Route 287 from Dumas to the border between the States of Texas and Oklahoma, and also United States Route 87 from Dumas to the border between the States of Texas and New Mexico.''; and

(B) by adding at the end the following:

''(ii) In the State of Oklahoma, the Ports-to-Plains Corridor shall generally follow United States Route 287 from the border between the States of Texas and Oklahoma to the border between the States of Oklahoma and Colorado.

''(iii) In the State of Colorado, the Ports-to-Plains Corridor shall generally follow—

''(I) United States Route 287 from the border between the States of Oklahoma and Colorado to Limon; and

''(II) Interstate Route 70 from Limon to Denver.

''(iv) In the State of New Mexico, the Ports-to-Plains Corridor shall generally follow United States Route 87 from the border between the States of Texas and New Mexico to Raton.''; and

(5) by striking ''(B) The corridor designation contained in paragraph (A)'' and inserting the following:

''(B) The corridor designation contained in subclauses (I) through (VIII) of subparagraph (A)(i)''.

DEPARTMENT OF TRANSPORTATION

September 21, 2001.

C.D. REAGAN,
Division Administrator, Federal Highway Administration, Austin, TX.

DEAR MR. REAGAN: We are pleased to inform you that we have finalized the preferred designation for the Ports-to-Plains Corridor.

This letter confirms the consensus reached by the states of Colorado, New Mexico, Oklahoma and Texas on July 30, 2001, whereby the northern portion of the Ports-to-Plains Corridor would be formally designated as routes from Dumas, Texas on U.S. 287 to I-70 at Limon, Colorado and then to Denver, Colorado, and U.S. 87 from Dumas, Texas to Raton, New Mexico.

We submit these routes formally as representing the states agreed unified designation for the Ports-to-Plains Corridor north of Dumas, Texas and request that you submit our recommendation to the appropriate congressional committees.

Thank you for your strong consideration of this issue.

Sincerely,

THOMAS E. NORTON,
Colorado Executive Director, DOT.
MICHAEL W. BEHRENS,
Texas Executive Director, DOT.
PETE RAHN,
New Mexico Executive Director, DOT.
GARY M. RIDLEY,
Oklahoma Executive Director, DOT.

By Ms. CANTWELL (for herself and Mrs. MURRAY):

S. 1649. A bill to amend the Omnibus Parks and Public Lands Management Act of 1996 to increase the authorization of appropriations for the Vancouver National Historic Reserve and for the preservation of Vancouver Barracks; to the Committee on Energy and Natural Resources.

Ms. CANTWELL. Madam President, I am introducing legislation today that will reauthorize Federal participation in the historic preservation efforts of one of the most historically significant sites in the Pacific Northwest, the Fort Vancouver National Historic Reserve.

The Historic Reserve is rich in cultural and historic national significance, pre-dating the arrival of Lewis and Clark through the mid-20th century. For more than 10,000 years, Native American groups inhabited the prairies along the Columbia River that include the site of present-day Vancouver and the historic reserve.

Located on the great American waterway, the Columbia River, the Vancouver National Historic Reserve site became the base of Columbia region operations for the Hudson's Bay Trading Company in the early 19th century. As my colleagues know, Hudson's Bay was the powerful British fur trading company that vied for control of the trapping industry in Western lands of the present-day United States, even before political control of those lands were established. At its peak, the company built an enormous network through the region, with Fort Vancouver as the administrative headquarters and supply depot for the hundreds of employees at dozens of posts in the region.

Fort Vancouver became a trade center for the Western territories, with goods arriving frequently from Europe and the Hawaiian Islands and large quantities of furs and other natural resource products returned to London. The Fort came to serve as a hub for numerous other developing industries, including sawmills, dairies, shipbuilders, fishers and tanneries. In essence, Fort Vancouver truly served as a historic foundation for the development of the entire Pacific Northwest region.

But this history of the trapping industry is not the only significant aspect of this site. The Fort also served as the Northwest's military administrative headquarters beginning in 1849. The United States Army continuously occupied the Vancouver Barracks at the historic reserve site for 150 years. In the 1920's, the Army created a small airfield for the Army Air Corps, which is now the site of the oldest operating airfield in the Nation, Pearson Airfield. In the 1930's, the Fort was used as a training camp for those participating in the Civilian Conservation Corps' reforestation program. And, during World War II, General George C. Marshall presided over the Barracks and resided on Officer's Row.

Thanks to the wisdom, respect for history, and foresight of numerous individuals including Representative Russell Mack, the esteemed chairwoman of the House Interior Appropriations Subcommittee, Julia Butler Hansen, Congressman Don Bonker, and Congresswoman Jolene Unsoeld, among many others, the tremendous resources of the site have been protected for future generations.

President Truman signed legislation in 1948 that first authorized for Fort Vancouver National Monument. The act allowed the War Assets Administration to transfer surplus property in Vancouver Barracks to the Secretary of the Interior. On June 30, 1954, the National Monument was officially established and the nearly 60 acres of the Vancouver Barracks were transferred to the National Park Service. Finally, the site was designated as a National Historic Site in 1961.

In 1996, the expanded, 366-acre Vancouver National Historic Reserve was established to protect all of the historically significant historical areas within adjacent to the barracks. The reserve includes Fort Vancouver, the Vancouver Barracks, Officers' Row, Pearson Field, the Water Resources Education Center, and portions of the Columbia River waterfront. The sites serve as an enormously significant resource in Southwest Washington.

The restoration of the barracks alone is an enormously important project to stimulate the economic revitalization of Vancouver. Last year, Congress authorized the transfer of the 16 buildings that comprise the West Barracks to the City of Vancouver, and the partners involved in this tremendous project have devised a Cooperative Management Plan that identifies $40 million in necessary spending to replace failing infrastructure and rehabilitate the 16 buildings to the standards established under the National Historic Preservation Act.

The Partner's Cooperative Management Plan for the Historic Reserve calls for the Barracks to be reused primarily for historic preservation, education, and other forms of public use. But the location of the site near the heart of Vancouver and the potential for drawing additional economic activity back to the city make this vitally important for Southwest Washington.

The public-private partnership plan for the Barracks has also developed a cost-sharing plan between federal, state, and private sources to locate the necessary funds and perform the renovation during the next four to six years. While we at the Federal level have contributed to the project in recent years, the State of Washington and the City of Vancouver have also committed significant resources, and the Vancouver National Historic Reserve Trust has initiated aggressive efforts to raise funds quickly. I have

worked this year, and my colleague Senator MURRAY has successfully worked this year and in years past, to obtain those critical federal dollars for the project.

However, I believe that more can and should be done to keep this project moving ahead. We must never forget our cultural, political, and economic heritage, and our historic resources help educate and remind us of those origins. That is why we have come together to introduce this legislation that will authorize additional federal spending on the project.

I look forward to working with Senator MURRAY and others on the Appropriations Committee to move this legislation quickly and continuing progress on this significant project for the Pacific Northwest and our Nation.

By Mr. CLELAND:

S. 1650. A bill to amend the Public Health Service Act to change provisions regarding emergencies; to the Committee on Health, Education, Labor, and Pensions.

Mr. CLELAND. Madam President, the events of the past month have presented the agencies of the Federal Government with a challenge like none we have ever seen. The anthrax attacks in Florida, New York, New Jersey, and Washington have placed unprecedented demands on both the public health and law enforcement arms of the Federal Government. Yet, in spite of the fact that the men and women of the Federal Government have never before encountered circumstances like these, I am pleased to say that, by and large, their response has been exceptional, and I would like to thank them for their courageous efforts. However, as might be expected, this latest trial has exposed a number of weaknesses in our bioterrorism response mechanism which we must now act swiftly to remedy.

The Federal response to the anthrax crisis has revealed some uncertainty with regard to the precise roles assigned to each of the several Federal agencies with responsibilities in such situations and with regard to coordination between these agencies and the dissemination of public information. For example, while the CDC took the lead in testing anthrax samples from Florida, the anthrax samples found in New York and Washington were collected by the FBI and sent, not to the CDC, but to DoD labs for testing. By sending these samples to different facilities, not only are we duplicating services, but, more importantly, we run the risk of critical results not being expeditiously reviewed by the appropriate health officials thereby unacceptably increasing the response time in what is quite literally a life and death situation.

I believe the uncertainty that has prevailed as to the proper role of the CDC in a bioterrorist incident, particularly vis-a-vis law enforcement agencies, is largely due to ambiguity in present statutes and regulations. Presidential Decision Directive 39 of 1995 clearly designates the FBI as the overall lead federal agency for domestic terrorism incidents. At the same time, per last year's Public Health Threats and Emergencies Act, P.L. 106–505, if the Secretary of Health and Human Services determines, after consulting with the Director of the CDC, that a public health emergency exists, the Secretary is authorized to take such action as may be appropriate to respond to the public health emergency, including conducting and supporting investigations into the cause, treatment, or prevention of a disease. Further, the Federal Response Plan designates HHS as the primary federal agency for the medical and public health response to emergencies. So it seems that, under current law and regulation, the FBI is the lead agency in the event of a terrorist attack, and HHS has significant authority to act in the event of a public health emergency. But if a terrorist attack is also a public health emergency, as has been the case of late, it is not readily evident who is in charge. Clearly, both the FBI and the CDC have essential roles in such a situation. These roles are distinct but do occasionally overlap, necessitating a clarification of how precisely the agencies are to coordinate with one another in a bioterrorism crisis.

While the law enforcement and public health response to terrorist attacks are both vital, in the event of a public health emergency, the unique life and death health ramifications of such an attack mandate, in my view, that public health experts take the lead role in investigating and treating the attack. Bioterrorism is a new arena for us all, including the CDC and in such uncharted territory nothing we do can guarantee that no mistakes will be made. However, with adequate funding and armed with their training and expertise, the public health experts of the CDC constitute our best defense against this emerging threat. Therefore, the measure I am introducing today will clarify the role of the CDC and minimize the problems caused by bureaucratic infighting over agency roles, thereby preventing time from becoming an additional enemy.

Law enforcement agencies and the CDC have equally important, but separate, roles in the event of a terrorist attack involving biological, chemical, or radiological weapons. Such an attack allows us absolutely no room for confusion over these roles, however, as evidenced by the tragic results of the current anthrax attacks. While I am eagerly awaiting further definition of the role of the new Office of Homeland Security and I will support giving it the necessary authority to get the job done, the American people cannot afford any delay in eliminating existing uncertainties in the federal response to bioterrorism.

My Public Health Emergencies Accountability Act is an attempt to eliminate the confusion of the current system and address the immediate threats stemming from this uncertainty. In proposing this measure, I am building upon current law by clarifying the role of the CDC when acting during a public health emergency. Furthermore, my measure is consistent with the proposed Kennedy-Frist Bioterrorism Preparedness Act and builds on our work in last year's Public Health Threats and Emergencies Act. We have already had to endure the consequences of the current confusion over the important, but distinct, roles of public health and law enforcement in responding to terrorist attacks. It is our responsibility to act immediately to rectify this situation in order to assure public health, safety, and security.

The Public Health Emergencies Accountability Act changes current law in several ways. First, it redefines ''public health emergency'' to include chemical and radiological attacks, in addition to bioterrorism, and to make suspected as well as proven such attacks eligible for emergency designation. Second, as under last year's Public Health Threats and Emergencies Act, the Secretary of HHS, acting in consultation with CDC, is given the authority to determine the existence of a public health emergency, and to respond to such an emergency by making grants and conducting investigations. My measure provides additional authority for the Secretary and CDC in these cases to take the lead in ''directing the response of other Federal departments and agencies'' and in ''disseminating necessary information'' to the general public. Third, the time period of the emergency is to be set by the Secretary and is not to exceed 180 days, but may be extended by the Secretary after notification of Congress and other Federal agencies.

Finally, and most importantly, the determination of a public health emergency by the Secretary of HHS, in consultation with CDC, is made the defining action in clarifying who should take the lead role in handling a biological, chemical or radiological attack. Thus, when it is determined that a given situation does not rise to the level of a public health emergency, law enforcement will assume the lead position. On the other hand, when the Secretary of HHS has identified and declared a public health emergency, public health and the CDC will take the leading role. In either case, my proposal mandates that the lead agency keep all other relevant authorities, including the Congress, fully and currently informed. If there is one message that emerges time and time again about shortcomings in the Federal Government's current response to terrorism, especially bioterrorism, it is that the relevant Federal agencies don't talk to each another soon enough or completely enough. The Public Health Emergencies Accountability Act will put an end to that.

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. 1650

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

SEC. 1. SHORT TITLE.

This Act may be cited as the ''Public Health Emergencies Accountability Act''.

SEC. 2. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.

Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.) is amended by striking section 319 and inserting the following:

''SEC. 319. PUBLIC HEALTH EMERGENCIES.

''(a) EMERGENCIES.—If the Secretary determines, after consultation with the Director of the Centers for Disease Control and Prevention and other public health officials as may be necessary, that—

''(1) a disease or disorder presents a public health emergency; or

''(2) a detected or suspected public health emergency, including significant outbreaks of infectious diseases or terrorist attacks involving biological, chemical, or radiological weapons, otherwise exists,

the Secretary may take such action as may be appropriate to respond to the public health emergency, including making grants and entering into contracts and, acting through the Centers for Disease Control and Prevention, conducting and supporting investigations into cause, treatment, or prevention of a disease or disorder as described in paragraphs (1) and (2), directing the response of other Federal departments and agencies with respect to the safety of the general public and Federal employees and facilities, and disseminating necessary information to assist States, localities, and the general public in responding to a disease or disorder as described in paragraphs (1) and (2).

''(b) DETERMINATION.—A determination of an emergency by the Secretary under subsection (a) shall supersede all other provisions of law with respect to actions and responsibilities of the Federal Government, but in all such cases the Secretary shall keep the relevant Federal departments and agencies, including but not limited to the Department of Justice, the Federal Bureau of Investigation, the Office of Homeland Security, and the committees of Congress listed in subsection (f), fully and currently informed.

''(c) FULL DISCLOSURE.—In cases involving, or potentially involving, a public health emergency, but where no determination of an emergency by the Secretary, under the provisions of subsection (a), has been made, all relevant Federal departments and agencies, including but not limited to the Department of Justice, the Federal Bureau of Investigation, the Office of Homeland Security, shall keep the Secretary and the Centers for Disease Control and Prevention and the committees of Congress listed in subsection (f), fully and currently informed.

''(d) PUBLIC HEALTH EMERGENCY FUND.—

''(1) IN GENERAL.—There is established in the Treasury a fund to be designated as the ''Public Health Emergency Fund'' to be made available to the Secretary without fiscal year limitation to carry out subsection (a) only if a public health emergency has been declared by the Secretary under such subsection. There is authorized to be appropriated to the Fund such sums as may be necessary.

''(2) REPORT.—Not later than 90 days after the end of each fiscal year, the Secretary shall prepare and submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate and the Committee on Commerce and the Committee on Appropriations of the House of Representatives a report describing—

''(A) the expenditures made from the Public Health Emergency Fund in such fiscal year; and

''(B) each public health emergency for which the expenditures were made and the activities undertaken with respect to each emergency which was conducted or supported by expenditures from the Fund.

''(e) SUPPLEMENT NOT SUPPLANT.—Funds appropriated under this section shall be used to supplement and not supplant other Federal, State, and local public funds provided for activities under this section.

''(f) EMERGENCY DECLARATION PERIOD.—A determination by the Secretary under subsection (a) that a public health emergency exists shall remain in effect for a time period specified by the Secretary but not longer than the 180-day period beginning on the date of the determination. Such period may be extended by the Secretary if the Secretary determines that such an extension is appropriate and notifies the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Appropriations of the Senate and the Committee on Commerce of the House of Representatives and the Committee on Appropriations of the House of Representatives.''.

By Mr. DORGAN (for himself, Mr. BROWNBACK, and Mr. CONRAD):

S. 1651. A bill to establish the United States Consensus Council to provide for consensus building process in addressing national public policy issues, and for other purposes; to the Committee on Governmental Affairs.

Mr. DORGAN. Madam President, today I am introducing legislation that would create the United States Consensus Council. This council would be a non-profit, quasi-governmental entity that would serve both the legislative and executive branches of government. Its role would be to build agreements among stakeholders primarily on legislative issues where there are diverse and conflicting views and bring these agreements back to Congress or other decision-makers for action.

Leaders from the Administration and the Congress have worked together in recent weeks to respond to the terrorist attacks against our country. This has shown the benefit of working across party lines to develop consensus on a variety of policy issues. At a time when the Nation is unified and focused on these unprecedented challenges, the Consensus Council can help institutionalize this spirit of comity. The Council can provide ongoing support to Congress by bringing stakeholders to the table to resolve a wide range of difficult national issues.

The North Dakota Consensus Council in my home State serves as a model for this national proposal. In North Dakota, the Consensus Council has helped to find common ground on the use of grasslands in the western part of the State, the structure of judgeships across the State, and flood mitigation efforts in the Red River Valley. By bringing together all of the interested parties, the North Dakota Consensus Council was able to find solutions to problems that had previously seemed unsurmountable. Washington, DC, is ripe with opportunity for the same kind of consensus building and mediation. We can not only build on the experience of consensus building in North Dakota, but similar successes in Montana, Florida, Oregon and many other States.

The United States Consensus Council would bring people together and then help to develop recommendations. These recommendations would be advisory, subject to normal legislative or regulatory processes. The board of directors would be appointed by the President and the bipartisan Congressional leadership. The council would remain neutral on substantive policy matters.

The Council would focus primarily on issues that Congressional leaders and the White House have agreed are appropriate. These could be issues that are contentious or deadlocked, or they could be emerging issues where mediation could help to prevent later polarization.

The Council's role will be to design and conduct processes that lead to common ground on effective public policy for a particular issue. The Council could be called upon to convene key stakeholders in face-to-face meetings over time to build agreements on complex issues.

The legislation authorizes $5 million for the first year and would also allow private contributions to the Council. The Council would not be a part of the Federal Government and its employees would not be considered Federal workers.

I have long been a supporter of building consensus and finding ways to reach compromise. I believe that this legislation could help the Congress and the administration to find that middle ground. There are so many important issues that get deadlocked in Washington, and this approach will help to break that logjam. Recent weeks have shown that it can be done. I hope that this bill will allow it to happen more often. I look forward to working with my colleagues on both sides of the aisle to move this bill through the process.

I ask unanimous consent that the text of this bill be printed in the RECORD.

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

S. 1651

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 ''United States Consensus Council Act of 2001''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) throughout the Nation there is increasing success in the use of collaborative and consensus-building approaches to address critical public policy issues at the national, State, and local levels;

(2) there is a need for a national Council that can promote and conduct consensus-

building processes that primarily address legislative policy issues of national importance;

(3) such a Council may enroll specific stakeholders, both public and private, to build agreements that ultimately may be implemented by Congress, Federal agencies, or other policymaking bodies;

(4) such a Council will strive to create public policy agreements that integrate differing perspectives into highest common denominator solutions;

(5) the establishment of such a Council is an appropriate investment by the people of this Nation in a capacity that works in cooperation with Congress, the executive branch, and others and complements current public policymaking processes on selected issues;

(6) the existence of such a Council could contribute especially to resolving differences on contentious policy issues, preventing polarization on emerging policy issues and addressing issues of complexity that involve multiple parties and perspectives;

(7) the establishment of such a Council may contribute significantly to a renewed sense of civility and respect for differences, while at the same time promoting vigorous interchange and open communications among those with differing points of view; and

(8) the Council may become a repository of wisdom and experience on public policy collaboration and consensus-building that can be shared with public and private sector policymakers and the public in the interest of promoting more effective public policy and the increased use of collaborative processes.

(b) PURPOSE.—The purpose of this Act is to establish an independent, nonprofit, national Council to serve the people and the Government by constructing an adjunct to the existing legislative and regulatory process that seeks to produce consensus on Federal policy issues through collaborative processes open to key stakeholders.

SEC. 3. DEFINITIONS.

In this Act, the term—

(1) ''Board'' means the Board of Directors of the Council;

(2) ''Council'' means the United States Consensus Council established under this Act; and

(3) ''Director'' means an individual appointed to the Board of Directors of the Council.

SEC. 4. UNITED STATES CONSENSUS COUNCIL.

(a) ESTABLISHMENT.—There is established the United States Consensus Council.

(b) STATUS; RESTRICTIONS.—The Council is an independent nonprofit corporation and shall be treated as an organization described under 170(c)(2)(B) of the Internal Revenue Code of 1986. The Council does not have the power to issue any shares of stock or to declare or pay any dividends. The Council is not an agency or instrumentality of the United States.

(c) ESTABLISHMENT OF OR AFFILIATION WITH A UNITED STATES CONSENSUS COUNCIL FOUNDATION.—As determined by the Board, the Council may establish or affiliate with a nonprofit legal entity which is capable of receiving, holding, expending, and investing public or private funds for purposes in furtherance of the Council under this Act. Such legal entity may be designated as the ''United States Consensus Council Foundation''.

(d) TRADE NAME AND TRADEMARK RIGHTS; VESTED RIGHTS PROTECTED; CONDITION FOR USE OF FEDERAL IDENTITY.—

(1) IN GENERAL.—The Council has the sole and exclusive right to use and to allow or refuse others the use of the terms ''United States Consensus Council'' and ''United States Consensus Council Foundation'' and the use of any official United States Consensus Council emblem, badge, seal, and other mark of recognition or any colorable simulation thereof.

(2) UNITED STATES REFERENCES.—The Council may use ''United States'' or ''U.S.'' or any other reference to the United States Government or Nation in its title or in its corporate seal, emblem, badge, or other mark of recognition or colorable simulation thereof in any fiscal year only if there is an authorization of appropriations, or appropriations, for the Council for such fiscal year provided by law.

SEC. 5. POWERS AND DUTIES.

(a) DISTRICT OF COLUMBIA NONPROFIT-CORPORATE POWERS.—The Council may exercise the powers conferred upon a nonprofit corporation by the District of Columbia Nonprofit Corporation Act (D.C. Code, sec. 29–301 et seq.) consistent with this Act.

(b) DESCRIPTION OF SPECIFIC ACTIVITIES.—

(1) IN GENERAL.—Acting through the Board, the Council may—

(A) promote and advance programs based on consensus building as a complement to the current deliberative processes employed by Congress and the executive branch;

(B) enter into formal and informal relationships with other institutions, public and private, for purposes not inconsistent with this Act;

(C) receive referrals from Congress, the President, executive departments, agencies, private groups, or organizations that request the Council's expertise in building a consensus on a particular public policy issue;

(D) coordinate with, make referrals to and receive referrals from, other consensus-building instrumentalities of the United States, including the United States Institute for Environmental Conflict Resolution or the Federal Mediation and Conciliation Service; and

(E) develop and apply assessment plans for the purpose of reviewing such referrals.

(2) CONSENSUS-BUILDING PROCESS.—Acting through the Board, the Council may, for each consensus-building process—

(A) consider such factors as issue complexity, cost, ripeness, likelihood of participation by key stakeholders, and any other relevant indices that may assist the Council in determining whether to accept a referral;

(B) identify any appropriate facilitator for the negotiation process;

(C) identify the key stakeholders involved or interested in the outcome of a particular issue, including those individuals who have the authority to implement the Council's recommendations;

(D) develop and publish a common set of facts to inform and assist consensus-building processes;

(E) establish ground rules, including matters related to confidentiality, representation of counsel, and ex parte communications;

(F) work to promote consensus among the stakeholders by methods such as negotiation, discussion, meetings, and any other process of dispute resolution;

(G) build and construct agreements among stakeholders;

(H) draft, present, and submit recommendations to the legislative, executive, or judicial body with oversight of the particular issue; and

(I) provide training and technical assistance in response to the request of a department, agency, or instrumentality of the Government to investigate, examine, study, and report on any issue within the Council's competence.

(3) OTHER ACTIVITIES.—The Council also may engage in any other activity consistent with its mission.

(c) GENERAL AUTHORITY.—The Council may do any and all lawful acts necessary or desirable to carry out the objectives and purposes of this Act.

(d) GUIDELINES FOR COUNCIL OPERATIONS.—As necessary, the Council shall develop guidelines, through its bylaws or otherwise, to address—

(1) policies relating to personal service contracts;

(2) standards to ensure that the Council, its Directors, employees, and agents, avoid conflicts of interest that may arise;

(3) fundraising policies, donor development programs, and matters related to the acceptance of private donations;

(4) the duties and responsibilities of the Council, its Board, officers, employees, and agents; and

(5) the establishment of advisory committees, councils, or other bodies, as the efficient administration of the business and purposes of the Council may require.

(e) ADMINISTRATIVE SERVICES FROM GENERAL SERVICES ADMINISTRATION.—The Council may obtain administrative support services from the Administrator of General Services and use all sources of supply and services of the General Services Administration on a reimbursable basis.

SEC. 6. BOARD OF DIRECTORS.

(a) VESTED POWERS.—The powers of the Council shall be vested in a Board of Directors unless otherwise specified in this Act.

(b) APPOINTMENTS.—The Board of Directors shall consist of 16 voting members as follows:

(1) Eight individuals, including private citizens, State or local employees, or officers or employees of the United States, appointed by the President, except that no more than 4 of such individuals may share the same political party affiliation.

(2) Two individuals, including private citizens, State or local employees, Senators, or officers or employees of the United States, appointed by the Majority Leader of the Senate.

(3) Two individuals, including private citizens, State or local employees, Senators, or officers or employees of the United States appointed by the Minority Leader of the Senate.

(4) Two individuals, including private citizens, State or local employees, Members of the House of Representatives, or officers or employees of the United States appointed by the Speaker of the House of Representatives.

(5) Two individuals, including private citizens, State or local employees, Members of the House of Representatives, or officers or employees of the United States appointed by the Minority Leader of the House of Representatives.

(c) TERM OF OFFICE: COMMENCEMENT AND TERMINATION, INTERIM AND REMAINDER SERVICE, LIMITATION.—

(1) TERM OF OFFICE.—Directors appointed under subsection (b) of this section shall be appointed to 4-year terms, with no Director serving more than 2 consecutive terms except that—

(A) as designated by the President, the terms of 4 of the Directors initially appointed under subsection (b)(1) shall be 2 years, subject to appointment to no more than 2 additional 4-year terms in the manner set forth in this section;

(B) as designated by the Speaker of the House of Representatives, the terms of the 2 Directors initially appointed under subsection (b)(4) shall be 2 years, subject to appointment to no more than 2 additional 4-year terms in the manner set forth in this section; and

(C) as designated by the Minority Leader of the House of Representatives, the terms of

the 2 Directors initially appointed under subsection (b)(5) shall be 2 years, subject to appointment to no more than 2 additional 4-year terms in the manner set forth in this section.

(2) INTERIM SERVICE.—Any Director appointed to the Board may continue to serve until his or her successor is appointed.

(3) REMAINDER SERVICE.—Any Director appointed to the Board to replace a Director whose term has not expired shall be appointed to serve the remainder of that term.

(4) PRESIDENT OF COUNCIL.—The President of the Council shall serve as a nonvoting Director of the Board.

(d) QUALIFICATIONS.—A demonstrated interest in the mission of the Council or expertise in consensus building may be considered in appointments made under this section.

(e) REMOVAL FROM OFFICE.—A Director may be removed by a process to be determined by the Council's bylaws.

(f) MEETINGS; NOTICE IN FEDERAL REGISTER.—Meetings of the Board shall be conducted pursuant to the Council's bylaws, except as provided in the following:

(1) MEETINGS; QUORUM.—The Board shall meet at least semiannually. A majority of the Directors in office shall constitute a quorum for any Board meeting.

(2) OPEN MEETINGS.—All official governing meetings of the Board shall be open to public observation and shall be preceded by reasonable public notice. Notice in the Federal Register shall be deemed to be reasonable public notice for purposes of the preceding sentence. In exceptional circumstances, the Board may close those portions of a meeting, upon a majority vote of Directors present and with the vote taken in public session, which are likely to disclose information or that may adversely affect any ongoing proceeding or activity or to disclose information or matters exempted from public disclosure under subsection (c) of section 552b of title 5.

(g) COMPENSATION.—Directors shall be compensated at a rate not to exceed the daily equivalent of the rate payable for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which they are engaged in the performance of the duties of the Council. The Directors shall not be employees of the United States.

(h) TRAVEL EXPENSES.—While away from home or regular place of business in the performance of duties for the Board, a Director may receive reasonable travel, subsistence, and other necessary expenses.

SEC. 7. OFFICERS AND EMPLOYEES.

(a) APPOINTMENT, COMPENSATION, AND STATUS OF PRESIDENT OF COUNCIL AND OTHER OFFICERS.—There shall be a President who shall be appointed by the Board. The President shall be the chief executive officer of the Council and shall carry out or cause to be carried out the functions of the Council subject to the supervision and direction of the Board.

(1) COMPENSATION OF PRESIDENT OF THE COUNCIL.—The President of the Council shall be compensated at an annual rate of pay not to exceed the rate payable for a position at level II of the Executive Schedule under section 5313 of title 5, United States Code.

(2) ASSIGNMENT OF FEDERAL OFFICERS OR EMPLOYEES TO THE COUNCIL.—The Council may request the assignment of any Federal officer or employee to the Council by an appropriate executive department, agency, or congressional official or Member of Congress and may enter into an agreement for such assignment, if the affected officer or employee agrees to such assignment and such assignment causes no prejudice to the salary, benefits, status, or advancement within the department, agency, or congressional staff of such officer or employee.

(3) PERSONNEL.—The President of the Council, with the approval of the Board, may appoint and fix the compensation of such additional personnel as determined necessary. The President and employees of the Council shall not be employees of the United States.

(4) COMPENSATION FOR SERVICES OR EXPENSES; PROHIBITION ON LOANS TO COUNCIL DIRECTORS AND PERSONNEL.—

(A) IN GENERAL.—No part of the financial resources, income, or assets of the Council or of any legal entity created by the Council shall inure to any agent, employee, officer, or Director or be distributable to any such person during the life of the corporation or upon dissolution or final liquidation. Nothing in this section may be construed to prevent the payment of reasonable compensation for services or expenses to the Directors, officers, employees, and agents of the Council in amounts approved in accordance with this Act.

(B) LOANS.—The Council shall not make loans to its Directors, officers, employees, or agents.

SEC. 8. PROCEDURES AND RECORDS.

(a) MONITORING AND EVALUATION OF PROGRAMS.—The Council shall monitor and evaluate and provide for independent evaluation if necessary of programs supported in whole or in part under this Act to ensure that the provisions of this Act and the bylaws, rules, regulations, and guidelines promulgated under this Act are adhered to.

(b) ACCOUNTS OF RECEIPTS AND DISBURSEMENTS; FINANCIAL REPORTS.—The Council shall keep correct and complete books and records of accounts, including separate and distinct accounts of receipts and disbursements of Federal funds. The Council's annual financial report shall identify the use of such funding and shall present a clear description of the full financial situation of the Council.

(c) MINUTES OF PROCEEDINGS.—The Council shall keep minutes of the proceedings of its Board and of any committees having authority under the Board.

(d) RECORD AND INSPECTION OF REQUIRED ITEMS.—

(1) IN GENERAL.—The Council shall keep a record of—

(A) the names and addresses of its Directors, copies of this Act, and any other Act relating to the Council;

(B) all Council bylaws, rules, regulations, and guidelines;

(C) required minutes of proceedings;

(D) all applications and proposals and issued or received contracts and grants; and

(E) financial records of the Council.

(2) INSPECTION.—All items required by this subsection may be inspected by any Director or any agent or attorney of a Director for any proper purpose at any reasonable time.

(e) AUDITS.—The accounts of the Council shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants, certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The audit shall be conducted at the place or places where the accounts of the Council are normally kept. All books, accounts, financial records, files, and other papers, things, and property belonging to or in use by the Council and necessary to facilitate the audit shall be made available to the person or persons conducting the audit, and full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians shall be afforded to such person or persons.

(f) REPORT TO CONGRESS; COPIES FOR PUBLIC.—The Council shall provide a report to the President and to each House of Congress not later than 6 months following the close of the fiscal year for which the audit is made. The report shall set forth such statements of the Council's activities for the prior year. The report shall be made available to the public.

SEC. 9. FUNDING.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—For the purpose of carrying out this Act, there are authorized to be appropriated $5,000,000 for fiscal year 2002 and such sums as may be necessary for succeeding fiscal years.

(2) AVAILABILITY.—Funds appropriated under the authority of paragraph (1) shall remain available until expended.

(b) TRANSFER OF UNOBLIGATED FUNDS; REPORTS OF USE OF FUNDS TO CONGRESS AND PRESIDENT.—The Board may transfer to the legal entity authorized to be established under section 4(c) any funds not obligated or expended from appropriations to the Council for a fiscal year, and such funds shall remain available for obligation or expenditure for the purposes of such legal entity without regard to fiscal year limitations. Any use by such legal entity of appropriated funds shall be reported to each House of Congress and to the President.

SEC. 10. DISSOLUTION OR LIQUIDATION.

Upon dissolution or final liquidation of the Council, all income and assets appropriated by the United States to the Council, but not any other funds, shall revert to the United States Treasury.

By Mr. SANTORUM (for himself and Mr. MCCAIN);

S. 1652. A bill to amend the Agricultural Market Transition Act to convert the price support program for sugarcane and sugar beets into a system of solely recourse loans and to provide for the gradual elimination of the program; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. SANTORUM. Madam President, I rise today to introduce the Sugar Program Reform Act. This bill is a continuation of my ongoing efforts to bring needed reform to Federal agriculture programs that have perpetuated Federal control over prices and production.

While the 1996 farm bill modernized Federal agriculture policy for some commodities, the sugar program, however, only realized minor reforms. As a result, trade opportunities for other agriculture producers have been hampered, and Americans have been twice affected, both as consumers and taxpayers.

A GAO report released in June 2000, presents information suggesting the Federal sugar program is not serving consumers and taxpayers well. That report, an update to a 1993 report on the same matter, estimated that the sugar program resulted in net losses to the U.S. economy of about $700 million in 1996, and about $900 million in 1998. Moreover, it found that the primary beneficiaries of the sugar program's higher prices are domestic sugar beet and cane producers who were estimated to receive benefits of about $800 million in 1996 and nearly $1 billion in 1998.

In terms of trade opportunities, the sugar program harms other agricultural producers by slowing efforts to

open foreign markets for American farm products. As long as the United States uses restrictive sugar import quotas to stiffle trade, these counties have a ready excuse not to drop their own trade barriers.

The Sugar Program Reform Act, which I am pleased to introduce with Senate MCCAIN, will finally bring major change to the sugar program. It will accomplish that goal by: reducing support prices and ending them after 2004; requiring that loans be repaid ending sugar processors' ability to turn over surplus sugar to the government instead of repaying the amounts they have borrowed; and assuring adequate supplies, requiring that import quotas be administered to maintain prices at no more than the price support level established by Congress.

When the Senate considers legislation to reauthorize farm programs, I look forward to a spirited debate on the necessity of reforming policies that have not served the best interests of taxpayers or the agricultural community at large.

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. 1652

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 ''Sugar Program Reform Act''.

SEC. 2. RECOURSE LOANS FOR PROCESSORS OF SUGARCANE AND SUGAR BEETS AND REDUCTION IN LOAN RATES.

(a) GRADUAL REDUCTION IN LOAN RATES.—

(1) SUGARCANE PROCESSOR LOANS.—Section 156(a) of the Agricultural Market Transition Act (7 U.S.C. 7272(a)) is amended by striking ''equal to 18 cents per pound for raw cane sugar.'' and inserting the following: '', per pound for raw cane sugar, equal to the following:

''(1) In the case of raw cane sugar processed from the 1996 through 2000 crops, $0.18.

''(2) In the case of raw cane sugar processed from the 2001 crop, $0.17.

''(3) In the case of raw cane sugar processed from the 2002 crop, $0.16.

''(4) In the case of raw cane sugar processed from the 2003 crop, $0.15.

''(5) In the case of raw cane sugar processed from the 2004 crop, $0.14.''.

(2) SUGAR BEET PROCESSOR LOANS.—Section 156(b) of the Agricultural Market Transition Act (7 U.S.C. 7272(b)) is amended by striking ''equal to 22.9 cents per pound for refined beet sugar.'' and inserting the following: '', per pound of refined beet sugar, that reflects—

''(1) an amount that bears the same relation to the loan rate in effect under subsection (a) for a crop as the weighted average of producer returns for sugar beets bears to the weighted average of producer returns for sugarcane, expressed on a cents per pound basis for refined beet sugar and raw cane sugar, for the most recent 5-year period for which data are available; and

''(2) an amount that covers sugar beet processor fixed marketing expenses.''.

(b) CONVERSION TO RECOURSE LOANS.—Section 156(e) of the Agricultural Market Transition Act (7 U.S.C. 7272(e)) is amended—

(1) in paragraph (1), by inserting ''only'' after ''this section''; and

(2) by striking paragraph (2) and inserting the following:

''(2) NATIONAL LOAN RATES.—Recourse loans under this section shall be made available at all locations nationally at the rates specified in this section, without adjustment to provide regional differentials.''.

(c) CONVERSION TO PRIVATE SECTOR FINANCING.—Section 156 of the Agricultural Market Transition Act (7 U.S.C. 7272) is amended—

(1) by redesignating subsection (i) as subsection (j);

(2) by inserting after subsection (h) the following:

''(i) CONVERSION TO PRIVATE SECTOR FINANCING.—Notwithstanding any other provision of law—

''(1) no processor of any of the 2005 or subsequent crops of sugarcane or sugar beets shall be eligible for a loan under this section with respect to the crops; and

''(2) the Secretary may not make price support available, whether in the form of loans, payments, purchases, or other operations, for any of the 2005 and subsequent crops of sugar beets and sugarcane by using the funds of the Commodity Credit Corporation or other funds available to the Secretary.''; and

(3) in subsection (j) (as redesignated by paragraph (1))—

(A) by striking ''subsection (f)'' and inserting ''subsections (f) and (i)''; and

(B) by striking ''2002'' and inserting ''2004''.

(d) TERMINATION OF MARKETING QUOTAS AND ALLOTMENTS.—

(1) TERMINATION.—Part VII of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359aa et seq.) is repealed.

(2) CONFORMING AMENDMENT.—Section 344(f)(2) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1344(f)(2)) is amended by striking ''sugar cane for sugar, sugar beets for sugar,''.

(e) OTHER CONFORMING AMENDMENTS.—

(1) PRICE SUPPORT FOR NONBASIC AGRICULTURAL COMMODITIES.—

(A) DESIGNATED NONBASIC AGRICULTURAL COMMODITIES.—Section 201(a) of the Agricultural Act of 1949 (7 U.S.C. 1446(a)) is amended by striking ''milk, sugar beets, and sugarcane'' and inserting ''and milk''.

(B) OTHER NONBASIC AGRICULTURAL COMMODITIES.—Section 301 of the Agricultural Act of 1949 (7 U.S.C. 1447) is amended by inserting ''(other than sugarcane and sugar beets)'' after ''title II''.

(2) POWERS OF COMMODITY CREDIT CORPORATION.—Section 5(a) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714c(a)) is amended by inserting ''(except for the 2005 and subsequent crops of sugarcane and sugar beets)'' after ''agricultural commodities''.

(3) SECTION 32 ACTIVITIES.—Section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), is amended in the second sentence of the first paragraph by inserting ''(other than sugarcane and sugar beets)'' after ''commodity'' the last place it appears.

(f) ASSURANCE OF ADEQUATE SUPPLIES OF SUGAR.—Section 902 of the Food Security Act of 1985 (7 U.S.C. 1446g note; Public Law 99–198) is amended by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—Beginning with the quota year for sugar imports that begins after the 2000/2001 quota year, the President shall use all authorities available to the President as may be necessary to enable the Secretary of Agriculture to ensure that adequate supplies of raw cane sugar are made available to the United States market at prices that are not greater than the higher of—

''(1) the world sugar price (adjusted to a delivered basis); or

''(2) the raw cane sugar loan rate in effect under section 156 of the Agricultural Market Transition Act (7 U.S.C. 7272), plus interest.''.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2109. Ms. LANDRIEU (for herself and Mr. DEWINE) proposed an amendment to the bill H.R. 2944, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2002, and for other purposes.

SA 2110. Mrs. HUTCHISON (for herself and Mr. SESSIONS) proposed an amendment to the bill H.R. 2944, supra.

SA 2111. Mr. DURBIN (for himself and Mrs. BOXER) proposed an amendment to the bill H.R. 2944, supra.

SA 2112. Mr. DORGAN proposed an amendment to the bill H.R. 2944, supra.

SA 2113. Ms. LANDRIEU (for herself and Mr. DEWINE) proposed an amendment to the bill H.R. 2944, supra.

TEXT OF AMENDMENTS

SA 2109. Ms. LANDRIEU (for herself, and Mr. DEWINE) proposed an amendment to the bill H.R. 2944, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 6, line 25, insert the following after ''inserting ''1,100''.'':

Section 16(d) of the Victims of Violent Crime Compensation Act of 1996 (sec. 4–515(d), D.C. Official Code), as amended by section 403 of the Miscellaneous Appropriations Act, 2001 (as enacted into law by section 1(a)(4) of the Consolidated Appropriations Act, 2001), is amended—

(1) by striking ''in excess of $250,000''; and

(2) by striking ''and approved by'' and all that follows and inserting a period.

(b) The amendments made by subsection (a) shall take effect as if included in the enactment of section 403 of the Miscellaneous Appropriations Act, 2001.

On page 12, line 7, after ''Agency,'' insert the following: ''the Governor of the State of Maryland and the Governor of the Commonwealth of Virginia, the county executives of contiguous counties of the region''.

Page 12, line 7, after ''and'' and before ''state'' insert the following: ''the respective''.

Page 12, line 8, after ''emergency'' and before ''plan'' insert: ''operations''.

Page 13, line 14, strike ''$500,000'' and insert: ''$250,000''.

Page 13, line 15, strike ''McKinley Technical High School'' and insert the following: ''Southeastern University''.

Page 13, line 16, strike ''Southeastern University'' and insert the following: ''McKinley Technical High School.''.

Page 13, line 14, insert after ''students;'': ''$250,000 for Lightspan, Inc. to implement the eduTest.com program in the District of Columbia Public Schools;''.

Page 16, line 3, strike ''U.S. Soccer Foundation, to be used'' and insert: ''Washington, D.C. Sports and Entertainment Commission which in coordination with the U.S. Soccer Foundation, shall use the funds''.

Page 17, line 18, insert after ''families'' the following: ''and children without parents, due to the September 11, 2001 terrorist attacks on the District of Columbia,''.

Page 18, line 8, after ''*Provided*,'' and before ''That'' insert the following: ''That funds

made available in such Act for the Washington Interfaith Network (114 Stat. 2444) shall remain available for the purposes intended until December 31, 2001: *Provided*,''.

Page 34, line 4, District of Columbia Funds—Public Works, insert after ''available'': ''*Provided*, That $1,550,000 made available under the District of Columbia Appropriations Act, 2001 (Public Law 106–522) for taxicab driver security enhancements in the District of Columbia shall remain available until September 30, 2002.''.

Page 37, line 4, insert the following after ''service'': ''Notwithstanding any other provision of law, the District of Columbia is hereby authorized to make any necessary payments related to the ''District of Columbia Emergency Assistance Act of 2001'': *Provided*, That the District of Columbia shall use local funds for any payments under this heading: *Provided further*, That the Chief Financial Officer shall certify the availability of such funds, and shall certify that such funds are not required to address budget shortfalls in the District of Columbia.''.

Page 63, line 8, after ''expended.'' insert the following new subsection:

''(C) AVAILABILITY OF FY 2001 BUDGET RESERVE FUNDS.—For fiscal year 2001, any amount in the budget reserve shall remain available until expended.''.

Page 68, line 6, insert the following as a new General Provision:

SEC. 137. To waive the period of Congressional review of the Closing of Portions of 2nd and N Streets, N.E. and Alley System in Square 710, S.O. 00–97, Act of 2001. Notwithstanding section 602(c)(1) of the District of Columbia Home Rule Act (sec. 1–233(c)(1), D.C. Code), the Closing of Portions of 2nd and N Streets, N.E. and Alley System in Square 710, S.O. 00–97, Act of 2001 (D.C. Act 14–106) shall take effect on the date of the enactment of such Act or the date of the enactment of this Act, whichever is later.

SA 2110. Mrs. HUTCHISON (for herself and Mr. SESSIONS) proposed an amendment to the bill H.R. 2944, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2002, and for other purposes; as follows:

Under ''General Provisions'' insert the following new section:

SEC. . (a) None of the funds contained in this Act may be made available to pay the fees of an attorney who represents a party who prevails in an action or any attorney who defends any action, including an administrative proceeding, brought against the District of Columbia Public Schools under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) If—

(1) the hourly rate of compensation of the attorney exceeds 300 percent of the maximum amount of compensation under section 11–2604(b)(1), District of Columbia Code; or

(2) the maximum amount of compensation of the attorney exceeds 300 percent of the maximum amount of compensation under section 11–2604(b)(1), District of Columbia Code, except that compensation and reimbursement in excess of such maximum may be approved for extended or complex representation in accordance with section 11–2604(c), District of Columbia Code; and

(3) in no case may the compensation limits in paragraphs (1) and (2) exceed $3,000.

(b) Notwithstanding the preceding subsection, if the Mayor and the Superintendent of the District of Columbia Public Schools concur in a Memorandum of Understanding setting forth a new rate and amount of compensation, or a new limit referred to in subsection (a)(3), then such new rates or limits shall apply in lieu of the rates and limits set forth in the preceding subsection to both the attorney who represents the prevailing party and the attorney who defends the action.

(c) Notwithstanding 20 U.S.C. §1415, 42 U.S.C. §1988, 29 U.S.C. §794a, or any other law, none of the funds appropriated under this Act, or in appropriations acts for subsequent fiscal years, may be made available to pay attorneys' fees accrued prior to the effective date of this Act that exceeds a cap imposed on attorneys' fees by prior appropriations acts that were in effect during the fiscal year when the work was performed, or when payment was requested for work previously performed, in an action brought against the District of Columbia Public Schools under the Individuals With Disabilities Act (20 U.S.C. §1400 et seq.).

SA 2111. Mr. DURBIN (for himself and Mrs. BOXER) proposed an amendment to the bill H.R. 2944, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place insert the following:

SEC. . The limitation on attorneys fees paid by the District of Columbia for actions brought under I.D.E.A. (20 U.S.C. 1400 et seq.) (Sec. 138) shall not apply if the plaintiff's a child who is

(a) from a family with an annual income of less than $17,600; or

(b) from a family where one of the parents is a disabled veteran; or

(c) where the child has been adjudicated as neglected or abused.

SA 2111. Mr. DORGAN proposed an amendment to the bill H.R. 2944, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 68, between lines 4 and 5, insert the following:

SEC. 137. MANDATORY ADVANCED ELECTRONIC INFORMATION FOR AIR CARGO AND PASSENGERS ENTERING THE UNITED STATES.

(a) AIR CARGO INFORMATION.—

(1) IN GENERAL.—Section 431(b) of the Tariff Act of 1930 (19 U.S.C. 1431(b)) is amended—

(A) by striking ''(b) PRODUCTION OF MANIFEST.—Any manifest'' and inserting the following:

''(b) PRODUCTION OF MANIFEST.—

''(1) IN GENERAL.—Any manifest'';

(B) by indenting the margin of paragraph (1), as so designated, two ems; and

(C) by adding at the end the following new paragraph:

''(2) ADDITIONAL INFORMATION.—

''(A) IN GENERAL.—In addition to any other requirement under this section, every air carrier required to make entry or obtain clearance under the customs laws of the United States, the pilot, the master, operator, or owner of such carrier (or the authorized agent of such owner or operator) shall provide by electronic transmission cargo manifest information specified in subparagraph (B) in advance of such entry or clearance in such manner, time, and form as the Secretary shall prescribe. The Secretary may exclude any class of air carrier for which the Secretary concludes the requirements of this subparagraph are not necessary.

''(B) INFORMATION REQUIRED.—The information specified in this subparagraph is as follows:

''(i) The port of arrival or departure, whichever is applicable.

''(ii) The carrier code, prefix code, or, both.

''(iii) The flight or trip number.

''(iv) The date of scheduled arrival or date of scheduled departure, whichever is applicable.

''(v) The request for permit to proceed to the destination, if applicable.

''(vi) The numbers and quantities from the master and house air waybill or bills of lading.

''(vii) The first port of lading of the cargo.

''(viii) A description and weight of the cargo.

''(ix) The shippers name and address from all air waybills or bills of lading.

''(x) The consignee name and address from all air waybills or bills of lading.

''(xi) Notice that actual boarded quantities are not equal to air waybill or bills of lading quantities.

''(xii) Transfer or transit information.

''(xiii) Warehouse or other location of the cargo.

''(xiv) Such other information as the Secretary, by regulation, determines is reasonably necessary to ensure aviation transportation safety pursuant to the laws enforced or administered by the Customs Service.

''(3) AVAILABILITY OF INFORMATION.—Information provided under paragraph (2) may be shared with other departments and agencies of the Federal Government, including the Department of Transportation and the law enforcement agencies of the Federal Government, for purposes of protecting the national security of the United States.''.

(2) CONFORMING AMENDMENTS.—Subparagraphs (A) and (C) of section 431(d)(1) of such Act are each amended by inserting before the semicolon ''or subsection (b)(2)''.

(b) PASSENGER INFORMATION.—Part II of title IV of the Tariff Act of 1930 is amended by inserting after section 431 the following new section:

''SEC. 432. PASSENGER AND CREW MANIFEST INFORMATION REQUIRED FOR AIR CARRIERS.

''(a) IN GENERAL.—For every person arriving or departing on an air carrier required to make entry or obtain clearance under the customs laws of the United States, the pilot, the master, operator, or owner of such carrier (or the authorized agent of such owner or operator) shall provide, by electronic transmission, manifest information specified in subsection (b) in advance of such entry or clearance in such manner, time, and form as the Secretary shall prescribe.

''(b) INFORMATION.—The information specified in this subsection with respect to a person is—

''(1) full name;

''(2) date of birth and citizenship;

''(3) sex;

''(4) passport number and country of issuance;

''(5) United States visa number or resident alien card number, as applicable;

''(6) passenger name record; and

''(7) such other information as the Secretary, by regulation, determines is reasonably necessary to ensure aviation transportation safety pursuant to the laws enforced or administered by the Customs Service.

''(c) AVAILABILITY OF INFORMATION.—Information provided under this section may be shared with other departments and agencies of the Federal Government, including the Department of Transportation and the law enforcement agencies of the Federal Government, for purposes of protecting the national security of the United States.''.

(c) DEFINITION.—Section 401 of the Tariff Act of 1930 (19 U.S.C. 1401) is amended by adding at the end the following new subsection:

''(t) AIR CARRIER.—The term 'air carrier' means an air carrier transporting goods or passengers for payment or other consideration, including money or services rendered.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect 45 days after the date of enactment of this Act.

SA 2113. Ms. LANDRIEU (for herself and Mr. DEWINE) proposed an amendment to the bill H.R. 2944, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 68, after line 4, insert:

SEC. . The GAO, in consultation with the relevant agencies and members of the Committee on Appropriations Subcommittee on DC Appropriations shall submit by January 2, 2002 a report to the Committees on Appropriations of the House and the Senate and the Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives detailing the awards in judgment rendered in the District of Columbia that were in excess of the cap imposed by prior appropriations acts in effect during the fiscal year when the work was performed, or when payment was requested for work previously performed, in actions brought against the District of Columbia Public Schools under the Individuals with Disabilities Act (20 U.S.C. §1400 et. seq.). Provided further, that such report shall include a comparison of the cause of actions and judgments rendered against public school districts of comparable demographics and population as the District.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mrs. MURRAY. 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 Wednesday, November 7, 2001. The purpose of this hearing will be to continue markup on the next Federal farm bill.

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

COMMITTEE ON FOREIGN RELATIONS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, November 7, 2001, at 2 p.m., to hold a nomination hearing.

Agenda

Nominees

Panel 1: John Marshall, of Virginia, to be an Assistant Administrator (Management) of the United States Agency for International Development and Constance Newman, of Illinois, to be an Assistant Administrator (for Africa) of the United States Agency for International Development.

Panel 2: Cynthia Perry, of Texas, to be United States Director of the African Development Bank for a term of five years; Jose Fourquet, of New Jersey, to be United States Executive Director of the Inter-American Development Bank for a term of three years; and Jorge Arrizurieta, of Florida, to be United States Alternate Executive Director of the Inter-American Development Bank.

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

COMMITTEE ON THE JUDICIARY

Mrs. MURRAY. Mr. President: I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Wednesday, November 7, 2001, at 10 a.m., in Dirksen room 226, to consider the nominations of Joe L. Heaton, to be United States District Judge for the Western District of Oklahoma, Clay D. Land, to be United States District Judge for the Middle District of Georgia, Frederick J. Martone, to be United States District Judge for the District of Arizona, Danny C. Reeves, to be United States District Judge for the Eastern District of Kentucky, Julie A. Robinson, to be United States District Judge for the District of Kansas, and James Edward Rogan, of California, to be Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

Witnesses will include Senators DON NICKLES, MITCH MCCONNELL, JAMES INHOFE, JON KYL, SAM BROWNBACK, PAT ROBERTS, MAX CLELAND, JIM BUNNING, and ZELL MILLER.

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

SELECT COMMITTEE ON INTELLIGENCE

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to hold a closed hearing on intelligence matters on Wednesday, November 7, 2001, at 3:30 p.m.

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

SUBCOMMITTEE ON ANTITRUST, BUSINESS RIGHTS AND COMPETITION

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Antitrust, Business Rights and Competition be authorized to meet to conduct a hearing on Wednesday, November 7, 2001, at 2 p.m., in Dirksen 226.

Tentative witness list for ''International Aviation Alliances: Market Turmoil and the Future of Airline Competition'': Donald Carty, President and Chief Executive Officer, American Airlines; Leo Mullen, Chief Executive Officer, Delta Airlines; Richard Anderson, Chief Executive Officer, Northwest Airlines; Richard Branson, Chief Executive Officer, Virgin Atlantic Airlines; Roger Maynard, Director of Alliances and Strategy, British Airways; and Larry Kellner, President, Continental Airlines.

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

SUBCOMMITTEE ON INTERNATIONAL SECURITY, PROLIFERATION AND FEDERAL SERVICES

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs' Subcommittee on International Security, Proliferation and Federal Services be authorized to meet on Wednesday, November 7, 2001, at 2:30 p.m., to hold a hearing entitled ''Current and Future Weapons of Mass Destruction Proliferation Threats.''

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

USE OF CONTROLLED SUBSTANCES FOR PHYSICIAN ASSISTED SUICIDE

Mr. NICKLES. Madam President, in a memorandum issued yesterday to Drug Enforcement Administration chief Asa Hutchinson, Attorney General Ashcroft overturned a 1998 decision by Attorney General Janet Reno that allowed for the use of controlled substances for physician assisted suicide.

Until June 5, 1998, everyone understood that assisted suicide was not a ''legitimate medical purpose.'' On that date, Attorney General Janet Reno issued a letter carving out an exception for Oregon to use Federally-controlled substances for assisted suicide, a decision that overturned an earlier determination by the Drug Enforcement Administration and which was in direct conflict with 29 years of practice under the Controlled Substances Act.

Attorney General Ashcroft wrote that assisting in a suicide is not a ''legitimate medical purpose'' under federal law and determined that prescribing, dispensing, or administering federally controlled substances to assist suicide violates the Controlled Substances Act, regardless of whether State law authorizes or permits such conduct by practitioners.

This important decision restores the uniform national standard that federally-controlled substances can not be used for the purpose of assisted suicide by applying the law to all 50 states.

Federal law is clearly intended to prevent use of these drugs for lethal overdoses, and contains no exception for deliberate overdoses approved by a physician. The Controlled Substances Act requires that these substances can only be used for a ''legitimate medical purpose'' in the interest of ''public health and safety''. Assisted suicide can neither be counted as a ''legitimate medical purpose'' or in the interest of ''public health and safety.''

I have personally been a long, strong advocate of States' rights and the limited role of the Federal Government. This decision neither overturns or preempts any State legislation related to suicide. Instead, it clarifies that the dispensing of controlled substances for the purpose of assisted suicide is prohibited under longstanding federal law.

Because of Attorney General Reno's letter, for three years the federal government has been complicite in allowing the use of Federally controlled substances for the specific purpose of causing death—in my opinion, in violation of Federal law. There is no role for the Federal Government in providing assisted suicide. I compliment Attorney General Ashcroft's decision to return to the correct and only reasonable interpretation of the Controlled Substances Act. Federally controlled substances should be used for a ''legitimate medical purpose'' and not for assisted suicide.

In my opinion, this is very good news for patients and health care providers in all 50 States. Yesterday's decision encourages doctors to aggressively use Federally-controlled drugs to treat pain while making sure that one State cannot overturn Federal law. This move by Attorney General Ashcroft was absolutely the right thing to do and I applaud him for it.

A couple of other editorial comments: I heard someone say, Well, wait a minute; this directly overturns Oregon law. It does not. Conversely, the State of Oregon cannot overturn Federal law, and that is what the State of Oregon tried to do.

Federal law has been in effect for 29 years. The Controlled Substances Act goes way back, and it said the Federal Government regulates the use of these very strong and in some cases deadly drugs. The Federal law states it can only be used for a legitimate medical purpose.

The State of Oregon tried to pass by referendum a law that says these drugs can be used for assisted suicide. The Drug Enforcement Administration said they cannot be used for assisted suicide.

Attorney General Reno made a serious mistake 3 years ago when she said it was okay. She was wrong. She was overturning basically and not interpreting the law correctly, not agreeing with the Drug Enforcement Agency that said they never could be used. They reviewed it extensively. I think she made a serious mistake, and as a result some physicians in Oregon were using federally controlled drugs to assist in death.

Attorney General Ashcroft has overturned her letter. Her letter, in my opinion, was in direct contradiction of law. It was very explicit. These drugs can only be used for a legitimate medical purpose, and assisted suicide was never considered a legitimate medical purpose.

Attorney General Ashcroft has now corrected that. Somebody says he has overturned Oregon law. No. What he did was interpret the Federal statute exactly as it was written, exactly as it has been interpreted for the last 30 years, and overturned Attorney General Janet Reno's mistaken interpretation of law.

The fact is, neither Oregon nor Oklahoma can overrule Federal law. If so—we have Federal laws against cocaine—some States could say, we are going to legalize cocaine. But they cannot do that. Individual States cannot overturn Federal statutes. That is exactly what the State of Oregon tried to do. They were mistaken in their legislative approach through the referendum.

Some people say this is denying the people of Oregon their right to vote. That is not correct. The people of Oregon can vote all they want. They just cannot change public law by a public referendum. That is what they tried to do.

So again I compliment Attorney General John Ashcroft for his decision and for his memorandum to Asa Hutchinson, who is the Drug Enforcement Administration chief. I think both are doing an outstanding job, and I think the decision is good news for patients because now these drugs can be used to alleviate pain.

I still hope we will pass legislation to encourage the use of these very strong drugs to alleviate pain. We have thousands of citizens all across this country who are suffering greatly, and they should be allowed and encouraged to use these very strong drugs to alleviate the pain. If that is the purpose, that is fine. If the purpose is to cause their death by suicide, assisted by a doctor or not, that is not right. That is not allowed under this statute. This statute cannot allow these very strong drugs to be used to alleviate pain.

We should encourage that. Senator LIEBERMAN and I have introduced legislation to that end, and I hope and expect we can get that passed in the not-too-distant future.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam 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—S. 1428

Mr. REID. Madam President, I ask unanimous consent that at 10 a.m. on Thursday, November 8, the Senate proceed to the consideration of Calendar No. 214, S. 1428, the intelligence authorization bill; that other than committee-reported amendments, all amendments be limited to relevant amendments, and any second-degree amendments be relevant to the amendment to which it was offered with the exception of the Smith of New Hampshire amendment relating to immigration deportation, and a Leahy or designee amendment on the same subject as the Smith amendment; that relevant second-degree amendments be in order to these two amendments; that upon the disposition of all amendments the bill be read a third time, and the Senate then proceed to Calendar No. 188, H.R. 2883, the House companion; that all after the enacting clause be stricken, and the text of S. 1428, as amended, if amended, be inserted in lieu thereof, the bill be read a third time and passed, the motion to reconsider be laid upon the table; that the Senate insist on its amendment and request a conference with the House on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees on the part of the Senate, with this action occurring with no further intervening action or debate.

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

MEASURE PLACED ON THE CALENDAR—S. 1428

Mr. REID. Madam President, I ask unanimous consent that S. 1428 be returned to the calendar.

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

ORDERS FOR THURSDAY, NOVEMBER 8, 2001

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10 a.m. on Thursday, November 8; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and that the Senate begin consideration of the intelligence authorization bill.

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

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 5:51 p.m., adjourned until Thursday, November 8, 2001 at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate November 7, 2001:

DEPARTMENT OF THE INTERIOR

REBECCA W. WATSON, OF MONTANA, TO BE AN ASSISTANT SECRETARY OF THE INTERIOR, VICE SYLVIA V. BACA, RESIGNED.

DEPARTMENT OF STATE

JOHN V. HANFORD III, OF VIRGINIA, TO BE AMBASSADOR AT LARGE FOR INTERNATIONAL RELIGIOUS FREEDOM, VICE ROBERT A. SEIPLE.

FEDERAL HOUSING FINANCE BOARD

FRANZ S. LEICHTER, OF NEW YORK, TO BE A DIRECTOR OF THE FEDERAL HOUSING FINANCE BOARD FOR A TERM EXPIRING FEBRUARY 27, 2006, VICE DANIEL F. EVANS, JR., TERM EXPIRED.

ALLAN I. MENDELOWITZ, OF CONNECTICUT, TO BE A DIRECTOR OF THE FEDERAL HOUSING FINANCE BOARD FOR A TERM EXPIRING FEBRUARY 27, 2007, VICE BRUCE A. MORRISON, TERM EXPIRED.

NATIONAL LABOR RELATIONS BOARD

DENNIS P. WALSH, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING DECEMBER 16, 2004, VICE SARAH MCCRACKEN FOX, RESIGNED.

WITHDRAWAL

Executive message transmitted by the President to the Senate on November 7, 2001, withdrawing from further Senate consideration the following nomination:

W. MICHAEL COX, OF GEORGIA, TO BE AN ASSISTANT SECRETARY OF LABOR, WHICH WAS SENT TO THE SENATE ON OCTOBER 18, 2001.