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House of Representatives

The House met at 10 a.m.

The Rabbi Carole Meyers, Chaplain, Temple Sinai of Glendale, Glendale, California, offered the following prayer:

I am honored to be here this morning with you courageous leaders of our country to join together in prayer. It takes courage to pray meaningfully in the wake of events shaping our lives.

It is not that we do not turn to God, we do. We come with our praise and with our entreaties, but we strain to hear an answer, to sense God's presence radiating back to us, over the abyss that grief and fear have created.

Shall we this morning, just for a moment, stop speaking to God, asking God, about God, entreating God, and instead make an effort to find once again that experience of God's presence that grounds our faith.

Come with me to that place. Perhaps it was when you witnessed the birth of your child, new life so precious and pure, perhaps when you saw your soul reflected back at you in the eyes of someone whose love was infinite. Perhaps in the tangle of pain and darkness when somehow there was a presence to call, to let you know you would move forward. Perhaps when a piece of music shook you to your core, bringing an exquisite awareness of the depth of human experience.

Perhaps when you truly saw the miracle of nature surrounding us, the sun rising and setting, day after day of nature in its magnificent order, there was a moment when you knew that an Other exists before whom we stand in awe and whose greatness we strive to reflect in the actions of our lives.

Eternal God, be with us as we move through this time of uncertainty. Help us know that we can lend Your presence and use our lives to reflect it. Then we will have the faith to bring light and joy, peace and comfort, justice and goodness to this magnificent world God has created. Amen.

THE JOURNAL

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

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

Mr. MCNULTY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. MCNULTY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

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

Mr. SAWYER 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.

WELCOMING RABBI CAROLE MEYERS

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

Mr. SCHIFF. Mr. Speaker, I would like to join in welcoming today's distinguished guest chaplain, Rabbi Carole Meyers, and thank her for leading the House in prayer. As Rabbi Emerita of Temple Sinai in Glendale, California, Rabbi Meyers has distinguished herself as a community leader.

Over the past 15 years, Rabbi Meyers has served at Glendale's Temple Sinai, one of the most thriving synagogues in the area. During her tenure at Temple Sinai, the congregation nearly doubled in size, boosting its education programs for both children and adults.

Rabbi Meyers significantly raised the profile of the temple through her extensive community involvement. Over the past few years, Rabbi Meyers has been involved with Habitat for Humanity and the Glendale Community Foundation. She served on the Mayor's Task Force on Hate Crimes, helping to craft a citywide response plan to hate crimes. Rabbi Meyers also trained as a chaplain for the Glendale Police Department and helped to create an annual AIDS Awareness Prayer Service with other Glendale religious leaders.

Though Rabbi Meyers retired this past June in order to devote more time to her family, her influence on her community can still be felt. Today, especially in this time of national tragedy, the warmth of her words have indeed found a new meaning.

We are all proud to welcome Rabbi Meyers here today as a guest chaplain.

SUPPORTING THE WORDS CAN HEAL RESOLUTION

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I want to encourage my colleagues to join the ''Words Can Heal'' resolution that is being sponsored by the Jerusalem Fund.

The ''Words Can Heal'' campaign promotes the value and practice of ethical speech nationwide. The ability to voice

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one's views freely without negative repercussions is inherent to our democracy. As we here in Congress surely understand firsthand, words have impact.

This campaign draws attention to the way we speak to our friends, to our family, neighbors and colleagues. Today, more than ever, it is essential that we come together as a Nation, open our arms with benevolence, and use our words to heal ourselves.

By participating in the Jerusalem Fund's ''Words Can Heal'' campaign, we can all benefit by using language to come together as a Nation and as a people.

Please join me and Rabbi Irwin Katsof from the Jerusalem Fund in cosponsoring House Resolution 235, the ''Words Can Heal'' campaign, which will be on the floor this coming week.

□ 1015

VETERANS ORAL HISTORY PROJECT

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

Mr. SAWYER. Mr. Speaker, it is a real privilege to follow the gentlewoman from Florida in her message. This weekend, all of us will head home and we will go out and we will speak to and about our veterans. It is a time to follow the leadership that the gentlewoman from Florida is advocating and it is a time to do something even more.

As we go and speak to our veterans, we have an opportunity to act on something that most of us supported in the 106th Congress, and that is the Veterans Oral History Project. It is a part of the American Folk Life Series of the Library of Congress and it is an opportunity for us to take part in the gathering of American history, in telling the stories of American veterans as all of us seek to honor those who have made sacrifices on behalf of this Nation.

It is a chance not for us to speak to them, rather, for them to speak to all Americans and tell the stories that are a part of our history. I would urge all of us to go home this weekend, and in addition to the speeches that we make, to take the opportunity, with a tape recorder, to listen to the words of those who have given so much to our Nation.

SUPPORT NATIONAL JUNIOR COLLEGE FOR DEAF AND BLIND

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

Mr. RILEY. Mr. Speaker, the President has stated his goal: Leave no child behind. He did not say leave no child behind that can hear or see, he said leave no child behind, and that includes the thousands of students striving to earn a college degree who are deaf or blind or sensory impaired.

When we talk about improving education, we have got to improve it across the board. We have to give it to every student. We have to give them an opportunity to learn regardless of their disabilities. Students without these challenges have the option of attending a junior college to ease them into the college environment. No such option exists for these deaf and blind students.

Today, I am introducing legislation that supports these students with the establishment of the first National Junior College for the Deaf and Blind in conjunction with the Alabama Institute for the Deaf and Blind.

Mr. Speaker, let us level the playing field. Give these students trained professionals, a residential facility, and a means for modern-day distance learning. We can help to provide that all-important 2-year college stepping stone to the 4-year collegiate level and ensure valuable preparation for successful employment.

I ask all of my colleagues to support the first National Junior College for the Deaf and Blind.

THE DISAPPEARING $20 BILLION

(Mrs. MALONEY of New York asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MALONEY of New York. Mr. Speaker, it is human nature: When tragedy strikes, most people want to help you right away. But you can tell your true friends by who still wants to help as time goes by. Will the real friends of New York please stand up.

The World Trade Center is still smoldering and the Federal Government is already wavering. On September 18, the administration authorized $40 billion, $20 billion to fight terrorism and $20 billion for disaster relief, primarily for New York. But the budget office has allocated only $9.8 billion for New York. They offer vague assurances that we will get the money eventually. Well, we cannot wait for eventually.

They say we cannot spend it anyway. Well, just ask New York's devastated businesses and unemployed workers. As September 11 recedes into the past, so is the administration's resolve to help New York, and that is unacceptable.

TRADE PROMOTION AUTHORITY

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

Mr. PITTS. Mr. Speaker, workers and farmers in Pennsylvania sold products ranging from chemicals to foodstuffs to pharmaceuticals to over 200 countries last year. Those sales added up to over $24 billion and supported well over a quarter-million jobs. I shudder to think that the absence of trade promotion authority, or TPA, could jeopardize these jobs and the families they support. Without TPA, American negotiators will not have the authority they need to make sure our foreign markets will not be undercut or blocked by our competitors.

H.R. 3005 is a bipartisan compromise TPA bill. We need to pass this legislation to make sure that the U.S. negotiators are on equal footing with their foreign competitors. If we fail to renew trade promotion authority, we will be failing to fight for the American workers who depend on exports, and we will be failing to fight for the countless new opportunities that the global marketplace will provide for our workers in the future.

America's workers are the world's most productive. The only thing that can beat us is unfair foreign trade barriers designed to eliminate our competitive edge. So let us support the trade promotion authority bill.

FREEDOM AND OUR NATION'S VETERANS

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I speak today of our freedom. Our freedom has been girded and guarded by those who have served in the United States military. The ability for us to speak for or against has been protected by those in the United States military.

As we look toward honoring the veterans of our Nation, those who have served throughout the years, I rise to salute them and thank them for what they have done for us, giving us the privilege to travel about this country and to live in a wonderfully free and democratic nation. They have served us in times of war and in times of peace.

As a Representative of the veterans hospital in my own congressional district, when our city experienced the devastation of Tropical Storm Allison, we were very gratified that veterans gave up their beds in the hospitals to help those who were in need. We thank the veterans of America.

I support legislation that will allow us to listen to their oral history. This is a time that we honor them and applaud them and thank them for our freedom, which is tied directly to their existence. Thank you, veterans, and I thank those who serve in the United States military.

NATIONAL PARKS WEEKEND FOR UNITY, HOPE AND HEALING

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

Mr. RADANOVICH. Mr. Speaker, as we approach the upcoming Veterans holiday weekend, I wanted to remind all Americans of the wonderful and rare opportunity before them.

As my colleagues may recall, Mr. Speaker, following the tragic events of

September 11, Secretary of the Interior Gale Norton and National Park Service Director Fran Manella announced that all entrance fees to all of the 385 units of the National Park System would be waived over Veterans Day weekend.

The events of September 11 will never be erased from our memories. Each of us will remember where we were and what we were doing on that tragic day. They have taken their toll upon many of us in so many ways. Since these events, many have found solace in America's national parks for healing. All of our national parks serve as a tool to recapture the American spirit and provide much of the healing Americans are looking for.

I applaud the Secretary's announcement and encourage all Americans to take advantage of this weekend for unity, hope, and healing by visiting the diverse treasures of America's national park system.

VETERANS DAY

(Ms. SANCHEZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SANCHEZ. Mr. Speaker, in anticipation of Veterans Day, I rise to thank the millions of men and women who have served in the United States military for their contributions to our Nation.

Many of our veterans first came to this country as immigrants in search of freedom and the opportunity to live in a country with liberty and justice. And they have demonstrated their belief in the principles of our great country with their willingness to put their lives on the line to defend the Nation which has given them so many new opportunities.

For example, after becoming American citizens in 1917, over 18,000 Puerto Rican citizens served America proudly in World War I. And during World War II, more than 300,000 Mexican-Americans served in the United States Armed Forces. Guy ''Gabby'' Gabaldon holds the distinction of capturing more enemy soldiers than anyone else in the history of United States military conflicts.

Over 81,400 Asian-Pacific Islanders served during the Vietnam War. These are but a few examples.

On Veterans Day, we all need to remember the sacrifices that veterans have made to protect our great Nation.

SALUTE TO RICHMOND AND WILL ROGERS ELEMENTARY SCHOOL-CHILDREN

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

Mr. WATKINS of Oklahoma. Mr. Speaker, I rise today to commend the students of Richmond Elementary and Will Rogers Elementary School in my hometown of Stillwater, Oklahoma, for their efforts and contributions to help the children of Afghanistan.

This past Monday, I met with my friend, Dr. Ann Dugger, and the school's principal, Dr. Gay Washington, of Richmond and also Mrs. Jerry Walstad of Will Rogers Elementary, and spoke to several hundred school students who gathered for an assembly. At this assembly it was announced that the children had raised more than $500, and I was asked to deliver the check to the appropriate person from the White House for America's Fund for Afghan Children.

Yesterday I met with Governor Tom Ridge, Director of Homeland Security, and Bob Marsh, the White House liaison, about the contributions from the Stillwater schoolchildren. We can all be proud of the unselfish acts of kindness and generosity exhibited by these young Americans.

Mr. Speaker, today I ask the House to join me in thanking these schoolchildren from Stillwater, and encourage other schoolchildren around our Nation, for being shining examples of America's compassion. These children, like our children and grandchildren, have the right to live without fear. That is why we are fighting the war against terrorism.

BIOTERRORISM PROTECTION ACT OF 2001

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

Mr. ISRAEL. Mr. Speaker, this weekend we will commemorate veterans, honoring those who have served in America's armed services in times of peace and times of war. Tragically, this same weekend will mark the 2-month anniversary of September 11, 2 months since international terrorists declared war on the United States and the civilized world.

The veterans of America's war on terrorism are fighting today in Afghanistan. The veterans of America's war on terrorism are also our courageous first responders: our firefighters, our police, our emergency hospital personnel, our school administrators, even our school nurses. Our first responders are in the trenches, and it is our job in Congress to ensure they have all the resources they need to defend themselves and defend our people.

That is why I am urging my colleagues to join me in sponsoring the Bioterrorism Protection Act of 2001, providing both long-term and short-term strategies for fighting our new war, from laboratories to police stations, to firehouses and nursing tables.

We may not completely destroy the war on terrorism in 2 months or even 2 years. We may have to be on guard for 2 decades. But we shall prevail and American children will be secure because of our efforts.

IN SUPPORT OF HOUSE-PASSED ECONOMIC SECURITY PACKAGE

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

Mr. CANTOR. Mr. Speaker, I rise today in support of the House-passed economic security package that will help American families and revive economic growth in our country.

I have always believed that the private sector is the true engine of opportunity in our country. Increased Federal spending will not improve the fundamentals of our economy. In these difficult economic times, the role of Congress should be to create an environment of opportunity for America's families.

It is the hard work and sheer determination of individuals, families, and small business entrepreneurs that make this country what it is today. It will be these same qualities that will revitalize the American economy after the September 11 attacks.

The House legislation offers tax cuts for middle class families and provides incentives for businesses to invest in capital and human resources, thereby creating jobs and opportunity.

Congress must act now. The House has acted by passing this strong package to ensure economic security. The President has called on Congress to send him a bill that he can sign into law this month, and I urge Congress to heed his call.

TRADE PROMOTION AUTHORITY

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

Mr. LINDER. Mr. Speaker, we are told that silence is golden. However, what happens when the body being silenced is the House of Representatives?

Most certainly my colleagues would object to the suppression of our voice and our role in the debate in consideration of legislative matters. Yet, without trade promotion authority, our voices are silenced regarding trade.

Trade promotion authority allows trade agreements to be considered as congressional executive agreements. These agreements represent procedural compromises. The President forgoes his ability to single-handedly negotiate treaties and, instead, agrees to consult closely with the Congress to ensure that congressional priorities are heard. Congress, in turn, commits to an up or down vote, but waives the right to offer amendments.

□ 1030

Some of my colleagues seem to think that our inability to offer amendments is too great a sacrifice. What then is the alternative? Without TPA, the President would unilaterally negotiate a treaty which would then be presented solely to the Senate for ratification. This obviously begs the question where

is the House. The answer, absent. Without TPA we have no role, no authority, and no voice in trade agreements. This is the people's House. Do not let our voice be silenced. Support TPA.

TRADE PROMOTION AUTHORITY

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

Mr. CALVERT. Mr. Speaker, the growth of services in the U.S. economy has been a tremendous boon to our Nation's GDP and the rate of employment. The benefit of services trade are particularly evident in my home State of California, and at the local level. In California, for example, services account for more than 85 percent of the State economy and 77 percent of employment.

There are over 5,500 establishments exporting professional, scientific and technical services in California. Those establishments alone provide jobs for more than 130,000 people, according to the most recent U.S. Census Bureau data.

Software publishers, broadcasting and telecommunications services employ another 130,000 people in California, a number which would grow if new trade agreements that would reduce barriers to services and tariffs on industrial products and agriculture are signed.

The services sector needs successful trade negotiations that expand substantially opportunities for U.S. trade in services. Trade negotiating authority plays a crucial role in our country's ability to negotiate, and implement, these negotiations; and so we need to move these negotiations along.

NAMES FROM OFFICIAL LIST OF CASUALTIES FROM SEPTEMBER 11, 2001, TO BE READ ON HOUSE FLOOR

(Mrs. JO ANN DAVIS of Virginia asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I stand here today to request the participation of Members in honoring those individuals who lost their lives or are still missing as a result of the September 11 terrorist attacks. We have all heard the numbers, the devastations, the pain of the families and our Nation's anguish. What we have not heard in Washington is the names of the individuals, and that is why I will begin today during Special Orders to read on the House floor from the list of the dead and missing.

I will begin to read from the official list of casualties, and I encourage my colleagues to join me until the roughly 4,000 missing or dead are named and entered in the CONGRESSIONAL RECORD. I have compiled this alphabetical list in a leather bound book that I would request all Members utilize for this effort.

Mr. Speaker, Members are requested to contact my office to coordinate dates and times so we can arrange for the book to be on the floor. I appreciate the assistance of Members in this important undertaking, and again encourage participation.

PROVIDE ENERGY, PROTECT THE ECONOMY

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

Mr. GIBBONS. Mr. Speaker, 3 months ago this House passed the Energy Security Act to increase and diversify our energy production. Only last month we passed an economic stimulus package to keep Americans working and our businesses open. Yet the Democratic leadership in the other body has refused to act on either of these two crucial measures which are so critically linked together.

It is time we ensure the economic prosperity of this Nation by ensuring our own domestic energy supply. Energy and other products produced from fossil fuels and minerals create the standard of living that every American enjoys and relies upon.

Obviously, an uninterrupted supply of energy, including crude oil and natural gas, are vital to the economy and security of the United States; and it is time for the Democratic leadership in the other body to meet the needs of the American people by securing our energy needs, thereby ensuring our economic prosperity. For the sake of this Nation and all Americans, I hope the Democratic leadership will act sooner rather than later.

AIRPORT SECURITY IS TOO IMPORTANT AN ISSUE FOR CONGRESS TO JUST FIDDLE AROUND

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

Mr. HEFLEY. Mr. Speaker, what are we waiting for? The Senate, or the other body, I should say, passed an airport security bill. The House passed a transportation security bill. In these two bills there are differences, but we agree on a great deal. We agree that this security for transportation should be a Federal responsibility. We agree that the Feds should do the background checks. We agree that the Feds should screen the applicants. We agree that the Federal Government should do the training, and we agree that the Federal Government should do the supervision.

Mr. Speaker, we agree on all of these important issues. Then why do we not move? We disagree on whether screeners should be Federal employees or should be private employees. Well, in the scope of things, this is an insignificant disagreement. What we agree on is that we want the job done and we want it much better than it is being done today.

We should charge the President with the responsibility to get this job done, and let him figure out what mix of Federal and civilian and private employees there should be. Let us get on with it. It is too important for us to fiddle around.

TRIBUTE TO BRAD COHEN, GEORGIA'S TEACHER OF THE YEAR

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

Mr. ISAKSON. Mr. Speaker, as the House and Senate conferees work to complete the job of the President's number one domestic issue, No Child Left Behind and the reform of education, I think it is appropriate that we pay tribute to those that every day teach our children, America's teachers. In particular, to one particular teacher in Georgia, Mr. Brad Cohen, a man who suffers from what many call an affliction, Tourette's syndrome. People would never think Brad Cohen would be a teacher.

Instead, Brad Cohen calls Tourette's his friend, not his enemy. He has been recognized as Teacher of the Year, he teaches elementary at-risk children to read. He has changed their lives and taught them to appreciate that one's disability can be one's advantage with the right attitude.

Mr. Speaker, I pay tribute to Brad Cohen and all of America's teachers.

ECONOMIC STIMULUS PACKAGE NEEDED

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

Mr. TOOMEY. Mr. Speaker, people across America, across Pennsylvania, across the Lehigh Valley and Upper Macungie, the valleys that I represent, are losing their jobs in very disturbing numbers.

In October, we had a record high numbers of Americans who lost their jobs. The actual loss of jobs or the threat of a loss of jobs is hitting all of us: our families, our neighbors, our friends. And it is about time that Congress responded.

We need an economic stimulus package that is going to lower the record-high tax burden that is impeding our economic growth and create the incentives to bring people back to work because the people who are losing their jobs across Pennsylvania, they do not want to know how long they can stay out of work; they want to know how quickly they can get back to work.

Mr. Speaker, it is our responsibility to help create an environment where that is possible. The President has called for an economic stimulus package. This Chamber has passed one, but the Democratic majority in the other

Chamber insists on bickering and wasting time when Americans need the opportunity to get back to work.

Some on the other side would like to load this up with government spending, which may be nice pork barrel politics in their district, but it will not get Americans back to work. I urge the other Chamber to adopt an economic stimulus package, and do it now.

EXPORTING OUR FUTURE

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

Mr. GRAVES. Mr. Speaker, America is consistently the world's largest agricultural exporter. America generated $50 billion in exports last year and is expected to generate another $53 billion in exports this year. Passing Trade Promotion Authority will expand U.S. markets even further and provide a necessary step for America's continued economic growth.

Since TPA expired in 1994, U.S. agricultural exports have increasingly faced onerous trade barriers that threaten both the farm economy and our entire balance of trade.

American farmers depend on being able to export their products and crops to the rest of the world; and with 96 percent of the world's population living outside of the U.S. borders, there were billions of potential customers of our bounty. Additionally, soybean farmers in my home State of Missouri send more than 50 percent of their products overseas.

Passing H.R. 3005 will open the doors to increased exports and make it easier to forge market-opening agreements on agriculture with our trading partners. Let us pass Trade Promotion Authority and unleash the vast potential of America's agriculture sector.

PORTABLE SYSTEMS FOR DETECTION OF NUCLEAR, CHEMICAL, AND BIOLOGICAL AGENTS ON DISPLAY

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

Mr. WELDON of Pennsylvania. Mr. Speaker, there is a great deal of concern all across the country and across the world about how we can detect the evidence of chemical or biological agents in our midst.

Today for 3 hours at this very moment in the Rayburn foyer, I have assembled 19 corporations who largely with defense dollars in the past have developed real systems. These are portable systems that can be used and are being used to detect the presence of chemical or biological agents or even small nuclear agents. These devices have been paid for with taxpayer dollars. It shows that Congress has been on the cutting edge of making sure that we have the proper means of protecting our people as these kinds of threats emerge.

I would encourage my colleagues to travel to the Rayburn foyer today, and I invite the press and public to see what the American people have done with their dollars to allow us to be able to respond to the kinds of threats that America is currently experiencing.

Mr. Speaker, I thank the NBC Industry Group, the Nuclear, Biological and Chemical Industry Group, who has put together this assemblage of these 19 major corporations.

DEFERRED INSPECTION PROCESS IS FLAWED

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

Mr. DEAL of Georgia. Mr. Speaker, each year some 75 million individuals enter the United States and are inspected at our major airports. It is estimated that about 10,000 of these have inadequate documents to justify their existence in this country, but are allowed to enter anyway under a deferred system in which they are asked to report back.

Recently, the Inspector General of the Department of Justice issued a report from which I will quote the executive summary: ''We found that nearly 11 percent of individuals paroled into the country under the deferred inspections process failed to appear for the completion of their inspection.'' That would mean some 979 individuals did not appear for their deferred inspections. It continues: ''This is a conservative estimate, however, based upon the fact that we were unable to determine the outcome of 20 percent of the cases selected due to inadequate records.''

They give the statistics, and they say the importance of follow-up action is evidenced by the results of our analysis which revealed that among those who failed to appear, INS inspectors identified over 50 percent as either having criminal records or immigration violations at the time of entry. They also point out that nine committed serious aggravated felonies after they were paroled into our country. They point out that the INS continues to use this faulty information.

Mr. President, you will be in my State tonight to reassure the Nation. To make us feel secure, do something about the fiasco that exists in the INS.

THE JOURNAL

The SPEAKER pro tempore (Mr. SHIMKUS). Pursuant to clause 8 of rule XX, the pending business is the question of the Speaker's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 363, nays 47, answered ''present'' 1, not voting 21, as follows:

[Roll No. 433]

YEAS—363

Abercrombie
Ackerman
Akin
Allen
Andrews
Armey
Baca
Bachus
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cox
Coyne
Cramer
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Deal
DeGette
DeLauro
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frank
Frelinghuysen
Gallegly
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Herger
Hill
Hilleary
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kerns
Kildee
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntyre
McKeon
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, Jeff
Mink
Mollohan
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (PA)
Petri
Phelps
Pickering
Pitts

Platts	Schiff	Terry
Pombo	Schrock	Thomas
Pomeroy	Scott	Thornberry
Portman	Sensenbrenner	Thune
Price (NC)	Serrano	Thurman
Pryce (OH)	Sessions	Tiahrt
Putnam	Shadegg	Tiberi
Quinn	Shaw	Tierney
Rahall	Shays	Toomey
Rangel	Sherman	Towns
Regula	Sherwood	Turner
Rehberg	Shimkus	Udall (CO)
Reyes	Shows	Upton
Reynolds	Shuster	Velazquez
Rivers	Simmons	Vitter
Rodriguez	Simpson	Walden
Roemer	Skeen	Walsh
Rogers (KY)	Skelton	Wamp
Rogers (MI)	Slaughter	Watkins (OK)
Rohrabacher	Smith (MI)	Watson (CA)
Ros-Lehtinen	Smith (NJ)	Watt (NC)
Ross	Smith (TX)	Watts (OK)
Rothman	Smith (WA)	Waxman
Roukema	Snyder	Weiner
Roybal-Allard	Solis	Weldon (FL)
Royce	Souder	Weldon (PA)
Rush	Spratt	Wexler
Ryan (WI)	Stark	Wicker
Ryun (KS)	Stearns	Wilson
Sanchez	Stump	Wolf
Sanders	Sununu	Woolsey
Sandlin	Tanner	Wu
Sawyer	Tauscher	Wynn
Saxton	Tauzin	Young (FL)
Schakowsky	Taylor (NC)	

NAYS—47

Aderholt	Hoekstra	Riley
Baird	Hulshof	Sabo
Borski	Kennedy (MN)	Schaffer
Brady (PA)	Kucinich	Stenholm
Capuano	Latham	Strickland
Costello	LoBiondo	Stupak
Crane	McDermott	Sweeney
DeFazio	McGovern	Taylor (MS)
English	McNulty	Thompson (CA)
Filner	Miller, George	Thompson (MS)
Ford	Moore	Udall (NM)
Green (TX)	Moran (KS)	Visclosky
Gutierrez	Oberstar	Waters
Hastings (FL)	Olver	Weller
Hefley	Peterson (MN)	Whitfield
Hilliard	Ramstad	

ANSWERED ''PRESENT''—1

Tancredo

NOT VOTING—21

Bonior	Delahunt	Lofgren
Burr	DeLay	Lowey
Burton	Frost	Maloney (CT)
Conyers	Ganske	Ose
Cooksey	Gephardt	Radanovich
Cubin	Jefferson	Traficant
Davis, Tom	Kilpatrick	Young (AK)

□ 1106

So the Journal was approved.

The result of the vote was announced as above recorded.

APPOINTMENT OF CONFEREES ON H.R. 3061, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

Mr. REGULA. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3061) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. SHIMKUS). Is there objection to the request of the gentleman from Ohio?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. OBEY moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 3061, be instructed to insist on the House position to provide no less than a total of $51,749,765,000 for the Department of Education.

The SPEAKER pro tempore. Pursuant to clause 7, rule XXII, the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Ohio (Mr. REGULA) each will control 30 minutes.

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

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

Mr. Speaker, this motion is very straightforward. It says the conferees should bring back a conference report for the Labor-HHS appropriations conference that includes House-passed levels for education.

As I think we all know, the President's budget provided for a 5.6 percent increase in education funding over the previous year. That contrasted to an average of a 13 percent increase in each of the previous 5 years. The bill that the House passed contained a 17 percent increase over last year, and that passed by an overwhelming bipartisan vote of 373 to 43.

The bill passed by the other body, in contrast, does not provide the funding levels we need for education. It falls $525 million short of the House level. The House bill provides $7.7 billion for special education part b State grants, which is $375 million more than the Senate. The House bill provides $10.5 billion for title I grants, $300 million more than the Senate. For teacher-quality activities, the House bill is $135 million over the Senate. The House bill for bilingual education provides $700 million, which is $100 million more than the Senate. It has a variety of other programs in the education area but the House provides more adequate support than does the Senate bill, in my view.

Now, we all know that money alone does not produce quality education, but one cannot provide quality education without money. I think our bill, the bill that passed the House, is a very strong effort to do that.

Also we have to keep the door open for higher education to families from all across the country. The problem we face is that we provided a major increase for Pell Grants in the bill that passed the House; but we are now told that because of the deteriorating economy, with more students enrolled in college than expected and the like, that all of the increase that the House provided will be needed just to maintain the current maximum grant level of $3,750 per student. In other words, we will have to come up with even more money for Pell Grants, or college students will get no increase at all for their grant award for this year.

So this motion simply instructs the conferees on this bill to provide no less than the level of resources for education that the House has already agreed to. I would urge adoption of the motion.

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

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

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

Mr. REGULA. Mr. Speaker, the gentleman from Wisconsin (Mr. OBEY) has outlined a number of the good features of this bill. I totally agree with the motion to instruct. I think it reflects H.R. 1, which passed this body overwhelmingly. The numbers track.

It also reflects the President's priorities. The Office of Management and Budget is happy with the bill that we have. They feel that it is a very fiscally responsible bill.

It also has a number of features, and the gentleman from Wisconsin (Mr. OBEY) has touched on them, but a couple I might mention include the Reading First Program. It is a new program that the President has supported strongly with $900-plus million. Reading is vital, as we all recognize; and also it has additional funding for the programs to improve and provide assistance and help teachers to enable them to better serve the students.

□ 1115

I think all of us agree that teacher quality is the heart and soul of a good school system. I am pleased that we do have language in here to support things like the Troops-to-Teachers, a relatively new program, but one that offers great promise in meeting the teacher shortage, and also great promise in attracting retirees from the military who have a lot to offer. They have the world travel, they have experience in managing people, and I think tracking these people at their retirement point to participate in our education program and to serve as teachers is a great concept.

I might say we added a number of millions of dollars to this program at the request of the military because what they are going to do is beef up their program in the military of talking to their retirees about participating in the Troops-to-Teachers, and also to providing some financial help to these individuals while they are finishing out their military career to go to a college or university, and get their necessary programs to qualify them under State requirements to serve in the classroom.

We also beef up the Teach for America program, again, one that attracts people, something similar to the programs that get young people to go into areas that are underprivileged and

teach for a couple of years in return for getting some assistance.

I have talked to some of these individuals and they are really excited about what they can do to help students, to be an inspiration, to provide role models for students in underprivileged areas. Again, a very successful program. We provide additional funding for that.

TRIO. TRIO is designed to go into the schools and have individuals from colleges, universities, talk to students and try to persuade them, inspire them, catch their interest in going on to higher education. It is a successful program, and we have added $70 million to that. We have given more money for rural education and the mentoring programs.

One of the successes is where senior citizens or college students or just people in a community go into a school and mentor students, actually work with them on reading programs.

In my district, I have a hospital that brought a bus. They actually bused their employees out and gave them a break to do this. They would go to a school and work with students who are having difficulty with reading.

We hear a lot about the importance of science and math. We all agree that those are important, but before one can do science and math education, one has to be able to read. Reading is basic. Reading is fundamental. We, in this bill, have tried to identify programs that will help students to be successful in learning to read, and in turn, then they can more effectively participate in others.

Really, this is what is the heart and soul of ''no child left behind.'' ''No child left behind'' means no child that cannot read, because if they cannot, they have a real problem.

There are a lot of other good features in the bill. That was evidenced by the strong vote we had in the House. It was a bipartisan bill. The gentleman from Wisconsin (Mr. OBEY) and I worked very closely together, and the members of our subcommittee likewise worked with us to get a bipartisan bill. It is strongly endorsed by the administration, the Office of Management and Budget.

What the motion of the gentleman from Wisconsin (Mr. OBEY) is saying is, education is number one. Polls tell us over and over again that education is number one with the people of this Nation. Therefore, the bill reflects that. I think this is a very proper motion because the bill in the other body has a smaller amount for education, and we feel it is important that we go to the conference with a vote of affirmation from the Members of this House saying, in effect, that they, too, agree that education is a number one priority in getting a conference report.

Mr. YOUNG of Florida. Mr. Speaker, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I would like our colleagues to know that the education number in this bill, which is a very substantial number, is a solid number. The gentleman from Wisconsin (Mr. OBEY) and the gentleman from Ohio (Mr. REGULA) and I had begun to work on this issue in the spring actually, and in working with our counterparts in the Senate, we came to this number.

So I think we have all made this commitment to the strong educational part of this bill, and I agree with the chairman of the subcommittee that this motion certainly reflects the viewpoint that we had established early on.

Mr. REGULA. Mr. Speaker, I might add that the chairman of the full committee, the gentleman from Florida (Mr. YOUNG), and the gentleman from Wisconsin (Mr. OBEY) in the minority on the full committee gave us a very good allocation. That is one of the things that made it possible to have such a quality bill and to meet the needs as we see them.

They have also been very helpful in giving strong support to this so that we have a bipartisan consensus within the Congress. I think it is a great team effort on the part of both sides of the aisle, and I would strongly urge Members to endorse this fact that education is number one, and that we go to conference with that concept.

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

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Indiana (Mr. ROEMER).

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

Mr. ROEMER. Mr. Speaker, I rise in very, very strong support of this motion. This bill, worked out in a bipartisan way by the gentleman from Ohio (Mr. REGULA) and the gentleman from Wisconsin (Mr. OBEY), has about $525 million more for education, educating our children in new and innovative ways.

I think this is a very strong instruction, a motion that we need to support on the House side.

At a time in the Midwest, Mr. Speaker, when our economies are not bringing in as much money, at a time when some of our State budgets are being cut by $800 million, $1 billion, and more, at a time in the Midwest when steel mills are being closed, when tax bases are shrinking, when we have lost 165,000 manufacturing jobs for many in the Midwest, we need this money for new ideas to educate our children in new ways.

In Title I we have a 20 percent increase for educating the poorest of the poor children in this bill; for reading and literacy programs, we have new ways of educating and teaching reading to our children.

We have, as the chairman mentioned, a new program that ramps up the Troops-to-Teachers program called Transition to Teaching, bringing people from the private sector in engineering, technology, math, and science, from Main Street into our classrooms. This is not throwing money at old ideas, this is new money attached to new ideas. At a bare minimum, this $525 million over the Senate bill is what we should indeed support.

Mr. Speaker, I would also say that I hope that the other body would include in their stimulus package money for education, given what our States are going through in this tough time with the economy.

So again, Mr. Speaker, I encourage Republicans and Democrats to support this motion. I again applaud the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Florida (Mr. YOUNG) and the gentleman from Ohio (Mr. REGULA) for their hard work.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. Mr. Speaker, I thank my friend, the gentleman from Wisconsin, for yielding time to me.

Mr. Speaker, I rise to thank and congratulate the gentleman from Ohio (Mr. REGULA), the gentleman from Florida (Mr. YOUNG), and the gentleman from Wisconsin (Mr. OBEY) for the outstanding legislative product they have put before this body, and to strongly endorse this motion to instruct.

One of the areas that I am most especially pleased to see is the substantial increase in special education funding under the Individuals with Disabilities in Education Act, the IDEA. In the fiscal year that ended September 30, we committed $6.3 billion to help educate students with these needs. In the House bill, that number now exceeds $7.7 billion, an increase of well over 20 percent.

This is a double victory. It provides much higher quality education for children with special needs, and it frees up resources in local school districts around the country to do many other things: to help reduce class sizes for children who are not in special education, to free up money for school construction, for teacher quality, or for tax relief.

We need to do more of this, and we need to do it for the reasons my friend, the gentleman from Indiana, just cited: State budgets around this Nation are feeling and will profoundly feel the effects of the economic slowdown. That will mean substantially lower State resources for education. Now more than ever it is important for us to step in and help fill that void. This legislation does so.

As we proceed with the House-Senate conference on the education reform bill, we strongly support making major quality upgrades and reforms in education, but we only want to do so if the resources are there to pay for the needs of children who are identified as having trouble.

This bill is an example of what we need to do on a permanent and ongoing basis to make sure that once we have identified children with problems, we give them the tools and the teachers with whom they can overcome those problems.

For the bipartisan leadership on this bill, I extend my thanks and appreciation, urge my colleagues to support the resolution.

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

Mr. Speaker, I do want to make one additional comment. That is that thanks to the leadership of the Speaker and the minority leader and the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY), I think for the first time the Senate and the House subcommittee had an identical allocation. That is going to make it much easier in conference because we are working from the same total.

I commend them for giving us that kind of support, and also for increasing the allocation generally, because we will only in conference be dealing with priorities, but we will all be working from the same total number.

Ms. PELOSI. Mr. Speaker, I rise in strong support of this motion to instruct conferees to accept the higher funding levels for education that are included in the House bill. Chairman REGULA and Ranking Member OBEY have shown tremendous leadership on our Subcommittee, and they have negotiated a strong bill that reflects the value our country places on education.

We started this budget cycle in a much different place. In order to make room for his huge tax cut, President Bush's budget proposed the smallest increase for education in 5 years.

The $2.4 billion increase in the Bush budget included substantial increases for reading programs and a modest increase for Pell grants, but left only $400 million for all other education programs. This proposal left all other elementary, secondary, and higher education programs, special education, and vocational education programs with less that the level needed just to keep up with inflation.

Members of both sides of the aisle recognized that this was unacceptable, and the bill we negotiated included an increase of $4.7 billion over the request and $7 billion over last year. These increases include an additional $1.7 billion for disadvantaged schools, the largest dollar increase for title 1 since its inception of the program, a $154 million increase for after school child care, and a $240 million increase for bilingual education.

We can never forget that our strength as a nation is measured both in our military might and in the well being of our people. There is no more important priority than educating our children and passing our knowledge and values to the next generation. I urge my colleagues to these funding increases and vote yes on the motion to instruct.

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

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

The SPEAKER pro tempore (Mr. SHIMKUS). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Wisconsin (Mr. OBEY).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

PERMISSION TO HAVE UNTIL MIDNIGHT, FRIDAY, NOVEMBER 9, 2001, TO FILE CONFERENCE REPORT ON H.R. 2500, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that managers on the part of the House have until midnight, November 9, 2001, to file a conference report on the bill (H.R. 2500) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies, for the fiscal year ending September 30, 2002, and for other purposes.

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

Mr. OBEY. Mr. Speaker, reserving the right to object, I understand this is a request to file the CJ by midnight tonight?

Mr. YOUNG of Florida. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Speaker, I would tell the gentleman, it is tomorrow night.

Mr. OBEY. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

PERMISSION TO HAVE UNTIL MIDNIGHT, FRIDAY, NOVEMBER 9, 2001, TO FILE CONFERENCE REPORT ON H.R. 2330, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002, AND TO CONSIDER CONFERENCE REPORT

Mr. BONILLA. Mr. Speaker, I ask unanimous consent that managers on the part of the House have until midnight Friday night, November 9, 2001, to file a conference report to accompany H.R. 2330; that it be in order at any time on the legislative day of Tuesday, November 13, 2001, to consider such conference report; that all points of order against such conference report and against its consideration be waived; and that such conference report be considered as read when called up.

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

There was no objection.

□ 1130

APPOINTMENT OF CONFEREES ON H.R. 2944, DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2002

Mr. KNOLLENBERG. Mr. Speaker, I ask unanimous consent to take from the Speaker's table 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, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

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

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. FATTAH

Mr. FATTAH. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. FATTAH moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 2944, be instructed to insist on the House position regarding assistance with Federal funds for education and training programs in the District of Columbia.

Mr. FATTAH (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore (Mr. SHIMKUS). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Pennsylvania (Mr. FATTAH) and the gentleman from Michigan (Mr. KNOLLENBERG) each will control 30 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. FATTAH).

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

I would like to, first of all, say to the chairman of the subcommittee, the gentleman from Michigan (Mr. KNOLLENBERG) and to the whole House, that I want to compliment him on his service and his leadership, leading us to this moment on this appropriation. It has been the smoothest I think of any of the D.C. appropriation bills since my time here in the Congress, and it is because of his leadership; and I would also like to thank the senior staff on both sides of the aisle that have worked on this.

I have a motion to instruct that simply would remind the conferees on behalf of the House of our deep concern about the young people in the D.C. area and to focus our energies to represent the House's position on a number of education matters, in particular, and by example, the appropriation for St. Coletta's.

Mr. Speaker, in that regard, I yield as much time as he may consume to my colleague from West Virginia (Mr. MOLLOHAN) to say a few words about this important appropriations.

Mr. MOLLOHAN. Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. FATTAH), the ranking member for yielding the time.

We are all aware of the incidents of mistreatment and abuse of persons with mental retardation in the District of Columbia. There are horrible stories. We have read these in the Washington Post, describing an education system for those with special needs that is dominated by for-profit companies just going through the motions. These companies are in the business of covering up mistreatment rather than working to correct it.

Today, I stand before the House with a solution to this unspeakable problem, St. Coletta's School, a non-profit in Alexandria serving children and adults with cognitive and multiple disabilities from the D.C. metro area. St. Coletta currently serves 120 students between the ages of 4 and 22 years. These students are mentally retarded, autistic, suffer from multiple disabilities; and the majority have secondary disabling conditions such as blindness, deafness, social and emotional problems, cerebral palsy, and other physical impairments.

Mr. Speaker, 80 percent of those students are from Washington, D.C. Thirty-five percent of these D.C. students are in foster care or third-party placements due to abuse, neglect, abandonment or death of parents. An additional 30 percent of the D.C. students live with only 1 parent or extended family members.

Recognizing the desperate need in D.C. for these vocational, therapeutic, behavioral and family support and case management services, St. Coletta's of Greater Washington, Inc., is expanding its program to further serve the unmet needs of this D.C. community.

St. Coletta plans to purchase and renovate a facility to bring its already existing day program to more D.C. residents. The new facility will accommodate approximately 150 D.C. students and provide vocational and functional life-skills training, speech therapy, occupational therapy, physical therapy, and behavioral management services.

Mr. Speaker, I am very grateful to the gentleman from Michigan (Mr. KNOLLENBERG), the chairman; and the gentleman from Pennsylvania (Mr. FATTAH), the ranking member; for supporting St. Coletta's expansion project in the House D.C. bill and hope that more can be done for this project in conference. This is an investment that we cannot afford not to make.

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

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

Mr. Speaker, I have no disagreement with the suggestion the gentleman from Pennsylvania (Mr. FATTAH) is making. I think the whole idea of the gentleman's motion is to, in fact, do what it is we have already done in the bill. The administration, the OMB, have weighed in. They are, in fact, supportive of this move; and so I have no disagreement at all.

I would also like to comment briefly on the gentleman from West Virginia (Mr. MOLLOHAN), who does bring up I think something that we should all look at very, very close, that is, St. Coletta's. He makes remarks that I think coincide with mine because I too have met with the folks from St. Coletta's, and so we join in addressing that issue and promoting it in the fashion that we think it should be, and I believe that from what I can sense here we should have a good conference.

We are close on a number of issues, but we are close enough I think on the money issue to redeem and bring this to resolution; and so with that, unless the gentleman from Pennsylvania (Mr. FATTAH), the ranking member, wants to express an opinion.

Mr. FATTAH. Mr. Speaker, will the gentleman from Michigan yield for just 1 second?

Mr. KNOLLENBERG. I am glad to yield to the gentleman from Pennsylvania.

Mr. FATTAH. Mr. Speaker, I want to compliment the gentleman from Michigan (Mr. KNOLLENBERG) and thank him for his leadership and cooperation and, of course, the full committee chairman and ranking member, their guidance, as we have moved through this process. I am anxious to go to conference and finish our work for the year; and I believe that the motion to instruct and, moreover, the committee's work product is a great foundation from which the House could proceed in a conference; and I would be remiss not to also thank the gentlewoman from the District of Columbia (Ms. NORTON) for her leadership and urgings as we have walked down this road towards the D.C. appropriations.

I thank the gentleman for yielding.

Mr. Speaker, I yield back the remainder of my time.

Mr. KNOLLENBERG. Mr. Speaker, I am willing, of course, to accept what was mentioned. I want to also briefly say that the gentleman from Pennsylvania (Mr. FATTAH), while thanking me, should also get thanked from me because he has done, I think, a great amount of work to bring this about. We use this word bipartisanship a little loosely; but frankly, we are on the same page in almost every respect; and when we have an occasional disagreement, it is not a disagreement. It is worked out.

Mr. Speaker, I wanted to applaud and salute the gentleman from Pennsylvania (Mr. FATTAH) and thank him for working as a team to bring this about.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Pennsylvania (Mr. FATTAH).

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. KNOLLENBERG, ISTOOK, CUNNINGHAM, DOOLITTLE, SWEENEY, VITTER, YOUNG of Florida, FATTAH, MOLLOHAN, OLVER and OBEY.

There was no objection.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2620, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2002

Ms. PRYCE of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 279 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 279

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2620) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore. The gentlewoman from Ohio (Ms. PRYCE) is recognized for 1 hour.

Ms. PRYCE of Ohio. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 279 is a standard rule waiving all points of order against the conference report to accompany H.R. 2620, the Fiscal Year 2002 Veterans Affairs, and Housing and Urban Development, and Independent Agencies Appropriations bill.

Mr. Speaker, this conference report provides yet another example of a carefully crafted, bipartisan product from our Committee on Appropriations that maintains fiscal discipline, while addressing some of our Nation's most pressing needs.

It takes care of our veterans; addresses the Nation's critical housing

needs; helps to protect and preserve our environment; invests in scientific research; and continues the exploration into space.

I would like to take this opportunity to commend the gentleman from New York (Mr. WALSH); the gentleman from West Virginia (Mr. MOLLOHAN), the ranking member, and all the members of the Committee on Appropriations for their hard work and dedication.

The conference report maintains our commitment to our Nation's veterans who selflessly placed themselves in harm's way so we may enjoy the very freedoms which we so cherish.

□ 1145

With November 11, being Veterans Day, fast approaching, our Nation's veterans deserve our thanks, but more importantly, they deserve and have earned the benefits provided in this conference report.

This year the VA–HUD appropriations bill provides an additional $1 billion over last year's increase for Veterans Medical Health Care, bringing the total to $21.3 billion. And I am proud to inform my colleagues, and more importantly our veterans, that we have increased Veterans Medical Health Care by $4 billion over the course of the last 3 fiscal years.

The bill increases Veterans Medical and Prosthetic Research yet again by $20 million and provides an extra $128 million over last year's funding level for the Veterans Benefit Administration to expedite claims processing, which is a big problem.

Mr. Speaker, along with providing for the needs of our veterans, this legislation targets important resources towards the challenges faced by our urban communities and populations to provide adequate housing to help the most vulnerable folks in our society. Low-income families will benefit through this bill's investment in the Housing Certificate Program, which provides funding for Section 8 renewals and tenant protection.

A $1.7 billion increase over last year's funding level will allow for the renewal of all expiring Section 8 contracts and provides needed relocation assistance. A total of $15.6 billion is provided for this important program in fiscal year 2002. This includes $140 million to fund some 26,000 new Section 8 vouchers. This housing assistance is critical in helping families who are trying to lift themselves up and improve their lives.

Other needed housing programs that help our elderly, people with AIDS, and the disabled also receive increases above last year's funding levels in this conference report.

The report also provides important resources to preserve and protect our environment for the next generation to enjoy. It targets funding with an emphasis on State grants to protect the water we drink and the air we breathe.

The State Revolving Fund for Safe Drinking Water is increased by more than $25 million from last year's level, the Clean Water State Revolving Fund is funded at $1.35 billion, equal to last year's level, and, finally, State Air Grants are increased $8 million over last year.

Mr. Speaker, this conference report also maintains our commitment to the exploration of space and the improvement of science. I am pleased to say that the National Science Foundation is increased by some $363 million above fiscal year 2001. This represents the largest NSF budget ever, and will go a long way to help foster scientific discovery, promote basic research, as well as increase scientific education.

NASA also receives an increase that will bring total funding to $14.8 billion. It fully funds the Space Shuttle operations and maintains our commitment to the International Space Station. This will enable the United States of America to continue our superiority in space exploration and aeronautical research.

Finally, Mr. Speaker, this conference report provides the Federal Emergency Management Agency with $2.2 billion for disaster relief to help some of our Nation's hardest-hit communities, much needed in this time of our Nation's crisis.

Mr. Speaker, this is a good conference report and it deserves our support. It takes a responsible path towards addressing our Nation's most pressing needs and priorities. I urge all my colleagues to support this straightforward, noncontroversial rule, as well as this must-do piece of legislation.

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

Ms. SLAUGHTER. Mr. Speaker, I thank my colleague from Ohio (Ms. PRYCE) for yielding me the customary half-hour, and I yield myself such time as I may consume.

(Ms. SLAUGHTER asked and was given permission to revise and extend her remarks.)

Ms. SLAUGHTER. Mr. Speaker, I rise to express my strong support for the work performed on this bill by the chairman, the gentleman from New York (Mr. WALSH) and the ranking member, the gentleman from West Virginia (Mr. MOLLOHAN).

This is a critical bill for many of our constituents. It directs funding for our Nation's veterans, addresses important housing concerns, protects the environment, and invests in science and technology research.

Specifically, the conference report increases Veterans Administration health care funding by over $1 billion, money that will go towards eliminating much of the VA's backlog of veterans' claims.

Moreover, the measure furthers our commitment to doubling the National Science Foundation budget to invest in science and technology to secure American competitiveness into the future.

The bill authorizes $700 million in HUD Community Development Block Grant funding to New York State to provide grants to the New York City businesses damaged or affected by the attacks of September 11.

My colleagues will also be pleased to know that the bill establishes a new, higher standard for arsenic levels in public drinking water, raising the standards from 50 parts per billion to 10 parts per billion.

I also want to thank the chairman and the ranking member for the increase in funding in HUD's Office of Lead Hazard Control. Fifty of my colleagues signed a letter to the committee requesting this increase, because many older houses and apartments still contain lead-based paint.

Research shows that children with elevated blood levels are seven times more likely to drop out of school and twice as likely to fall behind their peers in language acquisition. In my district of Rochester, New York, 37 percent of the children tested have more lead in their blood than the Center for Disease Control and Prevention considers safe.

Over the past decade, HUD has worked with local governments and agencies to increase the number of lead hazard control programs. However, millions of housing units remain contaminated with lead-based paint. To further reduce lead paint health hazards, the fiscal year 2002 HUD budget receives a $9.8 million increase over fiscal year 2001, bringing the total to 109.8 million. These funds will be distributed through competitive grants to entities who agree to match the Federal grant. So, combined with the private-sector funding, it supports a 10-year strategy to eliminate paint hazards in 2.3 million private housing units occupied by low-income children.

Included in this request is a set-aside of $10 million to continue the Healthy Homes Initiative, which helps to develop, to demonstrate, and promote cost-effective preventive measures to correct multiple safety and health hazards in the home that can cause serious disease and injuries to children.

There are lots of other programs in the bill that I could highlight for my colleagues, but I will save that for Chairman WALSH and Ranking Member MOLLOHAN, but let me say I support both the rule and the underlying bill.

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

Ms. PRYCE of Ohio. Mr. Speaker, I am very pleased to yield 3 minutes to the gentleman from Michigan (Mr. KNOLLENBERG), my distinguished colleague and a member of the Committee on Appropriations.

Mr. KNOLLENBERG. Mr. Speaker, I thank the gentlewoman for yielding me this time, and I thank the chairman, the gentleman from New York (Mr. WALSH) and the ranking member, the gentleman from West Virginia (Mr. MOLLOHAN) for the great work that they have done to produce this conference report and, in effect, to produce this bill.

I would also like to thank Frank Cushing, who works under a great deal

of stress, but does it very, very well, and all the staff that has done so remarkably well to produce this bill that we have, this conference report that we have in front of us today. None of it would be possible without their dedication, their expertise, and the long hours. I salute their work.

I just want to highlight a few of the provisions in the bill. The bill provides an extra $128 million to help the Veterans Benefits Administration to expedite claims processing. The veterans of America do not deserve to suffer the lengthy waits they do now to receive the benefits that they deserve. The extra funding is an important step forward in cutting these wait times.

I would also like to thank the chairman, the ranking member, and the gentleman from Ohio (Mr. OXLEY) for working with me to improve a pilot housing program in my district. This has amplification potential with districts around the country. The program is providing a viable and cost-effective housing alternative for the aging population, and I am pleased that it will continue.

I want to note also there is a $363 million increase in funding for the National Science Foundation. The NIH and CDC get much of the publicity when we talk about medical and scientific advances. But few of those advances would be possible without the basic research that is conducted by NSF. I am pleased that these and other funding priorities in the bill will be signed into law when this conference report lands on the President's desk.

Chairman WALSH is to be saluted for crafting this piece of legislation under some very difficult circumstances. He and the gentleman from West Virginia (Mr. MOLLOHAN) have worked tirelessly with our colleagues in the other body to forge a fiscally responsible bill in a bipartisan spirit.

So, Mr. Speaker, this conference report is the fruit of the effort, and I urge adoption of the rule and the conference.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I commend and congratulate the gentleman from New York (Mr. WALSH) and the gentleman from West Virginia (Mr. MOLLOHAN) for their outstanding leadership and work on this bill.

I rise in support of the rule and in support of the conference report. I am particularly pleased that the report funds renewal of Section 8 contracts due to expire in 2002, and that it funds 25,900 new rental vouchers.

I am disappointed by the elimination of the Drug Elimination Grant Program, but understand that these programs will be funded from increases in public housing operating subsidies.

I am also pleased that programs for the elderly get a small increase, and that housing programs for the disabled are positively impacted. I had hoped not to see any decreases in funding for distressed public housing and the empowerment zones.

I am gratified, Mr. Speaker, to know that we are increasing funding for Veterans Administration programs, and I trust that this means that our VA hospitals and services in the Chicago area will not have to experience drastic cuts in programs and services, and that we do not have to continue the talk of the possibility of closing the Lakeside Veterans Administration Hospital.

I commend the committee for increasing by 9.5 percent programs for the homeless and a 7.5 percent increase to help meet the housing needs of persons with AIDS and their families.

Mr. Speaker, these are indeed difficult times, and these are definitely times where there are going to be unmet needs. However, in spite of that, the committee has done a good and outstanding job and has a good product. I commend them for their efforts, for their astuteness, and for the balance which they have displayed.

Ms. PRYCE of Ohio. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. WALSH), my distinguished colleague and the chairman of the VA–HUD Committee on Appropriations. We all take our hats off to him for his hard work, as well as to the ranking member, the gentleman from West Virginia (Mr. MOLLOHAN).

Mr. WALSH. Mr. Speaker, I thank the gentlewoman from Ohio for yielding me this time. She has now helped us guide this bill through the House for the third time, and she does a marvelous job. I would also like to thank her opposite number, my neighbor, the gentlewoman from New York (Ms. SLAUGHTER), for the courtesies extended to the gentleman from West Virginia (Mr. MOLLOHAN), myself, and our subcommittee. Thanks also to Chairman DREIER, who quickly guided us through the Committee on Rules and turned us loose.

We think we have a very good bill. There are a number of compromises within the bill, but there are also, I think, some fairly important policy statements that we make. We allocated precious resources to the priorities that were expressed by the House and the Senate, and I will deal more with the details when the bill comes before us. But I would urge all Members to support the rule.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Speaker, I thank the gentlewoman for yielding me this time, and I would like to point out that as this body is preparing to adjourn for Veterans Day, despite some of the comments we have heard, this budget is not a good budget for our veterans and we are not honoring them as we come up to Veterans Day.

I understand that the chairman of the committee and the ranking member have had a certain budget to deal with, and they have done the best they can. But this Congress just passed a bill which gave $25 billion in retroactive tax increases to the biggest corporations in this country. IBM will get a check for $2 billion, GE and Ford will get checks for between $1 billion and a $1.5 billion. And what did we do for veterans in this budget? Barely keeping up with inflation. Barely keeping up with inflation.

At a time when the backlog of cases to be adjudicated accumulates at 10,000 a week, this budget will do nothing to clear up that backlog. This budget will not help us cure or find a treatment or a cause for Persian Gulf War illness. It does not take any of the 250,000 homeless off the streets.

□ 1200

Mr. Speaker, it does not shorten the waiting time of months and months that our veterans have to wait for doctor's appointments. This does not honor our veterans, at a time not only when we are approaching Veterans' Day but when our men and women are at war and we will have more veterans and more service-connected problems. We are not sending a signal in the men and women engaged in the war against terrorism when we treat our veterans in this way.

All of the veterans in this country came together to produce The Independent Budget, a budget by veterans for veterans. It outlined the needs that our veterans have. But what does this bill have, $2 billion less than what this calls for. The final conference report that we are voting on provides less money than either House provided in their resolution. How can a conference report come back with less than each House recommended?

Mr. Speaker, those who are adept at these conference reports will have to explain that to me. We come back with $2 billion less than our veterans need, less than what each House called for, and yet we are about to go out on November 11 and November 12 and say to our veterans, we support them. We love them.

Mr. Speaker, this conference report does not do the job that our veterans deserve and our new veterans are going to need. This budget again is a dishonor to our veterans as we approach Veterans' Day on November 11.

Ms. PRYCE of Ohio. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the ranking member and the chairman of the committee. We realize the trying times that we are in, and I think many of us would have relished the opportunity for these very vital programs to have provided more resources. In fact, I would imagine if we could go back to the drawing boards, we would recognize the enormous needs that these services in this particular bill address.

But let me first of all as we talk about Veterans' Day acknowledge the extra $128 million that the veterans will get to expedite claims processing. If there is anything in our congressional districts that causes us great concern, it is our veterans coming in attempting to process their claims for needs that are immediate. I believe it is important to overcome that particular need.

In addition, I think it is extremely important that there is an increase in this particular legislation for veterans. I would argue to say that we can always, as I work with homeless veterans, do more for them. I am hoping as we move towards the next session and the next fiscal year, we can reemphasize the needs of our homeless veterans with whom I have worked on a regular basis.

But we are addressing some needs, and whenever I go home and interact with my community, they are always speaking about another issue and that is dealing with housing. I would like to refer to the housing for the Nation's elderly, section 202 which has received an increase, the homeless program which has been fully funded at $1.23 billion, the housing, the HOPWA program. I might say that we will be working with HUD to ensure that those dollars get to communities that are diverse, that we ensure that those programs are spread throughout, that we are reaching the communities that are impacted. We realize that in the African American community, HIV–AIDS is the one killer in ages 25 TO 44. We need those dollars to be spread in a diverse way. We have community development block grant money, and I am delighted that is there, as well as the Superfund monies which have been funded.

As a member of the Committee on Science, Subcommittee on Space and Aeronautics, express my extreme disappointment that we have not seen fit to fully fund our Space Station and provide the extra safety and the extra crew module. We fought against this cut, and I am hoping that the administration will see the error of its ways with respect to the Space Station. We have fought long and hard, and in this time the Space Station may become even more valuable. We realize that we have to be fiscally responsible as relates to NASA, but we need to do more.

In Houston, in particular, we are very gratified that the conference has seen fit to focus on beautification. The Heights Association in Houston receiving $100,000; to focus on recreation, $25,000 for the Acres Home Citizen Council Recreational Complex that will enhance economic development in that area, create a whole buzz of activity, compete with of course our great sports arenas by going into a neighborhood and focusing, and recognizing that the whole Nation needs to be wired and to put in an intercity area, the home of Barbara Jordan and Nicky Leland, the Fifth Ward Technology Center in cooperation with the Houston Community College seed money of $50,000 to help us recognize that economic development technology are interwoven. I look forward to these ideas and these monies moving forward to help build our country and as well build a better quality of life.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, I rise today in strong support of the conference report for VA–HUD. The bill funds many important agencies, and much has been said about those agencies, particularly about Veterans' Affairs. But I would like to specifically recognize the hard work of the members of the conference committee for their work in approving funding increase for aeronautics research.

We know that dollar for dollar, investments in aeronautics research pays off. Every aircraft worldwide uses NASA technology, and the research center located in Hampton, Virginia, has been at the forefront of developing these cutting-edge technologies. Engineering principles developed from the past research at Langley have contributed to overall aircraft safety and efficiency, including things like wind design, noise abatement, structural integrity, and fuel efficiency. It is important to remember that these principles were developed 5, 10 and 20 years before they led to improvements in the aircraft we see today.

In recent years, NASA's research has been reduced by about one-third. Reversing that declining trend in aeronautics funding now will enable the aggressive research and technology programs that are needed to lead the United States into the 21st century, as the world's leader in aeronautics and space research, a key cornerstone of our future economic prosperity.

Again, I extend my appreciation to the gentleman from New York (Mr. WALSH) and the gentleman from West Virginia (Mr. MOLLOHAN) and the other conferees for their strong support for the national investments in aeronautics research, and I urge Members to support the conference committee report.

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

Ms. PRYCE of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a good conference report. It balances a number of very important priorities. It protects our environment and keeps the United States at the forefront of space exploration. It provides needed funding to ensure new scientific discovery and addresses our Nation's critical housing needs.

Finally, it provides for the benefits and assistance of our Nation's veterans that they have earned and that they should enjoy. It is a fitting and timely tribute as we prepare for Veterans' Day this November 11.

Mr. Speaker, once again our hats should be off to the gentleman from New York (Mr. WALSH) and the gentleman from West Virginia (Mr. MOLLOHAN) and the entire appropriations committee. I urge a yes vote on this rule and the conference report.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WALSH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report to accompany H.R. 2620, and that I may include tabular and extraneous material.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from New York?

There was no objection.

CONFERENCE REPORT ON H.R. 2620, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2002

Mr. WALSH. Mr. Speaker, pursuant to House Resolution 279, I call up the conference report on the bill (H.R. 2620) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of November 6, 2001, at page H7787.)

The SPEAKER pro tempore. The gentleman from New York (Mr. WALSH) and the gentleman from West Virginia (Mr. MOLLOHAN) each will control 30 minutes.

The Chair recognizes the gentleman from New York (Mr. WALSH).

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

Mr. Speaker, it is a privilege to present for consideration of the House the conference report on H.R. 2620, the VA–HUD and Independent Agencies Appropriations Act for 2002.

In the interest of time, I will try to be brief. I would like, however, to begin by saying that this is a good bill. I think the fact that we had a unanimous vote on the rule is symbolic of what is to come. Like those presented in each of the past few years, it is very much a solid, bipartisan effort of the

House and Senate. In this regard I would like to express my sincere appreciation to the gentleman from West Virginia (Mr. MOLLOHAN), as well as to our very able Senate colleagues, Senators MIKULSKI and BOND.

While we clearly had differences and many difficult decisions on several aspects of the bill as passed by each body, the conference report nevertheless represents a true collaboration of effort and an honest negotiated compromise. Again, I am grateful to my colleagues for their candor, perseverance, and friendship.

With the House's indulgence, I would like to take a few minutes to briefly outline the highlights of the proposal. First and foremost, the conference report is within the 302(b) allocation for budget authority and outlays. The bill's discretionary spending is $85.4 billion in new budget authority, which is an increase of just over $2 billion above the budget submission and some $2.9 billion over last year's bill.

I would note for the House that this level of discretionary spending includes emergency spending for $1.5 billion for FEMA for disaster relief requirements.

We have tried as best we can to spread the proposed increases throughout the bill: discretionary veterans programs overall are increased by over $1.4 billion compared to 2001. This follows on some very substantial increases in the last 2 years, with $1.05 billion of the increase going to medical care and the remainder spread to research, processing veterans' compensation, pension and education claims, operating our national cemeteries, and increasing necessary construction at VA facilities by over $160 million over last year.

Housing programs have increased in HUD by over $1.67 billion compared to 2001, with increases in the housing certificate program, public housing operating subsidies, the HOPWA program, HOME investment partnerships, the housing for the elderly and disabled programs, and the disabled program is a significant increase, and the lead hazard reduction program. It is important to note that this proposal also includes some very difficult but I believe extremely important and highly defensible changes in policy direction which are represented by reductions in the Public Housing Capital Fund and the Drug Elimination Grant Program. Neither of these programs is serving the best interests of the people they were intended to serve, and it is our job to take whatever steps are necessary to remedy the situation.

In the case of capital funds, it meant getting tougher on public housing authorities to spend the dollars intended for the residents of public housing authority. There are literally hundreds of millions of dollars worth of code violations and hazards not getting fixed.

In the case of the Drug Elimination Grant Program, it meant taking an honest look at whether HUD is the best entity to run this type of program.

□ 1215

Based on HUD's track record, we did not believe that it was. Instead, this bill increases funding in the operating fund so that all PHAs will see an increase. They then have the discretion to use those funds as they see fit.

The Environmental Protection Agency's funding increases some $586 million over the budget request, and $74 million above last year. This proposal continues to provide a strong research program as well as increased resources for the many State categorical grants, including section 106 water pollution grants, section 103 and 105 air pollution grants, and the new BEACH grant program. The Clean Water SRF program has been funded at $1.35 billion and the Safe Drinking Water SRF has received $850 million. These are substantial commitments. However, they are dwarfed by the need that is out there in combined sewer overflow projects throughout the country.

FEMA's operating programs increase by nearly $135 million over the 2001 funding level and we have provided $2.1 billion in emergency and nonemergency dollars for disaster relief. I should also mention that $150 million has been provided for the new firefighter grant program which, as my colleagues can imagine, is a very, very popular and competitive program.

NASA's programs will receive a net increase of $508 million over last year, and we have proposed several structural changes in the agency's account structure to provide them greater programmatic flexibility and the committee, better oversight capability.

Finally, I am proud to say that we have raised the overall funding for the National Science Foundation by just over $316 million to a total program of $4.789 billion. That is an increase of 8.2 percent compared to last year. Doing a little research myself, 10 years ago that budget was half, so that the National Science Foundation budget has doubled in the past 10 years. The bulk of this increase will go to improve available resources for National Science Foundation's core research programs, bringing the total research program to nearly $3.6 billion, while the remainder would be spread to major research, construction and equipment, education and human resource programs, and salaries and expenses for NSF's capable staff.

I would like to add that I personally would have liked to do more here, as I know my colleague, the gentleman from West Virginia (Mr. MOLLOHAN), would. However, to do so only could have been done at the expense of other very important programs found in other agencies throughout the bill. Having said that, given the increase proposed by the administration of 1 percent, we have done a remarkable job.

All Members are, of course, aware of the difficulty in putting these bills together, especially with so many diverse and competing interests. Developing the perfect bill is probably impossible. Nevertheless, I believe we have done a tremendous job developing a bill that represents the interests of both the legislative and the executive branch.

By the way, I would like to thank the executive branch for allowing us to do our job without a great deal of interference. They have been very cooperative. Their priorities were made. We tried to honor those priorities; in many cases we did. But the relationship this year was excellent.

With that, Mr. Speaker, I want once again to thank all my colleagues for allowing us the privilege of presenting this conference report on the fiscal year 2002 appropriations for veterans, housing and independent agencies. I urge its adoption.

Mr. Speaker, I include the following material for the RECORD:

H.R. 2620 - Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Bill, 2002

(Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	House	Senate	Conference	Conference vs. enacted
TITLE I						
DEPARTMENT OF VETERANS AFFAIRS						
Veterans Benefits Administration						
Compensation and pensions	23,355,689	24,944,288	24,944,288	24,944,288	24,944,288	+1,588,599
Readjustment benefits	1,981,000	2,135,000	2,135,000	2,135,000	2,135,000	+154,000
Veterans insurance and indemnities	19,850	26,200	26,200	26,200	26,200	+6,350
Veterans housing benefit program fund program account (indefinite)	165,740	203,278	203,278	203,278	203,278	+37,538
(Limitation on direct loans)	(300)	(300)	(300)	(300)	(300)	.....
Administrative expenses	162,000	164,497	164,497	164,497	164,497	+2,497
Administrative savings from prohibiting new Vendee Home Loans	.....	-1,000	.....	.....	.....	.....
Education loan fund program account	1	1	1	1	1	.....
(Limitation on direct loans)	(3)	(3)	(3)	(3)	(3)	.....
Administrative expenses	220	64	64	64	64	-156
Vocational rehabilitation loans program account	52	72	72	72	72	+20
(Limitation on direct loans)	(2,726)	(3,301)	(3,301)	(3,301)	(3,301)	(+575)
Administrative expenses	432	274	274	274	274	-158
Native American Veteran Housing Loan Program Account	532	544	544	544	544	+12
Total, Veterans Benefits Administration	25,685,516	27,473,218	27,474,218	27,474,218	27,474,218	+1,788,702
Veterans Health Administration						
Medical care	19,381,587	20,304,742	20,382,587	20,704,742	20,656,164	+1,274,577
Delayed equipment obligation	900,000	675,000	900,000	675,000	675,000	-225,000
Total	20,281,587	20,979,742	21,282,587	21,379,742	21,331,164	+1,049,577
(Transfer to general operating expenses)	(-28,134)	.....	.....	.....	.....	(+28,134)
(Transfer to Parking revolving fund)	(-2,000)	.....	.....	.....	.....	(+2,000)
Medical care cost recovery collections:						
Offsetting receipts	-639,000	-691,000	-812,000	-691,000	-691,000	-52,000
Appropriations (indefinite)	639,000	691,000	812,000	691,000	691,000	+52,000
Total available (excludes offsetting receipts)	20,920,587	21,670,742	22,094,587	22,070,742	22,022,164	+1,101,577
Medical and prosthetic research	351,000	360,237	371,000	390,000	371,000	+20,000
Medical administration and miscellaneous operating expenses	62,000	67,628	66,731	67,628	66,731	+4,731
Total, Veterans Health Administration	20,694,587	21,407,607	21,720,318	21,837,370	21,768,895	+1,074,308
Departmental Administration						
General operating expenses	1,050,000	1,194,831	1,195,728	1,194,831	1,195,728	+145,728
Offsetting receipts	(36,520)	.....	.....	.....	.....	(-36,520)
Total, Program Level	(1,086,520)	(1,194,831)	(1,195,728)	(1,194,831)	(1,195,728)	(+109,208)
(Transfer from medical care)	(47,134)	.....	.....	.....	.....	(-47,134)
(Transfer from national cemetery)	(125)	.....	.....	.....	.....	(-125)
(Transfer from inspector general)	(28)	.....	.....	.....	.....	(-28)
National Cemetery Administration	109,889	121,169	121,169	121,169	121,169	+11,280
(Transfer to general operating expenses)	(-125)	.....	.....	.....	.....	(+125)
Office of Inspector General	46,464	48,308	52,308	48,308	52,308	+5,844
(Transfer to general operating expenses)	(-28)	.....	.....	.....	.....	(+28)
Construction, major projects	66,040	183,180	183,180	155,180	183,180	+117,140
Facility rehabilitation fund	.....	.....	300,000	.....	.....	.....
Construction, minor projects	162,000	178,900	178,900	178,900	210,900	+48,900
Miscellaneous appropriations (P.L. 106-554)	8,840	.....	.....	.....	.....	-8,840
(Transfer to Parking Revolving Fund)	(-4,500)	.....	.....	.....	.....	(+4,500)
Total	170,840	178,900	178,900	178,900	210,900	+40,060
Grants for construction of State extended care facilities	100,000	50,000	100,000	100,000	100,000	.....
Grants for the construction of State veterans cemeteries	25,000	25,000	25,000	25,000	25,000	.....
(Transfer from Parking Revolving Fund)	(6,500)	.....	.....	.....	.....	(-6,500)
Parking Revolving Fund	.....	4,000	4,000	4,000	4,000	+4,000
Total, Departmental Administration	1,568,233	1,805,388	2,160,285	1,827,388	1,892,285	+324,052
Total, title I, Department of Veterans Affairs	47,948,336	50,686,213	51,354,821	51,138,976	51,135,398	+3,187,062
(Limitation on direct loans)	(3,029)	(3,604)	(3,604)	(3,604)	(3,604)	(+575)
Consisting of:						
Mandatory	(25,522,279)	(27,308,766)	(27,308,766)	(27,308,766)	(27,308,766)	(+1,786,487)
Discretionary	(22,426,057)	(23,377,447)	(24,046,055)	(23,830,210)	(23,826,632)	(+1,400,575)

H.R. 2620 - Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Bill, 2002 — continued

(Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	House	Senate	Conference	Conference vs. enacted
TITLE II						
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT						
Public and Indian Housing						
Housing Certificate Fund:						
Direct appropriation	9,740,907	15,717,392	11,494,242	11,458,769	11,440,975	+1,700,068
Advance appropriations provided in previous acts	4,200,000	.....	4,200,000	4,200,000	4,200,000	.....
Subtotal, discretionary	13,940,907	15,717,392	15,694,242	15,658,769	15,640,975	+1,700,068
(Advance appropriation)	(4,200,000)	.....	(4,200,000)	(4,200,000)	(4,200,000)	.....
(Mandatory reclassification of prior year advance)	.....	(4,200,000)	.....	.....	.....	.....
Rescission of unobligated balances: Section 8 recaptures (rescission)	-1,947,300	.....	-886,000	-615,000	-1,200,000	+747,300
Public housing capital fund	3,000,000	2,293,400	2,555,000	2,943,400	2,843,400	-156,600
Public housing operating fund	3,242,000	3,384,868	3,494,868	3,384,868	3,494,868	+252,868
Subtotal	6,242,000	5,678,268	6,049,868	6,328,268	6,338,268	+96,268
Operation Safe Home (rescission)	.....	.....	.....	.....	-11,000	-11,000
Drug elimination grants for low-income housing	310,000	.....	.....	300,000	.....	-310,000
Revitalization of severely distressed public housing (HOPE VI)	575,000	573,735	573,735	573,735	573,735	-1,265
Native American housing block grants	650,000	648,570	648,570	648,570	648,570	-1,430
Indian housing loan guarantee fund program account	6,000	5,987	5,987	5,987	5,987	-13
(Limitation on guaranteed loans)	(71,956)	(234,283)	(234,283)	(234,283)	(234,283)	(+162,327)
Native Hawaiian housing loan guarantee fund	.....	.....	.....	1,000	1,000	+1,000
(Limitation on guaranteed loans)	.....	.....	.....	(40,000)	(40,000)	(+40,000)
Total, Public and Indian Housing	19,776,607	22,623,952	22,086,402	22,901,329	21,997,535	+2,220,928
Community Planning and Development						
Housing opportunities for persons with AIDS	258,000	277,432	277,432	277,432	277,432	+19,432
Rural housing and economic development	25,000	.....	.....	25,000	25,000	.....
Empowerment zones / enterprise communities	75,000	150,000	.....	75,000	45,000	-30,000
Rural empowerment zones	15,000	.....	.....	.....	.....	-15,000
Miscellaneous appropriations (P.L. 106-554)	110,000	.....	.....	.....	.....	-110,000
Total	200,000	150,000	.....	75,000	45,000	-155,000
Community development block grants	5,057,550	4,801,993	4,811,993	5,012,993	5,000,000	-57,550
Miscellaneous appropriations (P.L. 106-554)	66,128	.....	.....	.....	.....	-66,128
Section 108 loan guarantees:						
(Limitation on guaranteed loans)	(1,261,000)	(608,696)	(608,696)	(608,696)	(608,696)	(-652,304)
Credit subsidy	29,000	14,000	14,000	14,000	14,000	-15,000
Administrative expenses	1,000	1,000	1,000	1,000	1,000	.....
Brownfields redevelopment	25,000	25,000	25,000	25,000	25,000	.....
HOME investment partnerships program	1,800,000	1,796,040	1,996,040	1,796,040	1,846,040	+46,040
Homeless assistance grants	1,025,000	1,022,745	1,027,745	1,022,745	1,122,525	+97,525
Shelter Plus Care Renewals	100,000	99,780	.....	99,780	.....	-100,000
Total, Community planning and development	8,586,678	8,187,990	8,153,210	8,348,990	8,355,997	-230,681
Housing Programs						
Housing for special populations	996,000	1,001,009	1,024,151	1,001,009	1,024,151	+28,151
Housing for the elderly	(779,000)	(783,286)	(783,286)	(783,286)	(783,286)	(+4,286)
Housing for the disabled	(217,000)	(217,723)	(240,865)	(217,723)	(240,865)	(+23,865)
Manufactured housing fees trust fund	.....	17,254	13,566	17,254	13,566	+13,566
Offsetting collections	.....	-17,254	-13,566	-17,254	-13,566	-13,566
Savings from canceling S.1029	.....	.....	-8,000	-8,000	-8,000	-8,000
Federal Housing Administration						
FHA - Mutual mortgage insurance program account:						
(Limitation on guaranteed loans)	(160,000,000)	(160,000,000)	(160,000,000)	(160,000,000)	(160,000,000)	.....
(Limitation on direct loans)	(250,000)	(250,000)	(250,000)	(250,000)	(250,000)	.....
Administrative expenses	330,888	336,700	330,888	336,700	336,700	+5,812
Negative subsidy 1/	-2,246,000	-2,323,000	-2,323,000	-2,323,000	-2,323,000	-77,000
Administrative contract expenses	160,000	160,000	145,000	160,000	160,000	.....
Additional contract expenses	4,000	1,000	.....	1,000	1,000	-3,000
Streamlined down payment requirements	7,000	.....	.....	.....	.....	-7,000

H.R. 2620 - Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Bill, 2002 — continued

(Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	House	Senate	Conference	Conference vs. enacted
FHA - General and special risk program account:						
(Limitation on guaranteed loans)	(21,000,000)	(21,000,000)	(21,000,000)	(21,000,000)	(21,000,000)	.....
(Limitation on direct loans)	(50,000)	(50,000)	(50,000)	(50,000)	(50,000)	.....
Administrative expenses	211,455	216,100	211,455	216,100	216,100	+4,645
Negative subsidy	-100,000	-225,000	-225,000	-225,000	-225,000	-125,000
Subsidy	101,000	15,000	15,000	15,000	15,000	-86,000
Guaranteed loans credit subsidy (emergency funding) (P.L. 106-554)	40,000	.....	.....	.....	.....	-40,000
Non-overhead administrative expenses	144,000	144,000	139,000	144,000	144,000	.....
Additional contract expenses	7,000	4,000	.....	4,000	4,000	-3,000
Total, Federal Housing Administration	-1,340,657	-1,671,200	-1,706,657	-1,671,200	-1,671,200	-330,543
Government National Mortgage Association						
Guarantees of mortgage-backed securities loan guarantee program account:						
(Limitation on guaranteed loans)	(200,000,000)	(200,000,000)	(200,000,000)	(200,000,000)	(200,000,000)	.....
Administrative expenses	9,383	9,383	9,383	9,383	9,383	.....
Offsetting receipts	-347,000	-382,000	-382,000	-382,000	-382,000	-35,000
Policy Development and Research						
Research and technology	53,500	43,404	46,900	53,404	50,250	-3,250
Fair Housing and Equal Opportunity						
Fair housing activities	46,000	45,899	45,899	45,899	45,899	-101
Office of Lead Hazard Control and Healthy Homes						
Lead hazard reduction	100,000	109,758	109,758	109,758	109,758	+9,758
Millenial Housing Commission						
Gifts and donations	.....	1,500	.....	.....	.....	.....
Management and Administration						
Salaries and expenses	543,267	556,067	546,067	546,032	556,067	+12,800
Transfer from:						
Limitation on FHA corporate funds	(518,000)	(530,457)	(520,000)	(530,457)	(530,457)	(+12,457)
GNMA	(9,383)	(9,383)	(9,383)	(9,383)	(9,383)	.....
Community Development Loan Guarantees Program	(1,000)	(1,000)	(1,000)	(1,000)	(1,000)	.....
Native American Housing Block Grants	(150)	(150)	(150)	(150)	(150)	.....
Indian Housing Loan Guarantee Fund Program	(200)	(200)	(200)	(200)	(200)	.....
Native Hawaiian Housing Loan Guarantee Fund Program	.....	.....	.....	(35)	(35)	(+35)
Total, Salaries and expenses	(1,072,000)	(1,097,257)	(1,076,800)	(1,087,257)	(1,097,292)	(+25,292)
Office of Inspector General	52,657	61,555	61,555	66,555	66,555	+13,898
(By transfer, limitation on FHA corporate funds)	(22,343)	(22,343)	(22,343)	(22,343)	(22,343)	.....
(By transfer from Drug Elimination Grants)	(10,000)	.....	.....	.....	.....	(-10,000)
(By transfer from Public Housing Oper Subsidy)	.....	(10,000)	(10,000)	.....	(5,000)	(+5,000)
Total, Office of Inspector General	(85,000)	(93,898)	(93,898)	(88,898)	(93,898)	(+8,898)
Consolidated fee fund (rescission)	.....	-6,700	-6,700	-6,700	-6,700	-6,700
Office of Federal Housing Enterprise Oversight	22,000	27,000	23,000	27,000	27,000	+5,000
Offsetting receipts	-22,000	-27,000	-23,000	-27,000	-27,000	-5,000
Total, title II, Department of Housing and Urban Development (net)	28,476,435	30,580,617	29,979,968	31,014,459	30,147,695	+1,671,260
Appropriations	(30,423,735)	(30,587,317)	(30,872,668)	(31,636,159)	(31,365,395)	(+941,660)
Rescissions	(-1,947,300)	(-6,700)	(-892,700)	(-621,700)	(-1,217,700)	(+729,600)
(Limitation on direct loans)	(300,000)	(300,000)	(300,000)	(300,000)	(300,000)	.....
(Limitation on guaranteed loans)	(382,332,956)	(381,842,979)	(381,842,979)	(381,882,979)	(381,882,979)	(-449,977)
(Limitation on corporate funds)	(551,076)	(563,533)	(553,076)	(563,568)	(563,568)	(+12,492)
TITLE III						
INDEPENDENT AGENCIES						
American Battle Monuments Commission						
Salaries and expenses	28,000	28,466	35,466	28,466	35,466	+7,466
Chemical Safety and Hazard Investigation Board						
Salaries and expenses	7,500	7,621	8,000	7,621	7,850	+350
Department of the Treasury						
Community Development Financial Institutions						
Community development financial institutions fund program account	118,000	67,948	80,000	100,000	80,000	-38,000
Consumer Product Safety Commission						
Salaries and expenses	52,500	54,200	54,200	56,200	55,200	+2,700

H.R. 2620 - Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Bill, 2002 — continued

(Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	House	Senate	Conference	Conference vs. enacted
Corporation for National and Community Service						
National and community service programs operating expenses	458,500	411,480	.....	415,480	401,980	-56,520
Rescission	-30,000	.....	.....	.....	.....	+30,000
Office of Inspector General	5,000	5,000	5,000	5,000	5,000	.....
Total	433,500	416,480	5,000	420,480	406,980	-26,520
Court of Appeals for Veterans Claims						
Salaries and expenses	12,445	13,221	13,221	13,221	13,221	+776
Department of Defense - Civil						
Cemeterial Expenses, Army						
Salaries and expenses	17,949	18,437	22,537	18,437	22,537	+4,588
Department of Health and Human Services						
National Institute of Health						
National Institute of Environmental Health Sciences	63,000	70,228	70,228	70,228	70,228	+7,228
Centers for Disease Control and Prevention						
Agency for Toxic Substances and Disease Registry	75,000	78,235	78,235	78,235	78,235	+3,235
Total, Department of Health and Human Services	138,000	148,463	148,463	148,463	148,463	+10,463
Environmental Protection Agency						
Science and Technology	696,000	640,538	680,410	665,672	698,089	+2,089
Miscellaneous appropriations (P.L. 106-554)	1,000	.....	.....	.....	.....	-1,000
Transfer from Hazardous Substance Superfund	36,500	36,891	36,891	36,891	36,891	+391
Subtotal, Science and Technology	733,500	677,429	717,301	702,563	734,980	+1,480
Environmental Programs and Management	2,087,990	1,972,960	2,004,599	2,061,996	2,054,511	-33,479
Office of Inspector General	34,094	34,019	34,019	34,019	34,019	-75
Transfer from Hazardous Substance Superfund	11,500	11,867	11,867	11,867	11,867	+367
Subtotal, OIG	45,594	45,886	45,886	45,886	45,886	+292
Buildings and facilities	23,931	25,318	25,318	25,318	25,318	+1,387
Hazardous Substance Superfund	1,170,000	1,268,135	1,170,000	1,274,646	1,170,000	.....
Delay of obligation	100,000	.....	100,000	.....	100,000	.....
Transfer to Office of Inspector General	-11,500	-11,867	-11,867	-11,867	-11,867	-367
Transfer to Science and Technology	-36,500	-36,891	-36,891	-36,891	-36,891	-391
Subtotal, Hazardous Substance Superfund	1,222,000	1,219,377	1,221,242	1,225,888	1,221,242	-758
Leaking Underground Storage Tank Program	72,096	71,937	79,200	71,947	73,000	+904
Oil spill response	15,000	14,967	15,000	14,986	15,000	.....
State and Tribal Assistance Grants	2,620,740	2,232,943	2,355,000	2,572,234	2,658,900	+38,160
Categorical grants	1,008,000	1,055,782	1,081,899	1,030,782	1,074,376	+66,376
Subtotal, STAG	3,628,740	3,288,725	3,436,899	3,603,016	3,733,276	+104,536
Total, EPA	7,828,851	7,316,599	7,545,445	7,751,600	7,903,213	+74,362
Executive Office of the President						
Office of Science and Technology Policy	5,201	5,267	5,267	5,267	5,267	+66
Council on Environmental Quality and Office of Environmental Quality	2,900	2,974	2,974	2,974	2,974	+74
Total	8,101	8,241	8,241	8,241	8,241	+140
Federal Deposit Insurance Corporation						
Office of Inspector General (transfer)	(33,660)	(33,660)	(33,660)	(33,660)	(33,660)	.....
Federal Emergency Management Agency						
Disaster relief	300,000	1,369,399	1,369,399	359,399	664,000	+364,000
(Transfer out)	(-2,900)	(-2,900)	(-2,900)	(-2,900)	(-2,900)	.....
Contingent emergency appropriations	1,300,000	.....	1,300,000	2,000,000	1,500,000	+200,000
Subtotal	1,600,000	1,369,399	2,669,399	2,359,399	2,164,000	+564,000
Radiological emergency preparedness fund	.....	-1,000	-1,000	-1,000	-1,000	-1,000
Disaster assistance direct loan program account:						
State share loan	1,678	405	405	405	405	-1,273
(Limitation on direct loans)	(25,000)	(25,000)	(25,000)	(25,000)	(25,000)	.....
Administrative expenses	427	543	543	543	543	+116

H.R. 2620 - Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Bill, 2002 — continued

(Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	House	Senate	Conference	Conference vs. enacted
Salaries and expenses	187,000	203,801	197,900	203,801	203,801	+16,801
Defense function	28,000	30,000	30,000	30,000	30,000	+2,000
Subtotal	215,000	233,801	227,900	233,801	233,801	+18,801
Office of Inspector General	10,000	10,303	10,303	10,303	10,303	+303
Emergency management planning and assistance	249,652	334,623	384,623	409,623	384,623	+134,971
Defense function	20,000	20,000	20,000	20,000	20,000	.....
Miscellaneous appropriations (P.L. 106-554)	100,000	.....	.....	.....	.....	-100,000
Subtotal	369,652	354,623	404,623	429,623	404,623	+34,971
(By transfer)	(2,900)	(2,900)	(2,900)	(2,900)	(2,900)	.....
Emergency food and shelter program	140,000	139,692	140,000	139,692	140,000	.....
National Flood Insurance Fund:						
(Limitation on administrative expenses):						
Salaries and expenses 1/	25,736	28,798	28,798	28,798	28,798	+3,062
Flood mitigation 1/	77,307	76,381	76,381	76,381	76,381	-926
(Transfer out)	(-20,000)	(-20,000)	(-20,000)	(-20,000)	(-20,000)	.....
National Flood Migration Fund (by transfer)	(20,000)	(20,000)	(20,000)	(20,000)	(20,000)	.....
Emergency Response Fund (P.L. 107-38)	2,000,000	.....	.....	.....	.....	-2,000,000
Total, Federal Emergency Management Agency	4,439,800	2,212,945	3,557,352	3,277,945	3,057,854	-1,381,946
Appropriations	(1,139,800)	(2,212,945)	(2,257,352)	(1,277,945)	(1,557,854)	(+418,054)
Contingent emergency appropriations	(3,300,000)	.....	(1,300,000)	(2,000,000)	(1,500,000)	(-1,800,000)
General Services Administration						
Federal Consumer Information Center Fund	7,122	7,276	7,276	7,276	7,276	+154
National Aeronautics and Space Administration						
Human space flight	5,462,900	7,296,000	7,047,400	6,868,000	6,912,400	+1,449,500
Crew return vehicle	.....	.....	275,000	.....	.....	.....
Science, aeronautics and technology	6,190,700	7,191,700	7,605,300	7,669,700	7,857,100	+1,666,400
Mission support	2,608,700	.....	.....	.....	.....	-2,608,700
Office of Inspector General	23,000	23,700	23,700	23,700	23,700	+700
Total, NASA	14,285,300	14,511,400	14,951,400	14,561,400	14,793,200	+507,900
National Credit Union Administration						
Central liquidity facility:						
(Limitation on direct loans)	(1,500,000)	(1,500,000)	(1,500,000)	(1,500,000)	(1,500,000)	.....
(Limitation on administrative expenses, corporate funds)	(296)	(309)	(309)	(309)	(309)	(+13)
Revolving loan program	1,000	1,000	1,000	1,000	1,000	.....
National Science Foundation						
Research and related activities	3,287,000	3,263,981	3,579,340	3,451,481	3,530,270	+243,270
Defense function	63,000	63,000	63,000	63,000	68,070	+5,070
Subtotal	3,350,000	3,326,981	3,642,340	3,514,481	3,598,340	+248,340
Major research equipment	121,600	96,332	135,300	108,832	138,800	+17,200
Education and human resources	787,352	872,407	885,720	872,407	875,000	+87,648
Salaries and expenses	160,890	170,040	170,040	170,040	170,040	+9,150
Office of Inspector General	6,280	6,760	6,760	6,760	6,760	+480
Total, NSF	4,426,122	4,472,520	4,840,160	4,672,520	4,788,940	+362,818
Neighborhood Reinvestment Corporation						
Payment to the Neighborhood Reinvestment Corporation	90,000	95,000	105,000	100,000	105,000	+15,000
Selective Service System						
Salaries and expenses	24,480	25,003	25,003	25,003	25,003	+523
Total, title III, Independent agencies	31,918,670	29,404,820	31,407,764	31,197,873	31,459,444	-459,226
Appropriations	(28,618,670)	(29,404,820)	(30,107,764)	(29,197,873)	(29,959,444)	(+1,340,774)
Rescissions	(-30,000)	.....	.....	.....	.....	(+30,000)
Contingent emergency appropriations	(3,300,000)	.....	(1,300,000)	(2,000,000)	(1,500,000)	(-1,800,000)
(Limitation on direct loans)	(1,525,000)	(1,525,000)	(1,525,000)	(1,525,000)	(1,525,000)	.....
(Limitation on corporate funds)	(296)	(309)	(309)	(309)	(309)	(+13)

H.R. 2620 - Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Bill, 2002 — continued

(Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	House	Senate	Conference	Conference vs. enacted
OTHER PROVISIONS						
Filipino veterans provision	3,000	.....	.....	.....	.....	-3,000
Grand total (net)	108,346,441	110,671,650	112,742,553	113,351,308	112,742,537	+4,396,096
Appropriations	(107,023,741)	(110,678,350)	(112,335,253)	(111,973,008)	(112,460,237)	(+5,436,496)
Rescissions	(-1,977,300)	(-6,700)	(-892,700)	(-621,700)	(-1,217,700)	(+759,600)
Contingent emergency appropriations	(3,300,000)	.....	(1,300,000)	(2,000,000)	(1,500,000)	(-1,800,000)
(By transfer)	(85,560)	(66,560)	(66,560)	(56,560)	(61,560)	(-24,000)
(Transfer out)	(-22,900)	(-22,900)	(-22,900)	(-22,900)	(-22,900)	.....
(Limitation on direct loans)	(1,828,029)	(1,828,604)	(1,828,604)	(1,828,604)	(1,828,604)	(+575)
(Limitation on guaranteed loans)	(382,332,956)	(381,842,979)	(381,842,979)	(381,882,979)	(381,882,979)	(-449,977)
(Limitation on corporate funds)	(551,372)	(563,842)	(553,385)	(563,877)	(563,877)	(+12,505)
Total mandatory and discretionary	107,976,025	114,867,650	112,617,553	113,347,308	112,738,537	+4,762,512
Mandatory	25,518,279	31,504,766	27,183,766	27,304,766	27,304,766	+1,786,487
Discretionary	82,457,746	83,362,884	85,433,787	86,042,542	85,433,771	+2,976,025

NOTE: FY2001 includes FHA negative subsidy of -$2,246,000,000 (BA & Outlays).

1/ Not included in FY2001 CSBA tables.

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

Mr. MOLLOHAN. Mr. Speaker, I yield myself such time as I may consume. I rise in support of the 2002 VA, HUD and independent agencies conference report and all of its fundings.

I want to begin by thanking Chairman WALSH who, as usual, has done an excellent job with this legislation. We appreciate his courtesies and the opportunity for input in the bill throughout the process. He has had an especially full plate this year, managing this bill with restricted allocations and at the same time providing leadership in the appropriations process to ensure that New York receives adequate funding to address its emergency needs arising out of the September 11 terrorist attacks.

I want to begin by thanking the majority staff, Frank Cushing, Tim Peterson, Dena Baron, Jennifer Whitson, Jennifer Miller and Ron Anderson, for their hard work and openness during the development of this conference report. I must make particular note of their generosity in sharing their Capitol office space with the minority staff during the time that Members and staff were prohibited from occupying our office buildings. I also want to thank my excellent staff, Mike Stephens, Michelle Burkett, Angela June Ohm and Gavin Clingham, for their hard work during this process. All staff have really done an excellent job on a very difficult bill.

Given the resources, Mr. Speaker, that this subcommittee was allocated, we were forced to work together in a constructive manner to reach reasoned compromises. No Member got everything that they wanted, each sacrificed on issues of importance, to us and to our caucuses, but we have produced a conference report worthy of the body's support.

The bills passed by the House and the Senate were not significantly different in allocation but did contain significant substantive differences. In each case, a middle ground was sought and improvements have been made.

I want to take a minute to discuss a few of the programmatic numbers in this conference agreement.

Veterans remain a top priority of the members of this subcommittee. We have provided $21.3 billion for the medical care account. This is $350 million over the President's request, an increase of $1.5 billion over the current year, and almost $50 million over what was in the House bill when it left this body. We also increased the medical and prosthetic research account by $20 million over 2001 funding.

Important to members of my caucus, we were able to improve the House-passed funding levels for the Department of Housing and Urban Development, the Environmental Protection Agency, and provide the Corporation for National and Community Service funding comparable to its fiscal year 2001 funding. The Public Housing Capital Fund was increased $290 million from the House-passed funding level, and we maintained the $250 million increase in the operating fund that was contained in the House bill. Funding to renew all existing Section 8 vouchers is included, as is funding to provide 18,000 new Fair Share vouchers and 7,000 new vouchers reserved for the disabled.

Within EPA, we restored the Clean Water State Revolving Fund to the funding levels of past years, $1.35 billion, and provided an overall increase of $75 million over this fiscal year, nearly $600 million over the administration's request.

These improvements have not come at the expense of scientific research. The National Science Foundation will receive an increase of $362 million, an 8.2 percent increase over 2001, an increase that is distributed broadly by research category and includes adequate funds for major new science initiatives.

For NASA, a 3.5 percent increase is provided. While I continue to have concerns that we are not providing NASA the resources needed to undertake the missions that have been identified for that agency, I would suggest that this minimal increase is a recognition of the budget constraints we face. I believe that we as a Congress should look closely at NASA in the next year and provide additional resources to that agency.

This conference report is the product of a balancing act, and I believe that we have done a good job ensuring that the needs of each agency are met. I ask for the body's support.

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

Mr. WALSH. Mr. Speaker, I yield 5 minutes to the gentleman from Florida (Mr. YOUNG), the distinguished chairman of the Committee on Appropriations.

Mr. YOUNG of Florida. Mr. Speaker, I rise, number one, to congratulate Chairman WALSH for having done such a tremendous job in taking a 302(b) allocation that was not nearly as much as these agencies could have used but in providing a bill that really gets the job done. He has done an outstanding job. He could not have had a better partner than the gentleman from West Virginia (Mr. MOLLOHAN). They worked together in just a very strong, bipartisan fashion. Their staff support was equally bipartisan, and we produced a good bill. And so I would hope that we would get a very good vote for this conference report.

In addition, Mr. Speaker, I would like to make an announcement to the Members that we are nearing the end of the appropriations process for fiscal year 2002. I think everyone would breathe a deep sigh of relief over that, especially the chairman of the committee.

Briefly, we have produced two major supplemental bills since we received the details of the President's budget on May 9, which was about 2 months later than we normally get it, but I think we all understand the lateness of the new administration being put in place. But we were 2 months late in actually getting the detailed numbers that we need as appropriators to work these bills. But since that time on May 9, we have produced the two supplementals that were major supplementals through the entire process and to the President.

We have also concluded all of our work on the Interior appropriations bill, the Military Construction appropriations bill, the Energy and Water appropriations bill, the Legislative Branch appropriations bill, the Treasury-Postal appropriations bill, and today we will conclude our business on the VA–HUD bill that is before us.

Also today we received unanimous consent to take up the appropriations bill for Agriculture, to file it by midnight tomorrow night; we will complete the conference on Commerce, Justice and State later today; we appointed the conferees for the District of Columbia appropriations bill; and we appointed the conferees for the Labor, HHS and Education appropriations bill. We hope to conclude those conferences by the middle of next week and hopefully will be on the floor before or by Friday of next week.

I might say, Mr. Speaker, that part of the slowdown here also has been that the other body, while its appropriations committee had reported out most of its bills, the other body held appropriations bills for a long time and did not pass them. And so we cannot go to conference on an appropriations bill until the other body passes it as well. But while the committee did pass out its bills, the full Senate did not take them up.

We still have to do the Transportation conference, and there is one issue that is delaying us there, and that has to do with a difference of opinion between several Members of the other body and the President of the United States on the issue of trucks entering the United States from a foreign land. That has to be resolved yet, but we think that will happen also by the end of next week.

The major outstanding issue, having said all of this is the Defense bill. It has yet to be done in the Committee and in the House, but I believe we will also have it through the House by Friday of next week. I do not think we will be able to have it conferenced by Friday of next week. The Defense bill itself has been completed for over a week, but we are using it as a vehicle to deal with last $20 billion of the second supplemental we did.

This gets a little confusing and complicated, but on the $40 billion supplemental that we passed in the days after the terrorist attacks, if Members recall, we required that the last $20 billion of that Act actually go through the appropriations process once the President decided how he would like to use that $20 billion to respond to the terrorist attack of September 11. So while the Defense bill has been completed for about 10 days, we have been

holding it as the vehicle for that $20 billion. We will mark up that $20 billion part of that Defense bill on Tuesday of next week and hopefully will have it on the floor Wednesday or Thursday. That is our plan.

Again, Mr. Speaker, because of the good work of members of the Committee on Appropriations on both sides of the aisle and the support that we received by both sides of the aisle on our appropriations bills this year, again I say, we can breathe a sigh of relief. We are reaching the end of that process for fiscal year 2002.

Mr. MOLLOHAN. Mr. Speaker, I am pleased to yield 4 minutes to the distinguished gentleman from Michigan (Mr. BONIOR), the minority whip.

Mr. BONIOR. I thank my colleague for yielding me this time.

Mr. Speaker, first of all, congratulations to my colleague from West Virginia and my colleague from New York for the job that they did on the bill. Today is a historic day for public health and safety and it is a great day for the environment. Today, after a decade-long battle, we are finally lowering the level of arsenic in our drinking water. The United States will finally join the rest of the developed world in cleaning up its drinking water.

□ 1230

Arsenic is a toxic poison that can cause lung cancer, bladder cancer, skin cancer; and according to the National Academy of Sciences, the threat to our children and pregnant women and anyone who drinks this carcinogen is even greater than we had originally thought. Arsenic simply has no place in our drinking water.

I am very pleased that the VA–HUD conference report includes language that I offered on this floor to cut the level of arsenic by 80 percent without any further delay. EPA now cannot drag its feet any longer. We need to get to 10 parts per billion immediately. Not next year, not next month, but now. EPA should never have blocked this ruling in the first place. In fact, based on the science, we should actually go lower than 10 parts per billion to adequately protect the public health.

Because of the actions we are taking here today, millions of Americans will be drinking cleaner water. This is a serious problem in my home State of Michigan. There are only four other States that have a higher exposure to arsenic in the entire Nation. According to the EPA, we have 367,000 Michigan residents in 176 communities who may be drinking water containing arsenic in amounts higher than 10 parts per billion. We are finally taking action to protect those people.

I want to thank those who helped bring this victory about, including those cosponsors of my original amendment in the House: the gentleman from California (Mr. WAXMAN), the gentleman from Ohio (Mr. BROWN), the gentleman from Wisconsin (Mr. OBEY), and the gentleman from Michigan (Mr. KILDEE). Senator BOXER in the other body led the fight. My good friend, the gentleman from Michigan (Mr. DINGELL), was a steadfast supporter to get the strongest possible language that we could get in conference.

I also want to thank again my friend, the gentleman from West Virginia (Mr. MOLLOHAN), and the appropriations staff for all the assistance and help that they put in. This was a bipartisan victory. We had many supporters on the other side of the aisle as well.

The report language accompanying the arsenic standard raises a concern that we all share, and that is what that impact will be on small communities. The science is clear. No community would want to expose their citizens to higher levels of arsenic. But these communities need financial help to meet the new standard, not exemptions and waivers from the law. That is why authorizing legislation that the gentleman from California (Mr. WAXMAN) and I and others introduced would double the amount of funds available to help meet this new standard.

When it comes to getting poison out of our drinking water, no community should be left behind. Next year, we need to step up to the plate and help these small water systems with additional resources.

This is one of the most important environmental and public health victories to come out of this Congress. It is a tremendous step forward in making sure that our drinking water is as clean and safe as it can be. I applaud and thank my colleagues for their support on this important measure.

Mr. WALSH. Mr. Speaker, I yield 3 minutes to gentleman from New York (Mr. GILMAN), the distinguished dean of the New York Republican delegation.

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

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding me time.

As my colleague is aware, the New York State Department of Health recently released its findings from its Cancer Surveillance Improvement Initiative. That report showed that Rockland County and the East Side of Manhattan have among the highest breast cancer incidents in our State.

Specifically, the report shows that a majority of these two areas are characterized by elevated incidence and are 15 to 50 percent higher than the State average for breast cancer incidence.

In response to that alarming finding, I have been working with my colleague from Manhattan, the gentlewoman from New York (Mrs. MALONEY), to secure funding from the EPA for the NYU School of Medicine to conduct an assessment to determine if the observed excess incidence of breast cancer in my area of Rockland County and in the East Side of Manhattan, the area of the gentlewoman from New York (Mrs. MALONEY), are associated with air pollution and electromagnetic radiation generated from the local power plants.

I am gratified the VA–HUD appropriations conference report contains $500,000 for Rockland County, New York, for an assessment of environmental hazards in Rockland County and the East Side of Manhattan. It is my intention and that of the gentlewoman from New York (Mrs. MALONEY) that this money be allocated to the NYU School of Medicine for this important study.

Therefore, I am asking our good chairman, the gentleman from New York (Mr. WALSH), to clarify this is the intent of this proposal.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. GILMAN. I yield to the gentleman from New York.

Mr. WALSH. Mr. Speaker, I thank the gentleman from New York for bringing this issue to my attention. I share his concern for the findings in the New York Department of Health's report which show the high incidence of breast cancer in Rockland County and the East Side of Manhattan.

I want to assure my colleagues, the gentleman from New York (Mr. GILMAN) and the gentlewoman from New York (Mrs. MALONEY), that it is the intent of the language included in the conference report for this study to be directed to the New York School of Medicine.

Mr. GILMAN. Mr. Speaker, reclaiming my time, I want to thank our good friend, the gentleman from New York (Chairman WALSH), for his support.

Mrs. MALONEY of New York. Mr. Speaker, will the gentleman yield?

Mr. GILMAN. I yield to the gentlewoman from New York.

Mrs. MALONEY of New York. Mr. Speaker, I want to thank the gentleman and the gentleman from New York (Mr. WALSH) for his strong efforts in working with me to secure funding for this very, very important project. One in seven women die of breast cancer, and we have a huge incidence in our two respective districts.

I also especially thank the gentleman from New York (Chairman WALSH), who worked very hard with us in the VA–HUD bill, along with the ranking member, the gentleman from West Virginia (Mr. MOLLOHAN); and we appreciate very, very much their support. I believe we will save lives eventually.

Mr. MOLLOHAN. Mr. Speaker, I am pleased to yield 6 minutes to the gentlewoman from Florida (Mrs. MEEK), a distinguished member of our subcommittee.

Mrs. MEEK of Florida. Mr. Speaker, I thank the ranking member for yielding me time.

Mr. Speaker, I am very proud to serve on the subcommittee on VA, HUD and independent agencies.

The gentleman from New York (Chairman WALSH) and the ranking member, the gentleman from West Virginia (Mr. MOLLOHAN), have done the work of a dynamic duo. First of all,

they were able to bridge the gap of bipartisanship that is so sorely needed in this Congress, and they did it, and they got a good job done because of that.

I have been in the majority, and I have been in the minority. I have seen many talented and skilled leaders in this body on both sides of the aisle, and I always praise them. But I have rarely seen the kind of effective bipartisan leadership that these two Members had. They are serious about their responsibilities. They want to make government work, and they want to make it work well. They could not please all of us. I am never always fully pleased. But they are serious about it, and we do have a very good committee, and they are always willing to listen and they want to help. They are problem solvers, and we are fortunate to have them. We had many constraints on this subcommittee, but they were able to overcome most of them.

I would like to thank on the majority side Frank Cushing, Tim Peterson, Dena Baron, Jennifer Miller and Jennifer Whitson; and on the Democratic side, Mike Stephens and Michelle Burkett. They showed confidence, they showed experience; and the help and good cheer is greatly appreciated.

This does a lot of good, Mr. Speaker, because sometimes as Members we want things, and sometimes our reach exceeds our grasp. But, as Tennyson said, after all, what is heaven for?

It funds the Federal urban empowerment zones, which assist our oldest, poorest neighborhoods. It increases veterans health care, environmental protection, our space program and FEMA.

This conference report should be fully endorsed by the Congress. I fully support it. All Members should. It increases the funding for the National Science Foundation's Historically Black Colleges Undergraduate Program from $17 million in the House-passed bill to $28 million in the conference report. It will have a lot to do with science education in historically black colleges and universities.

This conference report funds for the first time a program to help historically black colleges and universities with doctoral programs in science and engineering. This will improve their competitiveness and their capabilities in getting Federal research dollars. This has always been a problem among historically black colleges and universities, and this conference report saw that as a need, and they funded it. The doctoral candidates and the doctoral persons who are pursuing it in these universities will certainly be helped.

This conference report also includes $27 million, an increase over the House level, for the Louis Stokes Alliance for Minority Participation Program to help increase the number of minority students in basic science, math and engineering. This subcommittee saw the need for this kind of improvement with historically black colleges and also all minority institutions.

I support this conference report, not because it is the best we can do, but I support it in spite of that. This committee did very well with what it had. With a final allocation that is $200 million below our House-passed bill, there was not much they could do to make this bill as good as it should be, but they did the very best they could do. We should have done better, but my mother used to say, you cannot get blood out of a turnip when it is not there.

True, our bill is a marked improvement over what we initially passed in the House. Initially the House zeroed out HUD's Shelter Plus program, which provides rental assistance for homeless people and their families. This conference report fully funds that program.

The point I am trying to make, Mr. Speaker, is that these major programs that were so strongly needed, even though this particular committee did not have the funding it needed to fund these, it did its very best to serve these programs, and not just stop them after some success with them.

Initially, the House zeroed out the Corporation for National and Community Service programs, which is a program that many of the Members are so proud of and help out in their communities, and that is the AmeriCorps program. It is like a domestic Peace Corps. This conference report funds AmeriCorps, but reduces it by 6 percent.

Far more serious, the House vetoed out the Public Housing Drug Elimination Program which was designed to help stamp out drug dealing in public housing because local police were not doing enough policing in these areas. Many of us would like to see that program reinstated, but the wisdom of the committee, following the administration's advice, were not able to keep this program in. That is something that I wish very much had been in the conference report.

It also zeroes out Public Housing Drug Elimination Grants. The $110 million that we added to the public housing operating subsidies would not begin to make up for the loss of this $300 million program. What I am saying is the PHOs would not be able to take the money they are receiving to make up for the drug elimination grants.

Still, this conference report is the best we could do with the resources we had to work with. So many programs in our VA–HUD bill are designed to assist the poorest people in our society with basic needs. Much of the country takes this for granted. They take for granted a decent place to live, decent jobs. Many of our Congresspeople feel that way, access to credit that they can borrow.

Mr. Speaker, these programs are needed to help poor people. I wish this Congress would remember, these are not just add-ons and they are not superfluous bureaucracies. These things are needed.

I want to thank this committee, and I hope we will adopt this conference report and laud our two wonderful chairpeople and our staff.

Mr. WALSH. Mr. Speaker, I yield 4 minutes to the gentleman from New Jersey (Mr. FRELINGHUYSEN), a very hard-working and distinguished member of the subcommittee.

Mr. FRELINGHUYSEN. Mr. Speaker, I thank the gentleman for yielding me time, and I rise in support of the VA–HUD conference report and want to thank the gentleman from New York (Chairman WALSH) and the ranking member, the gentleman from West Virginia (Mr. MOLLOHAN), for their leadership and the good work of their staff.

I support this conference report for any number of reasons, but particularly because it contains a $1 billion increase for veterans medical care over last year's level. This is critically needed funding, especially for my home State of New Jersey, but for the rest of the Nation; and it will help provide men and women who served in the military with better access to the medical care that they have so richly earned and deserve. Over the past 3 years under the leadership of the gentleman from New York (Chairman WALSH), the committee has provided $4 billion in increase for medical care.

The conference report also takes an important first step towards providing veterans with schizophrenia medicines that are far more valuable and very important to their lives. It encourages the VA to inform its doctors, pharmacy managers and, hopefully, its VISN directors as well, not to use the cost of atypical antipsychotics as a measurement of job performance, and instead, to reinforce VA policy that physicians use their best judgment when prescribing medicines for mentally ill veterans. If anyone deserves access to all the latest, most advanced medicines available, it is our veterans. They deserve the best possible treatments we can provide them.

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I also support this conference report because it provides a much-needed funding increase for the Section 811 program, housing for disabilities. I am pleased that the House provided $29 million more for this program than the Senate, and in the end, the conferees agreed to provide the higher level. There is a great need in our Nation for housing of all types, but particularly housing dollars for nonelderly individuals with disabilities.

I support this conference report because it also contains an important set-aside: $40 million within the Section 8 voucher program to further increase housing options for individuals with disabilities.

Combined with the increase in the Section 811 program, these two provisions will continue our efforts to provide housing for some of those who are in greatest need, who wish to live with independence and dignity.

I also support this conference report because it increases funding for the National Science Foundation by $363 million over last year's level. Basic scientific research is critical, and this funding will help continue the NSF's work, including a number of projects in my home State, a State with a long history of scientific research and development.

This conference report also deserves support because it continues to provide funding for critical environmental programs, including $1.27 billion for the Superfund program to expedite cleanup of hazardous waste sites. My State has the dubious distinction of having more of these sites than any other State in the Nation.

Further, this proposal provides nearly $95 billion for the brownfields program, which will help clean up contaminated sites to allow them to be used and returned to productive use in many of our cities and urban centers.

This conference report builds upon what we have done in the past while staying within the confines of our allocation and within the overall level agreed upon last month by the Congress and the President.

Finally, I want to take this opportunity, and I am sure all committee Members do, to commend FEMA Director Alpaugh, VA Secretary Principi, and EPA Administrator Whitman and their respective agencies and personnel for all of their collective efforts addressing so many tragic, tragic events related to September 11. All of these agencies sprang into action to offer the resources and their dedicated personnel in the wake of these attacks.

For these and many reasons, Mr. Speaker, I support the conference report and I urge everybody to vote for it.

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

Mr. Speaker, this subcommittee was ably led for many years by Chairman Boland, who recently passed away. I would like to acknowledge what a pleasure it was for me to serve under Eddie Boland, and what an outstanding job he did leading this subcommittee, as well as his leadership in Congress.

He served for many years, and he was an outstanding member of the body. As we consider this bill, which would have been his bill, we would like to note his passing with great sadness.

Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts (Mr. FRANK), a distinguished member of the Massachusetts delegation, and the ranking member on the Subcommittee on Housing and Community Opportunity, who served many years with Mr. Boland.

Mr. FRANK. Mr. Speaker, I thank the ranking member of the subcommittee for yielding time to me, and I join him in expressing our sorrow at the death of Ed Boland. He was for many years one of the voices of housing in this body.

He served, along with his roommate, close friend, and legislative classmate, Tip O'Neill, for more than 30 years and made an enormous contribution in the areas of housing, intelligence, and science; and we mourn his passing. He was one of the people who made democracy work in a very positive way.

As I think back to those days, I think back also with regret. We have not only lost Ed Boland, we have lost as a nation the commitment to using the resources of the wealthiest country in the world to help people who are in distressed circumstances, and to meet common problems.

I want to be very clear: I congratulate the chairman, the gentleman from New York (Mr. WALSH), the ranking member, the gentleman from West Virginia (Mr. MOLLOHAN), and the others. Given the constraints within which they had to work, they did an excellent job.

I am particularly gratified that they took care to provide adequate resources to public housing. The people who live in public housing are among the most needy and abused in our society. We are the ones who created public housing. We, the society, are the ones who created what many of us now understand, almost all of us now understand, were not very good places to live in the first place, and put the poor in there because they could not afford anything else. We are trying to change that.

But those who would cut back on funding for public housing are blaming the victims for penalties imposed upon them, and so in this particular appropriation public housing does well, and I thank the gentleman for doing that. This is not a politically popular goal, but it is an important one.

Mr. Speaker, in general, as I said, given the inadequate resources which they were given, they have done a very good job of putting them where they are needed. I appreciate their doing that. They have taken care of new Section 8s, they have taken care of public housing, they have tried to protect some of the other important activities. I am grateful to them for doing it.

But having said that, I must return to the other point; namely, that we as a Congress, we as a society, are erring gravely in withholding the resources we need for so many important problems.

The very prosperity that gave us such wealth, and it is temporarily on the other side of the ledger, but it is going to come back because this remains a very strong economy, the very prosperity that generated such revenues for the government caused housing problems for some people, because for many of those in this country, prosperity was a wonderful thing and it added to their incomes. But for some, when it did not add to their incomes, they were not only not better off, they were worse off because they lived in communities where housing prices were suddenly driven beyond what they could reasonably afford.

We have not, and it is not the subcommittee's doing, and it is not even the Committee on Appropriations' doing, but we as a Congress have not given the resources necessary that we could use to alleviate that.

In the environmental area, I represent some working-class communities, communities not terribly wealthy. They are the ones who now have to correct years of national neglect of clean water. They are facing very significant economic problems. We do not do enough to provide Federal funding to help them meet the Federal mandate of cleaning up the water and cleaning up international waters.

So just in summary, Mr. Speaker, I want to thank the gentleman from New York and the gentleman from West Virginia and the members of the subcommittee. I appreciate the hard work they put into trying to meet our needs, but I have to close by lamenting the unwillingness of this society and this Congress to do the appropriate thing with our wealth.

Yes, we will have many needs that can best be satisfied by individual spending, by money in our own pockets. But a civilized society that cares about the quality of its environment, has some compassion for the poor, for homeless children, that cares about adequate medical care for those who served our country, we have to understand that these needs cannot be fully met individually, that these needs require a Federal Government that is well funded.

We have to get over this kind of contradiction where everybody hates government spending, but then laments the fact that we do not have enough government spending for housing, for Community Development Block Grants, for veterans medical care, for cleaning up Superfund sites, for clean water, and for other important programs.

I hope as members contemplate this piece of legislation they will express their appreciation for the work that was done, but also their understanding of the inadequacy of the resources with which it was done, and help us change national policy in that regard.

Mr. WALSH. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from West Virginia (Mrs. CAPITO).

Mrs. CAPITO. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, today I rise to urge support of the conference report that contains within it the increased development of affordable housing.

I would like to congratulate the Chair, my colleague, the gentleman from New York (Mr. WALSH), and I would also congratulate the ranking member, my colleague, the gentleman from West Virginia (Mr. MOLLOHAN).

The FHA loan limits have not been raised since 1992 despite dramatic increases in construction cost and critical demand for affordable rental housing. In a number of cities nationwide,

and those in West Virginia as well, there has been no new construction under the FHA program in 4 years.

The need for affordable housing is well documented, and today 13.7 million households face a critical housing need. The availability of decent housing has been deeply harmed by the lack of financing to produce these units. By increasing the multifamily loan limits, FHA will stimulate not only new construction, but rehabilitation of existing infrastructure in many cities across the country.

I look forward to giving my wholehearted support to this conference report. I thank the Chair and the ranking member.

Mr. MOLLOHAN. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I would like to thank the gentleman from New York (Chairman WALSH) and the ranking member, the gentleman from West Virginia (Mr. MOLLOHAN), for the work they have done. I recognize that it was a very difficult job to try and live within the framework that was foisted upon them.

Mr. Speaker, this VA–HUD conference report is certainly an improvement over the House version. However, the funds are still terribly inadequate to fulfill HUD's mission to support the most needy people in this country.

This report cuts funding for public housing, terminating $310 million for the successful drug elimination program, and $157 million for the capital fund that provides for the rehabilitation of housing units to bring them up to today's standards.

This bill will also cut all of the jobs of public housing residents that are associated with the rehabilitation.

In addition, this conference report cuts funding for proven economic development programs that are sorely needed to stimulate the economy. For example, the Community Development Block Grant has been cut by $58 million; Empowerment Zones funding has been cut by $45 million; the Community Development Financial Institutions Fund has been cut by $38 million.

Funding for these programs should be increased, rather than decreased. These programs inject capital into communities that need it the most, creating jobs and stimulating the economy. Cutting these programs at a time like this is simply inexplicable.

This conference report, while certainly, again, an improvement over the House, is still troubling. It is troubling because of our need to support poor people, rather than abandon them at this time. We have to remember that at the same time that we are doing this, there are some Members in this House who are proposing obscene tax cuts for the richest corporations in America.

Mr. Speaker, I would urge a vote on this bill, because this is the best that we can do. But we must have a better vision for the future. We must work harder to change our priorities for the future and empower and support the most needy citizens in this Nation.

Let me just close by saying I worked very hard for about 10 or 15 years with all of the public housing programs in my district. I knew and I know today that there are still drug problems and that drug traffickers find their way to poor people, encouraging them to get involved in this underground of drug selling.

It is unconscionable that we would cut drug elimination in these public housing projects at the same time that we want to strengthen them, we want to clean them up, we want to encourage people to go to work and get in job training programs. They cannot do it without the kind of support that is offered through the drug elimination program and other like programs.

Mr. Speaker, I appreciate the opportunity to share my thoughts on this issue.

Mr. WALSH. Mr. Speaker, I yield 1 minute to my good friend and colleague, the gentleman from Oklahoma (Mr. WATKINS).

Mr. WATKINS of Oklahoma. Mr. Speaker, I thank the gentleman for yielding time to me.

I appreciate the distinguished chairman, the gentleman from New York (Mr. WALSH), for the fine job he has done, and also the ranking member, the gentleman from West Virginia (Mr. MOLLOHAN), and also the subcommittee staff for their tremendous help on this legislation, and for assisting with the legislative language to provide $490,000 to construct the Harold Chitwood multipurpose cafetorium facility to match approximately $1 million, to be provided locally, to build the additional facilities of the complex.

Mr. Speaker, I would ask the chairman, is it his understanding that this multipurpose facility would be owned and operated by the Bennington school district and constructed on land of the district for educational, community, and Native American activities?

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. WATKINS of Oklahoma. I yield to the gentleman from New York.

Mr. WALSH. That is exactly what my understanding is of this expenditure.

Mr. WATKINS of Oklahoma. Mr. Speaker, I appreciate very much the chairman engaging in this colloquy.

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Mr. MOLLOHAN. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Speaker, I thank the gentleman from West Virginia (Mr. MOLLOHAN) for yielding the time, and I thank the chairman of the committee and the ranking member for their commitment to our Nation's veterans. They have had significant increases in this budget in the last 2 years and they have worked very hard. Given the constraints, they have had to do the best in this year.

Let us put this in context as we are about to adjourn for our Veterans' Day. This budget appropriates barely sufficient funds for the VA to keep up with inflation, barely sufficient funds. At a time when we are all going to go out on next Sunday and Monday to say how much we support our veterans, we are falling behind in our commitment.

This budget is $2 billion below what the veterans groups have come together to try to argue for in their independent budget. This budget is below what both the House and the Senate have in their resolutions, this at a time when we are producing more veterans as they defend our country in this war against terrorism, and this comes at a time when the VA has already informed its field people that they are going to fall $800 million behind in this budget and they better prepare for that.

The VA is being called to help with emergency efforts at a time of potential casualties in this Nation. Not only do they not have sufficient resources, not only are they falling behind, but they are called upon to do new things in this war against terrorism.

So what occurs is backlogs for disability adjudications are building at the rate of 10,000 a week, 10,000 a week. Appointments have to be made 6, 8, 9, 10 months in advance that our veterans have to wait for. This is not a way to give a signal to those who are fighting in Afghanistan that we are going to treat them right when they come home.

This budget is disappointing. We should not vote for it, and we should put this in context. When people tell me we do not have the resources, this House just passed a $25 billion subsidy for retroactive tax increases for the biggest corporations in America, $25 billion dollar. A check for $2 billion was given to IBM, and we do not have money for our Nation's veterans.

We cannot do anything about Persian Gulf War illness and our veterans are homeless on the street. I am going to vote no on this budget because on November 11 this is not a way to honor our veterans.

Mr. WALSH. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. JEFF MILLER) one of our newer Members. We are delighted to have him with us today.

Mr. JEFF MILLER of Florida. Mr. Speaker, I thank the gentleman from New York for yielding the time, and I rise today in support of this conference report because it does work to take care of our Nation's veterans, and it does work to protect our environment.

For our Nation's veterans, this bill provides for over a billion dollars in increases over last year's bill for veterans health care. The bill also provides additional funding for the veterans benefits administration to expedite claims processing.

Also, important to my home district, this bill provides $850,000 for the University of West Florida through EPA to conduct an environmental health study in Escambia County. In 1998, EPA wrote Escambia County ranked 22nd out of more than 3,300 counties nationwide in the amount of toxic releases reported by the agency.

Over the last couple of years, there has been mounting anecdotal evidence suggesting that these toxic levels have attributed to an increase in illnesses in northwest Florida. It is time to find some real answers. The study will compile environmental information, coordinate research, evaluate risks to the health of our citizens, and provide the information necessary to remedy the situation.

I want to express my thanks to the gentleman from New York (Mr. WALSH), the gentleman from Florida (Mr. YOUNG), the members of the committee and the staff for their work on this important legislation and for recognizing the need for a science-based evaluation of toxic levels and illnesses in northwest Florida.

Mr. MOLLOHAN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Speaker, I thank the gentleman from West Virginia (Mr. MOLLOHAN) for yielding me the time.

I rise in strong support of the bill. Let me start out by saying that I appreciate the fact that the chairman and the ranking member increased the amount of funding for NASA than what was in the President's request. We did not get everything we wanted for NASA, but we got more than what was originally proposed.

I also think that the committee was very wise in increasing the funding for basic science funding research through the National Science Foundation, which we now know that basic science research has been critical to the economic expansion that we enjoyed in the prior 8, almost 9, years.

Most importantly, I want to thank the chairman and the ranking member of the subcommittee for accepting the higher level of funding for the Federal Emergency Management Agency and for natural disasters. As Members know, earlier this year before the events of September 11, which this Congress has very wisely and very strongly dealt with, we in Texas, and particularly in the greater Houston area, suffered a tremendous natural disaster as a result of Tropical Storm Allison. There were a number of Members including myself who were down here on the floor arguing for sufficient funding just as the effects of this storm were unraveling.

As we now know, nearly 80,000 people in the greater Houston area were affected by the storm; 50,000 homes took on water. The major hospitals were closed down, and the total cost was probably around $5 billion. The Federal share will be close to $2 billion as part of this storm; and I just want to commend the chairman and the ranking member for the work that they did, that they have stepped up to the plate and provided what is a basic function of the Federal Government in stepping to aid its people in times of crisis.

Just as we have done rightly so in New York and with the Pentagon, we have also done in this bill as it relates to the people of Texas and of the greater Houston area as a result of Tropical Storm Allison, and I appreciate the work that both sides did on this.

Mr. WALSH. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman from New York (Mr. WALSH) for yielding me the time, and I certainly thank the chairman and the ranking member for their efforts in this bill.

I rise reluctantly to say that I intend to vote no on this bill. I recognize that the chairman made a very strong effort to stick to the original House mark on NASA, but without the support of the administration or the other body, it was very difficult for him to hold on that issue, and certainly I thank him for his efforts.

My greater concern is just that we are continuing the general trend that we have been on for the last 8 years when it comes to our investment in aerospace. At the conclusion of the first Bush administration, aerospace investment for the United States of America, 15 percent of the total Federal R&D went to aerospace.

At the conclusion of 8 years of the Clinton administration, it was down to a figure of only 7 percent, only 7 percent of our Federal investment goes into aerospace. Now today that figure is treading down even further. Indeed, this is a critical issue not only for our competitiveness, manufactured products that we make in the United States lead the way in our import/export balance sheet in the area of aerospace; but we are losing that competitive edge. Also, I think this is a critical issue for national security and national defense.

Specifically, if you look at this bill, NASA's budget barely keeps pace with inflation. This is a budget that has essentially been flat for 10 years. A budget that, when you adjust for inflation has an agency that has seen its purchasing power decline by close to 30 percent, barely gets an inflationary adjustment here.

Let us look at the some of the comparisons in this bill. EPA gets a 10 percent increase over last year; housing an increase of 6 percent over last year. Despite the fact that some people have come to this floor saying they want even more for housing, housing actually gets an increase that is double the inflation rate. The Science Foundation, certainly something I support, a 10 percent increase over the last year, but yet the NASA account barely keeps pace with inflation.

Let me just say there are some good things in this for NASA. There is a 25 percent increase to cover some expenses at the vehicle assembly building, a building that was built to support the Apollo program that is deteriorating. Fortunately, there is some money for new doors in that building. It needs a lot more: a new roof, a new facade. Certainly, I am very pleased that the chairman was able to hold the mark on the shuttle upgrades account which was very, very good news; but overall in the area of human space flight, it actually transfers money out of human space flight to cover NASA accounts elsewhere.

Overall, I cannot support this bill. I do not think the people in my district support this bill, and I intend to vote no.

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

Mr. WALSH. Mr. Speaker, would the Chair advise us as to how much time is remaining.

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from New York (Mr. WALSH) has 4½ minutes remaining. The gentleman from West Virginia (Mr. MOLLOHAN) has 2½ minutes remaining.

Mr. WALSH. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. ROHRABACHER), the chairman of the Subcommittee on Space and Aeronautics.

Mr. ROHRABACHER. First and foremost, Mr. Speaker, I want to commend the conferees for the great job they have done on this VA–HUD conference bill. As chairman of the Subcommittee on Space and Aeronautics, I am particularly pleased with the commitment by the gentleman from New York (Mr. WALSH) and the gentleman from West Virginia (Mr. MOLLOHAN) to make sure that the NASA budget continues to make sure that America provides a leadership in space and keeps America number one in space endeavors.

The conferees showed good judgment in producing a bill that requires NASA to conduct many of the recommendations captured within the International Space Station Management Cost and Evaluation Report. I believe that this is the right course in establishing a credible Space Station program.

It is with this achievement that we should continue to press NASA to stay on course concerning the other aerospace projects that are of critical importance to the American taxpayer. That is why I have requested from NASA a letter delivered to me tomorrow that specifically outlines a program within the space launch initiative that ensures an orbital flight demonstration experiment involving the X–37 vehicle, so we can verify this cutting-edge technology and its benefit as a space transportation system.

In the past, NASA has been disappointing in producing space hardware and flight hardware that satisfied our launch needs. This time it is now time to move forward aggressively developing the means to access space affordably and effectively. The X–37

project represents a major milestone in moving us closer to this goal. Let us hope that this week marks a sea change in attitude at NASA to start thinking boldly and creatively as we enter the 21st century and beyond.

We need to have space launch, and we need to make sure we have the technology developed that will keep America the number one space power. We also must be concerned about the taxpayers.

Mr. Speaker, I congratulate the conferees on their commitment to both of these goals.

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

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

Mr. Speaker, I would take a few seconds to close and, merely, I would like to thank our staffs, both minority and majority staff, for the remarkable amount of effort they put into this. We had six preconferences prior to conference. They worked very, very hard as did all of the members of the subcommittee. I would especially like to thank the ranking member, the gentleman from West Virginia (Mr. MOLLOHAN), who was very supportive all the way along. There was no partisanship at all in this bill.

I submit the bill to the consideration of the House. I urge its adoption.

Mr. ACKERMAN. Mr. Speaker, today I rise in support of increasing the FHA Multifamily loan limits. The FHA multifamily loan programs support the new construction and substantial rehabilitation of much needed affordable rental housing.

Our Nation faces a growing affordable housing crisis for low- and moderate-income families. Yet the FHA multifamily loan limits have not been raised in 9 years. How can we expect the private sector to produce affordable rental housing, when they cannot receive affordable financing?

Construction costs have risen more than 25 percent since the last increase. One simple way to stimulate the development of affordable housing in our communities is to increase the multifamily loan limits. In my home State of New York, the current limit is $87,226 per two-bedroom unit. In the last 4 years not one unit has been produced under the FHA multifamily loan program, due to that low number. The 25-percent increase established in this conference agreement would raise the limit in New York to $106,952.

Mr. Speaker, I urge my colleagues to support this necessary and important increase that will benefit so many working families throughout our Nation.

Mr. BENTSEN. Mr. Speaker, I rise today in support of the conference report on H.R. 2620, the Fiscal Year 2002 Departments of Veterans Affairs, Housing and Urban Development and Independent Agencies Appropriations Act. This bill provides $112.7 billion for these agencies, 7 percent more than current funding.

I support the bill because it provides $2.2 billion in disaster relief for FY 2002, which will be needed in part to recover from Tropical Storm Allison, one of the worst disasters to ever hit Houston and the State of Texas. The total is $800 million more than the President's budget request, and these additional funds will help the Houston area's continuing recovery from Tropical Storm Allison. While FEMA has spent almost $900 million in Texas as a result of Allison, they expect to spend an additional $800 million in the State before recovery is complete.

Most future FEMA disaster relief funds for Allison recovery will be for Public Assistance (PA), much of which will reach the nonprofit hospitals and institutions of the Texas Medical Center, which conduct millions of patient visits per year. When the House originally considered the VA–HUD, it contained only $1.4 billion in disaster relief. I greatly appreciate the willingness of the chairman and ranking member to provide the funds necessary to address our needs in Texas.

It is very important for Congress to maintain a healthy disaster relief capability at all times. I am proud that Congress has already made a major commitment to the recovery process for New York City. I am also proud that the war on terrorism has not caused us to forget the disaster relief needs of the rest of the country. I am confident that Congress can simultaneously help rebuild after the worst disaster in our Nation's history and the most expensive natural disaster in Houston's history.

Besides including additional disaster relief funding, I commend the chairman and the entire Appropriations Committee for going part way toward correcting a major flaw in the President's budget regarding funding for the International Space Station. The bill provides $14.8 billon in total for NASA, 3.5 percent more or $508 million more than current funding. Importantly, this legislation fully funds the space station at the $1.9 billion budget request. While the President's budget did not reduce NASA funding, it kept the increase below inflation, reducing purchasing power, and zeroed out the Crew Return Vehicle (CRV) and Habitation Module. These two integral parts of the space station are necessary to have a research presence on the station, which is why we have constructed this orbiting microgravity laboratory. While I am disappointed that the bill does not contain the $275 million for CRV form the House bill, I am pleased that at least $40 million will be spent on CRV in 2002.

I am relieved that the conference committee approved a major increase over the President's request for scientific research. This bill includes $4.8 billion federal funding for research through the National Science Foundation. The performance of the economy is largely the result of technological advances stemming from basic science research throughout our Nation. This fact underscores the necessity of increasing Federal basic scientific investments.

Although the conferees are to be commended for wrapping up their work on veterans' spending before Veterans' Day weekend, I am concerned that this measure does not provide enough funding for veterans programs. I will continue to consistently support health benefit expansion for our Nation's veterans, many who have made incredible sacrifices in order to preserve our freedom. Although the war on terrorism is unlike any other war, there will still be thousands of new veterans of this war who will be as equally deserving as those who served in World War II, Korea, Vietnam, and the gulf. My home State of Texas has a growing veterans population who will not be fully served until we find additional resources.

Mr. Speaker, the conference committee has produced a good bill under the difficult circumstances. In Particular the FEMA disaster relief funding is important to my constituents and I urge my colleagues to support this legislation.

Mr. LAFALCE. Mr. Speaker, I rise to address the issue of housing funding in this VA–HUD conference report.

The good news is that this bill restores a significant portion of the very deep and unwise cuts made to housing and community development programs that were proposed in the administration budget and were adopted in the House-passed bill. The bad news is that this bill is still disappointing from a housing standpoint.

The last few years, we worked together in a bipartisan basis to restore funding for housing programs that were cut in 1995, and to provide new vouchers for almost 200,000 low-income families.

The conference report being considered today reverses this progress, by making modest funding cuts in some important programs, and by dramatically reducing the level of incremental section 8 vouchers for low-income families and seniors. Moreover, this is taking place just at the time when we appear to be entering into a recession, which will make it harder for low- and moderate-income families and seniors to keep a roof over their head.

It is true that on a purely technical basis, budget authority for HUD will increase under this bill. However, when you factor out the increase just to renew expiring section 8 contracts, and factor out the offsetting increased receipts from FHA and Ginnie Mae, this bill actually cuts housing and community development programs by over $250 million.

Specifically, the bill makes $215 million in net cuts in public housing programs, including termination of the Drug Elimination Program. It cuts funding for CDBG and Empowerment Zones, just as virtually everyone agrees we need to do more to stimulate economic development in the face of a recession. And, it cuts the number of new Fair Share Section 8 vouchers from 79,000 last year to only 18,000 this year—a 77 percent cut.

The simple truth is that the housing cuts in this bill are unnecessary. Earlier this year, Congress diverted $114 million in unused section 8 funds to nonhousing purposes. A portion of the $300 million in savings we will generate from the mark-to-market extension will be diverted to nonhousing purposes. And FHA and Ginnie Mae continue to produce billions of dollars in profits to the taxpayer—profits which could be reinvested in housing, but are instead used to increase the Federal budget surplus.

On various policy issues, the bill is also disappointing. I am pleased that the conference report in effect adopts the amendment offered by myself and Congresswoman LEE during House consideration which restores the $100 million cut in homeless funding for Shelter Plus Care renewals, funding this through a reduction in the as-yet unauthorized administration down payment initiative. However, we failed to do what we should have done, which is to renew expiring Shelter Plus Care grants through the section 8 certificate fund, as we do all other expiring rental assistance.

On the $640 million reduction in funded section 8 reserves, I am pleased that the conferees included report language dealing with the issue of providing additional funds beyond the remaining 1 month of funded reserves. I urge HUD to implement this provision in a way that maximally increases section 8 utilization, that is, by promptly providing additional funds to section 8 administrators who exhaust their reserve funds and need additional funds to serve their authorized number of families.

So, in conclusion, we have averted the devastating impact of earlier versions of the HUD budget, but in so many ways we can and should do better.

Mr. PALLONE. Mr. Speaker, the conference report directs the EPA administrator to put into effect without delay the 10 parts per billion standard for arsenic that was promulgated in the Clinton administration. The Bush administration has, without justification, delayed the effective date of the January 22d rule and has been in clear violation of Federal law. Congress had set a deadline to have a new final standard for arsenic in effect no later than June 22 of this year. The House of Representatives, in July, sent the administration a clear message when it voted to have an arsenic standard no higher than 10ppb so the United States could be inline with the World Health Organization and the European Union.

Despite extensive scientific proof that the current standard for arsenic in tap water of 50 ppb is unsafe, it remained unchanged from 1942 until the Clinton administration reduced it to 10ppb in January 2001. In 1942, the U.S. Public Health Service (USPHS) established a standard for arsenic in tap water of 50 ppb, which remained in effect for over half a century even though it did not consider evidence accumulated over the past 50 years that arsenic causes cancer.

In 1962, the USPHS recommended that potable water supplies not exceed 10ppb arsenic. Nearly 39 years later, EPA finally adopted that recommendation in January 2001.

The National Academy of Sciences issued a report in 1999 finding that ''it is the subcommittee's consensus that the current EPA standard for arsenic in drinking water of 50ppb does not achieve EPA's goal for public health protection and, therefore, requires downward revision as promptly as possible.''

The NAS, EPA, International Agency of Research on Cancer, and many other scientific international bodies have declared arsenic in drinking water a known human carcinogen, based on numerous studies from around the world showing that people get bladder, kidney, lung, skin, and other cancers from arsenic in their tap water.

Despite all of that information, tens of million of Americans drink arsenic in their tap water supplied by public water systems, at levels that present unacceptable cancer and noncancer risks. According to EPA, about 12 million Americans drink tap water containing over 10ppb arsenic, about 22.5 million drink tap water containing over 5ppb, and about 35.7 million drink water containing in excess of 3ppb. Thus, according to EPA's occurrence estimates and NAS' most recent cancer risk estimates, about 36 million Americans drink water every day that contains arsenic at a level presenting over 10 times EPA's maximum acceptable cancer risk.

It is for that reason I was pleased that the Bush administration finally—at a bare minimum—accepted the 10ppb rule after months of unnecessary delay. However, in reviewing the language in this conference report, I would say to my colleagues on the Appropriations Committee that it is a mistake to encourage small communities to seek lengthy compliance time extensions so they continue to drink unhealthy water. We should work together to develop additional cost-effective technologies and provide targeted financial assistance where necessary to bring small water systems into compliance with the new protective standard for arsenic. No person no matter where they live in our country should have arsenic in their drinking water which presents an unreasonable risk to health.

Ms. CARSON of Indiana. Mr. Speaker, today I rise to thank Chairman WALSH and Ranking Member MOLLOHAN for taking a reasonable first step in responding to the escalating concerns parents have voiced over the effects of arsenic-treated wood playground equipment on their children.

Included in the VA–HUD conference report is a provision requested by myself and Senator BEN NELSON of Florida.

The provision directs the Consumer Product Safety Commission and the Environmental Protection Agency to report to the committee within 3 months on their most up-to-date understanding of the potential health and safety risks to children playing on and around arsenic-treated wood playground equipment.

The report will also include the steps the EPA and the Consumer Product Safety Commission are taking to keep state and local governments, and the public, informed about the risks associated with arsenic-treated wood.

It responds to a study released today by the Environmental Working Group and the Healthy Building Network, which estimates that one our of every 500 children who regularly play on swing sets and decks made from arsenic-treated wood will develop lung or bladder cancer later in life as a result of these exposures.

It is important in these times of changing priorities that the health and well-being of children remain foremost in our minds.

The parents of Indianapolis and communities all over the Nation are looking forward to the findings of this report.

Mr. EVANS. Mr. Speaker, I appreciate the efforts of the chairman and ranking member of the subcommittee under difficult circumstances. As most Members know, the allocation of the subcommittee was insufficient to adequately fund the Department of Veterans Affairs, and particularly veterans medical care. While I am disappointed about the appropriations provided in the conference agreement for veterans, I realize the extraordinary conditions under which we have had to work this session. I hope that we can redress some of the shortcomings in this year's budget in the next fiscal year.

As a nation, we are now engaged in the first war of the 21st century. We must be prepared to provide the benefits and services of our future veterans as well as meet the needs of those men and women who have honorably served our Nation in uniform in years past. This is a moral obligation of our Nation.

Undoubtedly, major additional funding for the Department of Veterans Affairs and particularly veterans medical care and services can be fully justified. As the need for additional funding becomes more obvious in the weeks and months ahead, I look forward to the administration submitting a request for the additional funding which is clearly needed.

Until that time, VA will continue to do its best to meet its missions. But VA can only do more with insufficient resources for so long. A day of reckoning is fast approaching. We must do better by our Nation's veterans. While we have improved upon the President's request, the Department of Veterans Affairs still estimates shortfalls for delivering current services in FY 2002. This year we will continue to pass legislation encouraging VA to do more, including managing its role as a backup provider to the Department of Defense in times of war or national emergency and combating bioterrorism. I want VA to fulfill these roles, but I also want to ensure that they have adequate resources to take on these challenges.

This Sunday, November the 11th, when Members of this body are praising our veterans' past deeds and stressing the importance of a strong national defense, I ask all Members of this House to make a commitment to our deeds and our actions reflect our words. We must provide adequate resources to our past and present servicemembers. We can do less.

Mr. GARY G. MILLER of California. Mr. Speaker, I rise today in support of the conference report accompanying H.R. 2620 and to thank Chairman WALSH and Ranking Member MOLLOHAN for their hard work on this bill. The chairman and ranking member have worked on a wide range of issues within this bill and I believe my colleagues in this body owe them a debt of gratitude for the dedication and spirit of bipartisanship they demonstrated while reaching compromise on their differences.

There is, however, language in this report which concerns me greatly. The language pertains to the U.S. Department of Veterans Affairs and the treatment of veterans with mental illness.

Mr. Speaker, there is still enormous concern among veterans' organizations, Members of this body and mental health advocates about the VA's desire to implement treatment guidelines for veterans who suffer from schizophrenia. The language included in the House version of the conference report accompanying the VA–HUD appropriations bill would have held the VA accountable by requiring them to wait until a scientific review of newer atypical antipsychotic medications was completed by the National Institute of Mental Health—the premiere Federal scientific research agency. By contrast, the Senate conference report language for the VA–HUD bill would have left the VA free to implement their new treatment guidelines with little congressional oversight.

The compromise contained in this conference report is not what many of us in this body had hoped for. Specifically, the compromise does not go far enough to ensue the guidelines the VA seeks to promulgate will follow the most up-to-date science regarding the treatment of schizophrenia. In fact, it is precisely because there is a dearth of scientific research on the use of different antipsychotic medications that I fought for inclusion for the House-passed language in the conference report. Without sound scientific research, I am concerned the VA will institute treatment protocols which could jeopardize the health of veterans with schizophrenia.

As many Members know, mental illness is no small thing, and it's certainly not something

we can describe in terms of dollars and cents. Unless you meet some suffering from am illness like schizophrenia, it's hard to imagine how it can impact a person's life as well as those who love them. Without proper treatment, victims are often completely unable to function in society, accounting for 1 out of 5 hospital admissions and 4 of 10 beds in long-term care facilites—not to mention countless encounters with the corrections system. This is why I was disappointed stronger language did not make its way into the conference report.

I am heartened, however, to see we are sending a clear message to the VA that it is not to use the total sum cost of drugs which are prescribed at VA facilities as a measure of a pharmacy manager's or physician's performance. Rest assured I will continue working with veterans' organizations and advocates for veterans with mental illness to ensure the VA and individual VISN's closely follow the guidance the conference report provides for respect to the freedom that doctors in the VA system should have to prescribe clinically appropriate medications for their patients without fear of reprisal.

Let me be clear on this. Diagnosis and treatment of mental illness should be based on medical judgment and need, not price. Restrictive formulary policies jeopardize patient care by taking treatment decisions out of the hands of doctors. Because patients differ in their clinical responses to different drugs, in their sensitivity to specific side effects, and in their tolerance for these side effects when they occur—and because the atypical antipsychotic agents are different from one another in their clinical effects for a particular patient and in their side effects—I have a difficult time believing that any treatment protocol or formulary can embody the best clinical care. Veterans with schizophrenia—60 percent of whom have a service-connected disability—should never be subject to 2nd-rate treatment.

Those who wore the uniform and served to protect our freedom should have access to the newest and most effective treatment available. While this conference report still leaves us with work to do in overseeing the VA's schizophrenia treatment guidelines, I am pleased to see that we have made some progress. Rest assured I will continue to work, along with Mr. FRELINGHUYSEN, Mr. KNOLLENBERG, Mr. HOBSON, Ms. KAPTUR, Mrs. TAUSCHER and many others, to ensure veterans with mental health receive the best treatment possible.

Ms. HOOLEY of Oregon. Mr. Speaker, nearly 83 years ago, our Nation signed an armistice agreement that ended the First World War. Though many bright-eyed optimists heralded this as ''the war to end all wars,'' just two decades later the world was plunged into another war more brutal and bloody than the first. In both world wars, as in the Cold War, Korea, Vietnam, and the Persian Gulf, millions of men and women answered their country's call to defend liberty at home and abroad.

And now America finds itself embroiled in yet another war, a new conflict in which we stand together against the enemies of freedom and order. Just as we have so many times before, we send soldiers sailors, airmen, and Marines forth in the cause of liberty for which so many have given the last full measure of devotion. For their service and sacrifice our Nation's soldiers and veterans deserve our eternal gratitude. But they deserve more than gratitude, for our government has promised veterans that it will provide them health care both during and after their service.

Yet we are constantly confronted with our failure to honor these promises. Our failure to meet our obligations to our veterans can be seen in the decision by the Portland Veterans Administration Medical Center (VAMC) to cut hundreds of staff and reduce services to thousands of veterans because of a multi-million dollar budget shortfall. Anyone who has used the VAMC in recent years knows that the center is already understaffed; hundreds of veterans contact me each year complaining about their inability to get in to see a doctor at the Portland VA. These cutbacks will affect the VAMC's new outpatient clinic in Salem, for which the community, veterans groups, and I have labored so hard to secure funds. Though the clinic was designed to save veterans from having to travel to Portland for care, the clinic will now take only a fraction of the patients it was meant to serve.

Mr. Speaker, although many pay lip service to helping veterans, too few put the money where their mouth is. For example, President Bush campaigned extensively on veterans issues, but essentially requested the same amount of funding for the VA (when adjusted for inflation) as appropriated last year under President Clinton. Likewise, in this Conference Agreement, Congress plans to scarcely spend a billion dollars in excess of President Bush's request. I for one am tired of this charade and refuse to stand idly by I know that I am just one member of this body, and that I can't halt the inevitable passage of this spending bill. However, I will not lend my approval to a bill that ensures veterans in Oregon are worse off than they were at this time last year—especially when hundreds of Oregon Guardsmen and Reservists have been called up to fight in and support our first war of the 21st century. As such, I will vote against this spending bill, and I urge every single one of my colleagues to work with me to seek the allocation of more funding.

Moreover, in the coming months, I plan to continue using my position on the House Budget Committee to fight to keep our promise to veterans. When we ask people to put their lives on the line to protect our country, we have a profound obligation to honor our promises to those whose service has kept our Nation free. The men and women who have served our country so honorably know best that freedom is never free, that it is only won and defended with great sacrifices. And we should honor those sacrifices by keeping our promises to our veterans.

Mr. SMITH of Michigan. Mr. Speaker, I rise in strong support of the VA/HUD Conference Report.

I am particularly pleased that the conferees have included a significant increase in funding for the National Science Foundation (NSF). Today, NSF is at the forefront of innovation, supporting cutting-edge research to answer fundamental questions within and across scientific disciplines. Often the potential for failure is as great as that for success. But by encouraging such risks, NSF has helped fuel new industries and jobs that have propelled economic prosperity and changed the way we live.

Many of the technologies that come from NSF research may also help us in the fight against terrorism. Nanotechnology, for example, promises revolutionary advances. Research will enable the development of sensors for biological and chemical agents that may be used on the battlefield or even, unfortunately, may find there way into domestic civilian systems. NSF-sponsored research in this area has led to the development of a simple, relatively inexperience sensor that can selectively detect the DNA of biological agents. It is now in commercial development with successful tests against anthrax and tuberculosis.

NSF has also demonstrated the dual use of its research by quickly dispatching its earthquake engineering experts to the World Trade Center who will use the knowledge gained to improve building designs. Robots, developed with NSF support were also sent to New York to help in the search for victims and I understand that FEMA is now considering adopting these robots for all of its search and rescue operations.

As Chairman of the Subcommittee on Research, I will be looking for ways to engage NSF more fully in this effort. It seems clear that basic research enables so many unforeseen advances that will help us face this new terrorism threat and that now more than ever we must renew our commitment to supporting this research.

NSF programs also play a big role in increasing the pool of talented scientists in our universities and workforce. This is critical. It is estimated that by 2020, 60 percent of the jobs will require the skills only 22 percent of the workforce has today.

As this Conference Report shows, there is strong bipartisan support for increased investment in basic science. It includes an 8.2 percent increase in the NSF budget to nearly $4.8 billion for fiscal year 2002. This is the largest budget ever for NSF.

I am particularly pleased that the conferees have specified $75 million for plant genomics research on commercially important plants, an area in which I have a great interest. Agricultural biotechnology is beginning to fulfill its potential, but we have only just scratched the surface. This funding will help scientists develop new knowledge that will propel this field forward. The enhanced crop plants coming from this research will help feed the world, reduce our use of chemicals, and create new markets for farmers.

Mr. Speaker, the science funding in this bill will help keep the pipeline of new ideas and innovation flowing. I urge my colleagues to support this Conference Report.

Mr. HALL of Texas. Mr. Speaker, I had not planned to speak during the Floor consideration of the VA–HUD–IA appropriations conference report. However, I have changed my mind because I believe that it is important that we give some consideration to the future of the International Space Station program as we debate the level of funding for the National Aeronautics and Space Administration. Given all of the uncertainty that has been surrounding the Space Station program of late, I am pleased that the appropriations conference has been able to provide almost all of the requested funding for the Station. I also am heartened that the conference retained funding needed for the eventual restoration of capabilities that were cut from the Space Station program by the Administration earlier this year.

Mr. Speaker, yesterday the Science Committee, on which I am privileged to serve as

the Ranking Member, held a hearing on the report of the independent task force that was charged with examining the current state of the International Space Station program. I expect that the task force's report will be an important input into the decisions that Congress and the Administration will have to make concerning the future of the Space Station program. All of us owe Tom Young and his team a debt of gratitude for their dedicated efforts over the last several months.

As many of you know, I have long been a supporter of the Space Station. And I believe that NASA and the International Partners should be proud of what they have accomplished to date. It has been a stunning technical achievement, and the assembly and operation of the Space Station have gone much more smoothly than any of us had the right to expect. Nevertheless, there has been significant cost growth in the program since the 1993 redesign, and there is not now adequate confidence in Congress and the Administration that we know what the total cost of the Station program is likely to be. It is important that we take whatever steps are prudent and sensible to ensure that the Space Station program is well managed and that taxpayer dollars are not wasted. The task force has made a number of recommendations to improve the situation, and we will need to examine them carefully.

At the same time, I hope that we don't let a preoccupation with cost issues cause us to lose sight of the fundamental decision we need to make about the future of the International Space Station program. That decision is quite simple: Are we committed to a Space Station that achieves its unique research potential, and if so, are we willing to budget honestly for it? We have clear guidance from the Space Station task force about what kind of Station won't meet that goal. One of the principal findings included in the task force's report reads as follows: ''The U.S. Core Complete configuration (three-person crew) as an end state will not achieve the unique research potential of the International Space Station.'' The reason is quite simple: with a 3-person crew, there won't be time to do any significant research—all the astronauts' time will be taken up with maintenance and operations activities.

Our International Partners have also made it quite clear that a 3-person Space Station as an end-state instead of the originally agreed-upon 7-person Station and a unilateral U.S. decision to walk away from its long-standing commitment to provide crew rescue and habitation facilities are not consistent with the international agreements governing the Space Station program. We are asking our international friends to stand with us in the global fight against terrorism; while the two situations are not comparable, I think that is only right that we continue to meet our commitments to them in the Space Station program. They are looking to us for leadership in this partnership, and I think that it is important for both Congress and the Administration to send a strong, clear signal that we are not going to walk away from that responsibility.

In its report, the task force concluded that: ''Lack of a defined program baseline has created confusion and inefficiencies.'' However, the approach the task force seems to recommend—that is, keeping the question of the ultimate Space Station ''end-state'' open for two or more years—seems to me to be a prescription for keeping the program in just the sort of limbo that the task force properly decries. As I said at yesterday's hearing, I think we need a different approach. If we believe that it is important to build a Space Station with the unique potential that the scientific community and successive Administrations and Congresses have sought, we need to say so now and plan accordingly. We should be explicit that we are committed to completing the Space Station with its long-planned 7-person crew capability. We should not keep the dedicated researchers, the International Partners, and our U.S. Space Station team in continuing uncertainty about the end-goal of this program—doing so will just lead to waste and inefficiency down the road that could otherwise be avoided.

At the same time, we should be unwavering in our determination to make whatever changes are required to the Station's management structure and cost control system to minimize the future cost and risk of this program. The task force is very clearly telling us that ''business as usual'' will not suffice for a program that is as important as the International Space Station.

Mr. Speaker, I believe that the Administration needs to make clear its commitment to the ultimate restoration of the full capabilities of the Space Station even as it takes steps to improve the program's cost management processes and operations strategy over the near term. If it does so, I believe that Congress will work constructively with the Administration over the coming weeks and months to put the Space Station program on a sound footing.

For more than a decade, successive Administrations and Congresses have reaffirmed the importance of the Space Station. 15 nations have joined with the United States to build an orbiting research facility that I am confident will deliver unprecedented benefits to all of our citizens as well as position our nation for eventual exploration of the rest of the solar system. We should not falter in meeting our national commitment just as we are beginning to reap the rewards of our past investments in the Space Station program.

Mr. NEY. Mr. Speaker, today I rise in support of increasing the FHA multifamily loan limits. Tens of thousands of working families in our country pay more than 50 percent of their income toward housing, or live in severely inadequate housing. Yet, the FHA multifamily loan program has not kept pace with construction costs. For example, in the last four years only one project with 192 units was produced in Cincinnati, despite the nearly twenty thousand working families facing critical housing needs there. Without affordable financing, developers cannot produce affordable housing stock.

With the increasing need for housing far outpacing the available supply, the need for available FHA financing is critical. By increasing the loan limits by 25 percent, the first increase since 1992, we can provide a vehicle to alleviate the housing crisis facing our nation. I urge strong support for this provision.

Mr. DINGELL. Mr. Speaker, the Conference Report directs the EPA Administrator to put into effect without delay the 10 parts per billion standard for arsenic promulgated in the Clinton administration rule published in the Federal Register on January 22, 2001. The Bush administration has, without justification, delayed the effective date of the January 22nd rule and has been in clear violation of Federal law. Congress had set a deadline to have a new final standard for arsenic in effect no later than June 22 of this year. The House of Representatives, in July, sent the administration a clear message when it voted to have an arsenic standard no higher than 10 parts per billion so the United States would be in line with the World Health Organization, the U.S. Public Health Service, and the European Community. The current standard of 50 parts per billion has not been updated in 60 years.

We informed Administrator Whitman last spring that her action on the arsenic standard was a serious mistake and it has proven to be so. Late last week she publicly acknowledged that the Clinton administration standard of 10 parts per billion was the right standard for arsenic and 2006 was the appropriate compliance date.

According to EPA data, there may be as many as 367,000 individuals in approximately 176 communities in Michigan drinking water that contains arsenic at concentrations that exceed 10 parts per billion. The Congress and the Administration must work together to provide the financial assistance necessary for small communities to rapidly come into compliance with the new standard. No person, whether living in a small community or large, should have arsenic in their drinking water, presenting an unreasonable health risk. Especially when the best peer-reviewed science tells us that exposure to arsenic in drinking water causes lung, bladder, and skin cancer.

Mr. Speaker, the 10 parts per billion standard for arsenic is supported by more peer-reviewed science than perhaps any other drinking water standard ever promulgated by EPA. In just the last two years, two National Academy of Science reports were issued. The June 1999 report called on the EPA to move to a more protective standard ''as promptly as possible.'' The second National Academy of Sciences' study, completed two months ago, found that the risks of bladder and lung cancer from arsenic contaminated water were much greater than previously assessed. This finding was based on the best and most recent scientific research and is based on studies of human populations. The independent Science Advisory Board at EPA also found evidence linking arsenic consumption to heart disease, diabetes, and hypertension.

I would say to my fiends on the Appropriations Committee that it is a mistake to encourage small communities to seek lengthy compliance time extensions as they continue to drink water with unhealthy levels of arsenic. Nor should they seek a rollback in our environmental protection laws. We would work together to identify or develop additional cost-effective technologies and provide targeted financial assistance where necessary to bring small water systems into compliance with the new protective standard for arsenic.

The existing drinking water State Revolving Loan Fund contains $850 million for grants and loans to public water systems. This fund is authorized at one billion dollars and the appropriation is $150 million less than the

authorized level. I am, therefore, surprised and concerned that the Conference Report fails to direct any financial assistance to help small systems come into compliance with the new arsenic standard. I would hope this problem is rectified in the future.

In conclusion, I support the Conference Report and I am pleased that it requires the adoption of the safe arsenic standard without delay.

U.S. ENVIRONMENTAL PROTECTION AGENCY,
Washington, DC, October 31, 2001.

Hon. JOHN DINGELL,
Ranking Minority Member, Committee on Energy and Commerce, House of Representatives, Washington, DC.

DEAR CONGRESSMAN DINGELL: As you know, the U.S. Environmental Protection Agency (EPA) has been conducting a thorough review of the appropriate standard for arsenic in drinking water, based upon the best available science. Throughout this process, I have made in clear that EPA intends to strengthen the standard for arsenic by substantially lowering the maximum acceptable level from 50 parts per billion (ppb), which has been the lawful limit for nearly half a century.

I can now report that the drinking water standard for arsenic will be 10 ppb, and we will maintain the compliance date of 2006. This standard will improve the safety of drinking water for million of Americans, and better protect against the risk of cancer, heart disease, and diabetes.

As required by the Safe Drinking Water Act, a standard of 10 ppb protects public health based on the best available science and ensures that the cost of the standard is achievable. Over the past several months, we have had the benefit of insight provided by national experts who conducted three new independent scientific studies—the National Academy of Sciences, the National Drinking Water Advisory Council, and EPA's Science Advisory Board. In addition, we have received more than 55,000 comments from the public.

Nearly 97 percent of the water systems affected by this rule are small systems that serve fewer than 10,000 people each. I recognize the challenges many small systems will face in complying with this standard, given their higher per capita costs. Therefore I am committed to working closely with states and small water systems to identify ways to reduce arsenic levels at a reasonable cost to ratepayers.

EPA plans to provide $20 million over the next years for research and development of more cost-effective technologies to help small systems to meet the new standard. EPA will also provide technical assistance and training to operators of small systems, which will reduce their compliance costs. EPA will work with small communities to maximize grants and loans under the existing State Revolving Fund and Rural Utilities Service programs of the Department of Agriculture. Finally, I have directed my staff to identify other ways that we may help smaller water systems reduce arsenic levels at a reasonable cost. Our goal is to provide clean, safe, and affordable drinking water to all Americans.

I look forward to working with Congress; my colleagues in the Administration; state, local and tribal governments; and other interested parties as we move forward with this protective standard. It's not enough just to set the right standard—we want to work with local communities to help them meet it. Working together, we can ensure the continuing viability of small, rural water systems, and meet our common goal of improving water quality and protecting public health.

Sincerely,

CHRISTINE TODD WHITMAN.

Mr. BEREUTER. Mr. Speaker, this Member rises in support of the conference report for H.R. 2620, providing appropriations for the Departments of Veterans Affairs (VA) and Housing and Urban Development (HUD), and other Independent agencies for fiscal year 2002. This Member would like to thank the distinguished Chairman of the Appropriations Subcommittee on VA, HUD and Independent Agencies from New York (Mr. WALSH), the distinguished Ranking Member from West Virginia (Mr. MOLLOHAN) and all the members of the Subcommittee for their work on this important bill.

This Member is especially pleased that funding was included for several important projects in the 1st Congressional District of Nebraska. First, $490,000 was included in the conference report for Doane College in Crete, Nebraska, which will be used for the continuing effort to rehabilitate the historic Whitcomb Conservatory for joint use by the college and the community as a performing arts center. This Member greatly appreciated the previous inclusion of $430,000 for this project in the FY2001 appropriations legislation. The additional funding provided for FY2002 should provide much of the resources to complete this project.

The Whitcomb Conservatory is a unique, five-sided structure, built on the ''Prairie'' or ''Frank Lloyd Wright'' architectural style, which was completed in 1907 and is a component of the Doane College Historic District National Register listing. The additional funding is needed for major structural repair of its roof, installation of a new mechanical system (including a new heating and cooling plant), new wiring, and a complete cosmetic refurbishing.

The Conservatory has been vacant for more than 30 years. However, the Crete community—as well as the student population of Doane College is growing—and necessitates refurbishing the building. Doane College and the Crete community have a close and longstanding working relationship and have a formal joint-use agreement for the future use of Whitcomb Conservatory. The restoration of the Conservatory will create a community resource and provide a setting for musicals, summer community theater, special concerts and lectures.

Second, this Member is most pleased that $240,000 was allocated for the Walthill Public School in Walthill, Nebraska, to be used to improve the facilities for science education in this school district. The resources are badly needed by this school system which has a very large Native American student body. The students at Walthill are 97 percent Native American and come from primarily low-income families.

Therefore, this Walthill initiative will serve to supplement a state initiative focused on serving a predominately Native American population. Almost certainly, this school is the least adequate public education facility in the 1st Congressional District of Nebraska. Since the school district's land consists primarily of Indian reservation land, which is not subject to the property tax that is the predominant source of funding for public schools in Nebraska, Walthill Public School receives Federal Impact Aid funds. As a result, Walthill has virtually no tax base available for bond issues. This proposal is an attempt to reverse the recent re-segregation of the Native American population at the school, which has resulted from the declining level of education and education services at Walthill.

Third, this Member appreciates the $500,000 in funds provided in the Environmental Protection Agency's portion of this conference report for the University of Nebraska-Lincoln's Water Sciences Laboratory at the Water Center. These funds are needed by the Water Sciences Laboratory to assist in the purchase of the next generation in field and laboratory equipment so that it can maintain its capability to address ground and surface water quality problems.

The Water Sciences Laboratory does both regional field research and analytical research in ground and surface water quality throughout the north-central United States. The Laboratory is responsible for the development of innovative field methods to remediated hazardous water contamination.

Finally, Mr. Speaker, this Member urges his colleagues to support the conference report for H.R. 2620.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, this 15-minute vote on adoption of the conference report will be followed immediately by a 5-minute vote on the motion to instructed conferees on H.R. 3061.

The vote was taken by electronic device, and there were—yeas 401, nays 18, not voting 13, as follows:

[Roll No. 434]

YEAS—401

Abercrombie	Borski	Coyne
Ackerman	Boswell	Cramer
Aderholt	Boucher	Crane
Akin	Boyd	Crenshaw
Allen	Brady (PA)	Crowley
Andrews	Brady (TX)	Culberson
Armey	Brown (FL)	Cummings
Baca	Brown (OH)	Cunningham
Bachus	Brown (SC)	Davis (CA)
Baird	Bryant	Davis (FL)
Baker	Burr	Davis (IL)
Baldacci	Buyer	Davis, Jo Ann
Baldwin	Callahan	Davis, Tom
Ballenger	Calvert	Deal
Barcia	Camp	DeFazio
Barr	Cannon	DeGette
Barrett	Cantor	DeLauro
Bartlett	Capito	DeMint
Barton	Capps	Deutsch
Bass	Cardin	Diaz-Balart
Becerra	Carson (IN)	Dicks
Bentsen	Carson (OK)	Dingell
Bereuter	Castle	Doggett
Berkley	Chabot	Dooley
Berman	Chambliss	Doolittle
Biggert	Clay	Doyle
Bilirakis	Clayton	Dreier
Bishop	Clement	Duncan
Blagojevich	Clyburn	Dunn
Blumenauer	Coble	Edwards
Blunt	Collins	Ehlers
Boehlert	Combest	Ehrlich
Boehner	Condit	Emerson
Bonilla	Cooksey	Engel
Bonior	Costello	English
Bono	Cox	Eshoo

Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Horn
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Schrock
Scott
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—18

Berry
Capuano
Filner
Flake
Hefley
Hoekstra
Hooley
Hostettler
Kerns
Paul
Roemer
Royce
Schaffer
Sensenbrenner
Shays
Tancredo
Toomey
Weldon (FL)

NOT VOTING—13

Burton
Conyers
Cubin
Delahunt
DeLay
Ganske
Kilpatrick
Largent
Lofgren
Maloney (NY)
Ose
Otter
Traficant

□ 1337

Ms. HOOLEY of Oregon, Mr. KERNS and Mr. HOEKSTRA changed their vote from ''yea'' to ''nay.''

Mrs. BIGGERT and Messrs. WEINER, WU and THOMPSON of California changed their vote from ''nay'' to ''yea.''

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. OTTER. Mr. Speaker, because my beeper malfunctioned, I did not arrive here in time to vote on the conference report on H.R. 2620, otherwise known as the VA–HUD bill.

Had I been here I would have voted in favor.

APPOINTMENT OF CONFEREES ON H.R. 3061, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

MOTION TO INSTRUCT CONFEREES OFFERED BY MR. OBEY

The SPEAKER pro tempore (Mr. SIMPSON). The pending business is agreeing to the motion to instruct conferees on the bill, H.R. 3061, offered by the gentleman from Wisconsin (Mr. OBEY) on which the yeas and nays were ordered.

The Clerk will designate the motion.

The Clerk designated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Wisconsin (Mr. OBEY).

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 367, nays 48, not voting 17, as follows:

[Roll No. 435]

YEAS—367

Abercrombie
Aderholt
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barcia
Barr
Barrett
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Combest
Condit
Cooksey
Costello
Coyne
Cramer
Crenshaw
Crowley
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Everett
Farr
Fattah
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Houghton
Hoyer
Hulshof
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Platts
Pomeroy
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Rush
Ryan (WI)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Schrock
Scott
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Stupak
Sununu
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter

Walden	Watts (OK)	Wilson
Walsh	Waxman	Wolf
Wamp	Weiner	Woolsey
Waters	Weldon (PA)	Wu
Watkins (OK)	Weller	Wynn
Watson (CA)	Wexler	Young (AK)
Watt (NC)	Whitfield	Young (FL)

NAYS—48

Akin	Goodlatte	Putnam
Bartlett	Hall (TX)	Radanovich
Barton	Hayworth	Rohrabacher
Blunt	Hefley	Royce
Brady (TX)	Herger	Ryun (KS)
Cantor	Hostettler	Schaffer
Coble	Hunter	Sensenbrenner
Collins	Johnson, Sam	Sessions
Cox	Jones (NC)	Shadegg
Crane	Kerns	Smith (MI)
Culberson	Myrick	Stearns
DeMint	Otter	Stump
Doolittle	Paul	Tancredo
Duncan	Pence	Tiahrt
Flake	Pitts	Toomey
Goode	Pombo	Weldon (FL)

NOT VOTING—17

Ackerman	DeLay	Lofgren
Baldacci	Evans	Maloney (NY)
Burton	Ganske	Ose
Conyers	Johnson (CT)	Traficant
Cubin	Kilpatrick	Wicker
Delahunt	Largent	

□ 1347

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. KILPATRICK. Mr. Speaker, due to personal business in my district, I am unable to be present for legislative business scheduled for today, Thursday, November 8. Had I been present, I would have voted "aye" on rollcall No. 433, on approving the Journal; rollcall No. 434, H.R. 2620, the VA–HUD appropriations conference report; and rollcall No. 435, on the motion to instruct House conferees on the bill H.R. 3061, the Labor-HHS-Education appropriations bill.

PERSONAL EXPLANATION

Mrs. MALONEY of New York. Mr. Speaker, regrettably, I was detained at a meeting, my beeper did not go off and I missed two critically important votes.

On the conference report on H.R. 2620, I would have voted "yes"; and on the motion to instruct conferees on 3061 for Labor, HHS, Education Appropriations bill to insist the House level for education, I certainly would have voted "yes."

The SPEAKER pro tempore (Mr. SIMPSON). Without objection, the Chair appoints the following conferees: Messrs. REGULA, YOUNG of Florida, ISTOOK, DAN MILLER of Florida, WICKER, Mrs. NORTHUP, Mr. CUNNINGHAM, Ms. GRANGER, Messrs. PETERSON of Pennsylvania, SHERWOOD, OBEY, HOYER, Ms. PELOSI, Mrs. LOWEY, Ms. DELAURO, Mr. JACKSON of Illinois and Mr. KENNEDY of Rhode Island.

There was no objection.

LEGISLATIVE PROGRAM

(Mr. FROST asked and was given permission to address the House for 1 minute).

Mr. FROST. Mr. Speaker, I yield to the gentleman from Texas to inquire about next week's schedule.

Mr. ARMEY. I thank the gentleman from Texas for yielding.

Mr. Speaker, I am pleased to announce that the House has completed its legislative business for the week.

The House will next meet for legislative business on Tuesday, November 13 at 12:30 p.m. for morning hour and 2 p.m. for legislative business. The House will consider a number of measures under suspension of the rules, a list of which will be distributed to Members' offices tomorrow. The House will also consider the Agriculture appropriations conference report, and we hope to complete an agreement to consider the Commerce-Justice-State appropriations conference report as well.

Mr. Speaker, on Tuesday, Members should be aware that there will be no recorded votes before 6:30 p.m. Mr. Speaker, let me repeat. In compliance with a request from the gentleman from Kansas (Mr. MORAN), on Tuesday no recorded votes are expected before 6:30 p.m.

On Wednesday and the balance of the week, the House will consider several authorization and appropriations bills now in conference. I will be happy to schedule them as soon as they become available.

Chairman YOUNG also reports that the markup of the Department of Defense Appropriations Act should be completed early next week, and I will schedule that bill for consideration in the House as soon as it is ready for the floor.

Mr. Speaker, I would also take this opportunity to remind Members that as we approach the Thanksgiving holiday, we are working very hard to complete our business for the year. There are obviously many important pieces of legislation to complete prior to adjournment, so I would advise Members that the House should be prepared to continue its work into next weekend and early in the following week in order to finish our work for the year, if at all possible.

Mr. FROST. I would ask the gentleman from Texas, do you expect fast track trade legislation to be on the floor next week?

Mr. ARMEY. I thank the gentleman for his inquiry. If the gentleman will continue to yield, I should only say it is possible at this point. That is really as much as I can say.

Mr. FROST. I would further ask the gentleman, we have heard rumors of a terrorism insurance bill also making its way to the floor. Should we expect that next week?

Mr. ARMEY. Again, I thank the gentleman for his inquiry.

If the gentleman will continue to yield, Mr. Speaker, Chairman OXLEY and his committee have in fact completed their markup of this legislation. It is very important. But it is a legislation with respect to which the Committee on the Judiciary shares some jurisdiction. At this point, the gentleman from Texas should be advised I am going to be consulting with the chairman of the Committee on the Judiciary to see if it is possible we can work that bill out and have it to the floor next week.

Mr. FROST. I would further ask the gentleman, with the holidays approaching, many people are anxious that we ensure flying is as safe as possible. Do we have any idea when we will get the airline security conference report to the floor?

Mr. ARMEY. Again, I thank the gentleman for the inquiry.

If the gentleman will continue to yield, Mr. Speaker, the gentleman's point is extremely well taken. As I entered the building at 8 o'clock this morning, I saw the conferees moving to the other side of the building for the purpose of beginning that work. I have been assured by Chairman YOUNG that they are aware of how important it is, they are trying to proceed with that conference, and we would hope and expect they could complete that work for consideration next week.

Mr. FROST. I would point out to the distinguished majority leader that it will be very difficult for Members of Congress to leave town unless we have acted on that legislation. They will not feel good about going home and seeing their constituents until we have taken action on that bill.

Mr. ARMEY. I appreciate the gentleman's point, and I am sure the conferees are well aware of that as well.

Mr. FROST. I would ask the gentleman one additional question. I noticed in his initial statement that he discussed the possibility of being in session next weekend and perhaps into the following week. The following week is the week of Thanksgiving. At what point will a decision be made by the majority as to whether we will be in session next weekend or whether we would vote another continuing resolution and come back after Thanksgiving?

Mr. ARMEY. I thank the gentleman for his inquiry. The point is very well taken and a good question.

Sometime as we proceed next week and we get the measure of some of these very important appropriations bills and conferences, as we get the measure of their progress, we should be able then to give the Members definitive answers with respect to working even possibly through the weekend, the weekend next or, of course, that Monday and Tuesday of Thanksgiving week. I think it would be prudent of me to advise most Members that irrespective of what we do relative to the weekend preceding Thanksgiving week, that they should anticipate being here on Monday and Tuesday of Thanksgiving week and working on those 2 days.

Mr. FROST. I thank the gentleman. We look forward to seeing the schedule as it develops next week.

RANKING OF MEMBERS ON COMMITTEE ON VETERANS' AFFAIRS

Mr. FROST. Mr. Speaker, I offer a resolution (H. Res. 282) and I ask unanimous consent for its immediate consideration in the House.

The Clerk read the resolution, as follows:

H. RES. 282

Resolved, That Mr. Lynch of Massachusetts shall rank after Mr. Shows of Mississippi on the Committee on Veterans' Affairs.

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ELECTION OF MEMBER TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. ARMEY. Mr. Speaker, I offer a resolution (H. Res. 283) and I ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 283

Resolved, That the following named Member be and is hereby, elected to the following standing committees of the House of Representatives:

Armed Services: Mr. Jeff Miller of Florida.

Veterans Affairs: Mr. Jeff Miller of Florida.

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

HOUR OF MEETING ON TOMORROW

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10 a.m. tomorrow.

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

There was no objection.

ADJOURNMENT FROM FRIDAY, NOVEMBER 9, 2001, TO TUESDAY, NOVEMBER 13, 2001

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Friday, November 9, 2001, it adjourn to meet at 12:30 p.m. on Tuesday, November 13, 2001, for morning hour debates.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

WELCOMING PRIME MINISTER OF INDIA ON OCCASION OF HIS VISIT TO UNITED STATES

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that the Committee on International Relations be discharged from further consideration of the concurrent resolution (H. Con. Res. 264) expressing the sense of Congress to welcome the Prime Minister of India, Atal Bihari Vajpayee, on the occasion of his visit to the United States, and to affirm that India is a valued friend and partner and an important ally in the campaign against international terrorism, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

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

Mr. LANTOS. Mr. Speaker, reserving the right to object, and I will not object, I yield to my friend, the gentleman from New York, so that he may explain the reasons for moving this resolution immediately to the floor.

Mr. GILMAN. I thank the gentleman for yielding.

Mr. Speaker, I want to commend the gentleman from California (Mr. LANTOS), the ranking minority member on the Committee on International Relations, for crafting H. Con. Res. 264, a resolution expressing the sense of the Congress to welcome the Prime Minister of India, Atal Bihari Vajpayee, on the occasion of his visit to our Nation, and to affirm that India is a valued friend and partner and an important ally in the campaign against international terrorism.

India and the United States share a common destiny. Our people thrive on democracy, the rule of law and the right to freely worship God, and our governments understand that these rights and freedoms are essential for our civilizations to flourish.

Mr. Speaker, this past Monday in New Delhi, Secretary of Defense Donald Rumsfeld and India's Minister of Defense, George Fernandes, met and agreed to expand and intensify our mutual cooperation in the war against international terrorism. We are delighted that India and the United States are moving closer to becoming allies in every sense of the word.

An alliance between our Nation and India could specifically be used to promote democratic governments in the region and to combat drugs and terrorism. And our Nation appreciates the immeasurable contributions to our society made by the more than 1 million Americans of Indian origin.

This past summer, Russian President Putin and Chinese President Jiang Zemin gave each other a bear hug and signed a so-called ''friendship treaty.'' We are now embarking on a similar friendship with India and Prime Minister Vajpayee.

□ 1400

Mr. LANTOS. Mr. Speaker, further reserving the right to object, I am delighted to speak in support of this resolution which welcomes Prime Minister Vajpayee of India to the United States and expresses the deep appreciation of the American people for the strong and immediate support India has provided us at the time of the events of September 11.

Many of our colleagues do not realize, Mr. Speaker, that India also lost over 200 of its own citizens in the dreadful attack on the World Trade Center. As a matter of fact, while this terrible terrorist act was a first for us, I think it is important for all of us to understand that some of our democratic friends and allies have been subjected to terrorist attacks for many years. Our democratic friend, India, and our democratic friend, the State of Israel, have been subjected to terrorism for over half a century. Following our tragic event on September 11, on October 7 terrorists attacked the Parliament House in Kashmir claiming the lives of scores of innocent Indian citizens.

Mr. Speaker, it is important to realize that today we have the pleasure of welcoming to our Congress the Prime Minister of the largest democracy on the face of this planet. There are 1 billion people in India, Mr. Speaker. Many were doubtful years ago that a society, at that time quite poor, in many ways undeveloped, could maintain a political democracy. There was a lot of skepticism as to whether you could have a viable political democracy with 1 billion people of enormous ethnic variety and with hundreds of millions of those people living in abject poverty.

India has proven the pessimists wrong. India today is the fourth largest economy on the face of this planet, and it is the largest political democracy on this planet. Political elections unfold, governments change peacefully, as they do here in the United States.

A great deal has been made in recent times, since September 11, of our building a global coalition against international terrorism; and we all support the effort of the President, the Secretary of State and others to move along these lines. But I think it is important to realize that some Members of this coalition share our values. India is one of them.

Not all members of the coalition are built on the same set of democratic values that our society is built on and India's society is built on. For many, this coalition is just a marriage of convenience. With respect to India, it is a marriage based on shared and common values of pluralism, respect for minorities, freedom of religion, political privileges of voting, freedom of press,

freedom of movement, and freedom of expression.

India, with its vibrant democracy and secular government, is a rich and diverse society which stands as a beacon of example to many others in that region. There is no doubt in my mind, Mr. Speaker, that our friendship with India will continue to grow and deepen, and it is in this spirit that we welcome Prime Minister Vajpayee to the United States and to the Congress of the United States.

Mr. Speaker, continuing my reservation of objection, I yield to the gentleman from Washington (Mr. MCDERMOTT), the chairman of the Congressional Caucus on India and Indian-Americans.

Mr. MCDERMOTT. Mr. Speaker, I thank the gentleman for yielding me time.

The 120-some members of the Congressional Caucus on India and Indian-Americans are very excited to have the Prime Minister here in Washington, D.C. We just had a wonderful lunch where we greeted him, and we look forward to having a positive relationship develop to an even deeper level. The 11th of September was a day that jolted us all, and almost immediately Prime Minister Vajpayee was on the phone to the United States putting out his hand in help, offering bases, something that had never happened before.

This is a major sea change in the relationship between India and the United States. I think all the Members of Congress who understand the importance of a stable Central and South Asia understand the strength that Prime Minister Vajpayee has brought to that area. He reached out to his neighbor, Pakistan, and took a bus trip to Pakistan, the first time an Indian Prime Minister had done that in the whole history of India-Pakistan relations. He is a man who walks the talk of peace, and he has become our friend; and we are very glad to have him here.

Mr. LANTOS. Mr. Speaker, continuing my reservation of objection, I am delighted to yield to my friend, the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I want to thank the ranking member for yielding me time.

Mr. Speaker, let me say that I was very pleased today to have another opportunity at the India Caucus luncheon to meet and talk with Prime Minister Vajpayee. I admire him so much for all that he has done in India, both as a minority leader as well as now the Prime Minister. I have met him on many occasions and have always been very impressed by him.

I think this resolution is important; and obviously I would urge its adoption, because it sets forth three things that I think are important:

One is that India, like the United States, has historically been a victim of terrorism. India has been extremely supportive of the United States in the aftermath of September 11, in part because of their friendship with the United States, but also because they understand the negative impact of terrorism on their own state and own population, particularly as it has often occurred in Kashmir. India has been involved with the U.S. in acting against terrorism for a long time and has worked for several years with the United States in that regard and will continue to.

The second thing I would mention is that India is very important to the United States because of the growing relationship that we share on every level. Certainly when we talk about trade, the growing trade relationship, when we talk about culture, there is so much interest in India culture in the United States and vice-versa.

But more important right now, I think, is the importance of the defense relationship, and we understand that some of the conversations and talks that are taking place between the Prime Minister and President Bush relate to that defense relationship. I have been a long advocate of the need to increase our defense relationship, whether that means supplying military equipment or doing more military exercises with India.

I think many of us know that, historically, India had relied on the former Soviet Union for much of its military equipment. I would like to see that change. I think the U.S. should be the main country that they look to in that regard. So I am hopeful that this week both the trade ties, but, more important, the defense ties, between India and the United States, will see some significant positive action. I am hopeful that that will in fact be the case.

The third thing I wanted to mention, and we all know about the growing importance of the Indian-American community here in the United States, my district, my old district before the redistricting that took place a few weeks ago in New Jersey, had a very large Indian-American population. That has even increased more with the new district that I will be representing, hopefully, after this next year. I think that that Indian-American community has gone far towards building the ties between the United States and India based on democracy, based on capitalism, based on shared culture interests. The Prime Minister took note of that today at our luncheon, and I know that he is very proud of the impact that the Indian-American community has had here in the United States.

Mr. LANTOS. Mr. Speaker, further reserving the right to object, I am delighted to yield to my good friend, the gentleman from California (Mr. ROYCE), the distinguished Republican cochair of the India caucus.

Mr. ROYCE. Mr. Speaker, today we had a luncheon where we heard from Prime Minister Vajpayee. It is always good to see the Prime Minister consulting with the Congress and the administration to strengthen the ties between India and the United States. We all know how the ties between India and the United States have solidified over the years. However, since September 11 that relationship has reached new heights.

India has been with the United States every step of the way. India has long known the horrors of terrorism, and now the United States has joined India in the fight against terrorism. India quickly condemned the attacks and immediately offered assistance to the U.S. India has provided the intelligence support, as well as the use of its military bases and air space.

I had a chance to be there during the international fleet review in Mumbai and see why Colin Powell, our Secretary of State, said that India has the strength to keep the peace in the vast Indian Ocean and its periphery.

Today, President Bush is skillfully leading what will be a difficult struggle, but India has demonstrated that it will be a key ally in this war. For that, we are appreciative.

Mr. HYDE. Mr. Speaker, today, with this resolution, the House welcomes a friend, the Prime Minister of India, His Excellency Atal Bihari Vajpayee. The Prime Minister is in Washington in the course of visits to several capitals to emphasize India's longstanding commitment to fight terrorism.

This is a matter on which we can all agree. America and India need to step up our security and political cooperation; India's importance to world security is obvious to anyone who possesses a map. Of course, Indians and Americans agree on many other subjects, especially on the benefits of democracy and human rights and on the benefits of trade.

American-Indian relations have been getting better for many years, following the steady, upward path of bilateral trade. The fact that more and more individuals of Indian ancestry are contributing to our society, becoming citizens, and taking part in civic and business endeavors is another factor that contributes mightily to our improving relationship. As this trend continues, Americans get to know Indian culture and Indians are more likely to have friends and relatives in this country and have a realistic picture of life here.

The United States wants to help India and its neighbors live in peace in a stable South Asia. It has become clear that, in the first instance, this will require the extirpation of al Qaida and the defeat of those who harbor it, the Taliban.

India and Pakistan, rivals and sometimes enemies, are on the same side in this endeavor. I pray that they will take the opportunity to achieve some level of confidence in one another in a common struggle. I hope that American leadership will help bring them together wherever we can in fact be of assistance.

Mr. Speaker, this is an important visit. The Indian Prime Minister is a most welcome guest, and one whom we are most pleased to honor with this resolution.

Mr. LANTOS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. OTTER). Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 264

Whereas Congress is pleased to welcome the Prime Minister of India, Atal Bihari Vajpayee, on his visit to the United States;

Whereas the United States and India, the world's two largest democracies, are natural allies, based on their shared values and common interests in building a stable, peaceful, and prosperous world in the 21st century;

Whereas from the very day that the terrorist attacks in New York and Washington occurred, India has expressed its condolences for the terrible losses, its solidarity with the American people, and its pledge of full cooperation in the campaign against international terrorism;

Whereas India, which has been on the front lines in the fight against international terrorism for many years, directly shares America's grief over the terrorist attacks against the United States on September 11, 2001, with the number of missing Indian nationals and persons of Indian origin estimated at 250;

Whereas the United States and India are engaged as partners in a global coalition to combat the scourge of international terrorism, a partnership that began well before the tragic events of September 11, 2001;

Whereas cooperation between India and the United States extends beyond the current international campaign against terrorism, and has been steadily developing over recent years in such areas as preserving stability and growth in the global economy, protecting the environment, combating infectious diseases, and expanding trade, especially in emerging knowledge-based industries and high technology areas; and

Whereas more than 1,000,000 Americans of Indian heritage have contributed immeasurably to American society: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress—

(1) to welcome the Prime Minister of India, Atal Bihari Vajpayee, to the United States;

(2) to express profound gratitude to the Government of India for its expressions of sympathy for the September 11, 2001, terrorist attacks and its demonstrated willingness to fully cooperate with the United States in the campaign against terrorism; and

(3) to pledge commitment to the continued expansion of friendship and cooperation between the United States and India.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LANTOS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 264.

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

There was no objection.

MOTION TO INSTRUCT CONFEREES ON H.R. 2500, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

Mr. ROHRABACHER. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. ROHRABACHER moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 2500, be instructed to insist on the language contained in section 626 of the House-passed bill and section 623 of the Senate amendment, prohibiting the use of funds in the bill by the Department of Justice or the Department of State to file a motion in any court opposing a civil action against any Japanese person or corporation for compensation or reparations in which the plaintiff alleges that, as an American prisoner of war during World War II, he or she was used as slave or forced labor.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from California (Mr. ROHRABACHER) and the gentleman from New York (Mr. SERRANO) each will control 30 minutes.

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

Mr. ROHRABACHER. Mr. Speaker, I yield myself 6 minutes.

Mr. Speaker, this motion is highly unusual. It is highly unusual because the Parliamentarian's Office has not been able to find another instance in the history of this House in which a motion was offered to instruct conferees to keep something in a conference report that was approved by both the House and the Senate in identical form. In theory, such a motion should be completely unnecessary, because under the rules of both Houses, this House and the Senate, any provision that has been approved by each House in identical form is ''nonconferenceable,'' which means it automatically goes to the conference and goes into the conference report as it passed both Houses. That is called democracy, where the majority of people in both Houses vote for something, and then it stays in the bill as the bill goes through the system.

□ 1415

Unfortunately, the lobbying of Japanese corporations and other very powerful interest groups in this city over this period of time has been unusually heavy. They have been spreading misinformation about the peace treaty with Japan, and it appears that our courageous World War II POWs will feel the brunt of this deception. The fact is that private companies did use American POWs during World War II as slave laborers.

In his recent decision, Judge William F. McDonald rejected all arguments by the State Department that such a court hearing, in terms of a hearing of our own POWs' requests for compensation from these Japanese companies that enslaved them, Judge McDonald decided that this would not violate the treaty which ended World War II, although what we have been hearing over and over and over again in this town is, my gosh, we cannot permit our greatest war heroes, the survivors of the Bataan Death March to sue the Japanese corporations that used them as slave labor in the war, because this would violate the treaty that ended the war.

Well, already we have a judge suggesting, a Federal judge suggesting that that argument does not hold water, and a reading of the treaty itself suggests that that does not hold water.

What do we have, then? We have a situation where this judge, a neutral party, an American judge, has decided that our POWs under the treaty have the right to file a claim in court.

In the past what has happened, and the reason this legislation is necessary, is our greatest American war heroes from World War II, the survivors of the Bataan Death March, not only were they left out on their own and betrayed by our country in a certain way, at least if not betrayed, let down, that we did not come to their rescue; then they served as prisoners of war and as slave labor; and then after the war, we betrayed them again, we let them down again in that they were told that the treaty prevented them from suing the corporations that had used them as slave labor.

Well, as I say, in the treaty there is a provision that says very clearly, any rights not granted to American citizens in this treaty that are granted to other citizens of other countries in other treaties, subsequent treaties, will automatically be the rights of the American people as well, and since that time, of course, Japan has signed many other treaties and other people have had the right to sue these Japanese corporations.

We are not talking about suing the Japanese Government, we are talking about suing Japanese corporations. It is the courts, not the executive branch, that will ultimately determine the meaning of what this treaty is all about. We already have a court decision.

The political question is what we need to decide, and that is what is happening today, and that is what happened in a decision in this body overwhelmingly and a decision in the Senate. Both in this House and the Senate, we decided that our American heroes of the Bataan Death March, their claims are more important than bending over backwards to try to recognize claims of big Japanese corporations that used our people as slave labor during the war. The courts have found that factual issues exist for the application of our people. That means that our POWs have a right to sue, they have an actual, factual claim, and the court has decided that the 1951 peace treaty with Japan does not, does not prevent the plaintiffs from filing action in the court.

Now, I would ask my colleagues to vote for this motion, and I would ask them to pay particular attention, and the American people to pay attention, to what is going on here. What has been voted on on the floor, some people are trying to take out behind closed doors in the conference. It is the first time in history we have a motion to recommit, to insist on language that has been passed in both Houses. I think it

is vitally important for us to pay attention to this, because I can see when these things happen why people lose faith in democracy.

Let me also note that the gentleman from California (Mr. COX) has a bill just to provide $20,000 as compensation from the United States Government to these American heroes. One would think that at the very least, the Cox bill would be implemented if they were going to try to take out the legislation that we passed in both Houses. But no. Again, our POWs are not being treated justly.

I would ask my colleagues to join me in supporting this motion to direct the conferees.

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

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

Mr. Speaker, I certainly know of the passion with which the gentleman from California speaks. He is very much committed to this issue. I would love to correct him, just momentarily, on the fact that some things, when they leave the House Floor, somehow end up in conference a little different than when they left the House Floor, so this may not be the only time that this has been changed.

But we do understand how serious he and other Members are about this issue. There are some concerns, but as we go into conference later today, we know that his concerns will be seriously taken into consideration.

Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. WOLF), my chairman.

(Mr. W0LF asked and was given permission to revise and extend his remarks, and include extraneous material.)

GENERAL LEAVE

Mr. WOLF. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this motion to instruct conferees on H.R. 2500 and that I may include tabular and extraneous material.

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

There was no objection.

Mr. WOLF. I thank the gentleman for yielding me time.

Mr. Speaker, first of all, on the Rohrabacher amendment, the whole concept behind it I support and agree with, and I think it is fair to say that most Members agree with it.

Secondly, if we are going to do this, we ought to be suing the Japanese Government as well as the corporations; and we do not sue the government and, therefore, it is flawed.

Thirdly, we have a legal opinion. When this came up, we asked the Congressional Research Service to give us a legal opinion of the Rohrabacher amendment. I would like to insert the entire opinion into the RECORD, but I will read one sentence. It says, ''The Rohrabacher amendment is likely to have more of a symbolic effect and not likely to have a substantive effect on the legal interpretations and posture of the peace treaty with Japan under U.S. law and international law.''

It is a symbolic thing.

I think the gentleman is correct in what he said with regard to the Cox language. If we want to do something substantive rather than just a symbolic act, then we ought to pass the Cox language which is in the authorizing language.

Lastly, the conference report will carry language, if it is approved, that says the following: ''The conference agreement does not include language proposed in both House and Senate bills regarding the civil actions against Japanese corporations for compensation in which the plaintiff alleges that as an American prisoner of war during World War II, he or she was used as slave or forced labor. The conferees understand that the administration opposes this language and is concerned that the inclusion of such language in the act would be detrimental to the ongoing effort to enlist multilateral support for the campaign against terrorism.''

It ends by saying, ''The conferees strongly agree that the extraordinary suffering and injury of our former prisoners of war deserve further recognition and acknowledge the need for such additional consideration.''

We are at war. You shook your head no, that we are not at war? I said we are at war and you shook your head no.

We are at war. There were 27 families in my congressional district that died as a result of what took place at the Pentagon, and the Bush administration is trying to put together a multilateral, broad-based coalition effort. Right now, the Japanese Government has offered, with regard to military troops, to help them participate. And I would think sincerity ought to be questioned, and then take the language, and when the Cox language went in and the International Relations bill comes up, offer the language at that time. Offer it there and I will vote for it, but not with regard to an appropriations bill.

Lastly, this language says, ''It is likely to have more of a symbolic effect and not likely to have a substantive effect on the legal interpretation and posture of the peace treaty with Japan under U.S. law and international law.''

CONGRESSIONAL RESEARCH SERVICE,
Washington, DC, October 2, 2001.

To: Hon. Frank R. Wolf, Attention: Geoff Gleason.

From: Margaret Mikyung Lee, Legislative Attorney, American Law Division.

Subject: Analysis of H. Amdt. 188, the Rohrabacher amendment to the Commerce, Justice, State Appropriations Act, 2002, H.R. 2500.

This memorandum is in response to your request for an analysis of H. Amdt. 188, the Rohrabacher Amendment to the Commerce, Justice, State Appropriations Act, 2002, H.R. 2500, which would prohibit the use of funds by the Departments of State and Justice to oppose a civil suit brought by a former American prisoner of war against a Japanese person or corporation for reparations or compensation for forced labor. This provision became §626 of H.R. 2500 as passed by the House of Representatives and §623 in the version of H.R. 2500 passed by the Senate. In light of the terrorist attacks of September 11, 2001, some opponents of this provision have criticized it as jeopardizing foreign policy objectives of the United States in seeking the support and solidarity of Japan and other nations in its antiterrorism efforts by calling into question the reliability of the United States in abiding by its international obligations. Although Japan may look askance at Congress' revisitation of this issue and in direct expression of support for the lawsuits, the Rohrabacher Amendment is likely to have more of a symbolic effect, and not likely to have a substantive effect on the legal interpretation and posture of the Peace Treaty with Japan under U.S. law and international law.

This provision apparently is a reaction to the submission of statements of interest by the Department of Justice on behalf of the United States in In Re World War II Era Japanese Forced Labor Litigation. The United States filed two statements of interest in that case. Although the plaintiffs filed suit in California state courts and only alleged claims under a California state statute, some cases were removed to the federal courts and then consolidated before the District Court for the Northern District of California. These cases resulted in three separate decisions dismissing three separate subclasses of the cases concerning the plaintiffs who were U.S. nationals, those who were Korean and Chinese nationals, and those who were Filipino nationals. This memorandum will discuss below the decisions concerning the U.S. nationals and Korean or Chinese nationals respectively. The first statement of interest stated that the cases were controlled by federal law and thus should be heard in federal court. The federal law was the international agreement embodying the peace settlement between Japan and the major Allied Powers, including the United States, which was intended to constitute the final disposition of claims between the Allied Powers and its nationals against Japan and its nationals arising from actions in the course of the prosecution of the war. The United States later filed a second statement of interest setting out in detail its position that it had lawfully espoused and settled the claims of U.S. nationals against Japan and its nationals arising out of the war; that this settlement had been carried out through the compensation system established by the War Claims Act of 1948, which disbursed compensation funded by the liquidation of Japanese assets confiscated by the Allied Powers pursuant to the peace treaty with Japan; and that the California state law claims were preempted by the 1951 Peace Treaty with Japan and the War Claims Act in accordance with the Supremacy Clause of the Constitution, which provides that ''[t]his Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.''

When the District Court of the Northern District of California dismissed the cases with regard to the plaintiffs who were U.S. nationals or military veterans of the Allied Powers, it found that the Treaty by its terms constituted a comprehensive and exclusive settlement plan and that Article 14(b) of the

Treaty unambiguously waived any further claims. Even if the language of the Treaty were ambiguous, the court found that the context of the Treaty, the history of the negotiations, and the Senate debate over its ratification supported the view that Article 14(b) waived any further claims by U.S. nationals against Japanese nationals, and that U.S. nationals must look to the Congress for relief of claims not compensated by the Treaty. Furthermore, and most significantly for the Rohrabacher Amendment, the court found that the position of the United States, expressed by the Department of State and the statements of interest in the instant case, carried ''significant weight.'' However, the court also noted that the ''government's position also comports entirely with the court's own analysis of the treaty and its history.'' This indicates that even in the absence of a contemporary brief filed by the United States, the court would have reached the same conclusion.

The court also addressed and dismissed several other arguments proffered by the plaintiffs, including the contentions that the suits represent a private dispute between parties which arose from activities distinguishable from those in pursuit of the war effort, that the waiver of individual claims in the Peace Treaty was unconstitutional and invalid, and that subsequent peace agreements between Japan and other countries revived the plaintiffs' claims under Article 26 of the Peace Treaty. Article 26 of the Peace Treaty provides that ''should Japan make a . . . war claims settlement with any State granting that State greater advantages than those provided by the present Treaty, those same advantages shall be extended to the parties to the present Treaty.'' With regard to that argument, the court held that Article 26 of the Peace Treaty only conferred rights on the states parties to the Treaty, and therefore only the United States, and not the plaintiffs, could seek to raise the issue of more favorable terms. Were the United States to espouse the interpretation of Article 26 sought by the plaintiffs in court, Japan would likely dispute an interpretation which would permit further claims by individual nationals; under Article 22 of the Peace Treaty any dispute concerning the interpretation and execution of the Treaty must be referred to the International Court of Justice.

The District Court for the Northern District of California also dismissed a case involving Korean and Chinese nationals finding, inter alia, that the California statute creating the cause of action is an unconstitutional infringement on the Federal Government's exclusive power over foreign affairs. The court had concluded that the Treaty could not be read as waiving claims of Korean and Chinese nationals brought under California statutes and the federal Alien Tort Claims Act since neither China nor Korea were signatories to the Treaty. It then concluded that the California statute creating a cause of action for World War II prisoners of war against Japanese nationals was unconstitutional. It further concluded that forced or slave labor was a violation of the customary international law of human rights and therefore a suit could be brought under the Alien Tort Claims Act, but for the fact that the applicable statute of limitations barred the suit. Finally, the California statute of limitations barred any claims under California statutes concerning false imprisonment, forced labor, assault and battery, etc.

With regard to the impact the Rohrabacher Amendment might have on the Treaty and U.S. relations with Japan, it appears that the only U.S. court to have ruled on the reparations issue and the interpretation of the Peace Treaty with Japan would have dismissed the claims of U.S. prisoners of war concerning forced labor compensation even if the United States had not filed briefs opposing the claims. There apparently are appeals pending in this litigation which have not yet been decided, and there are apparently other similar lawsuits pending. It is uncertain whether the ultimate disposition in any of these cases might be a ruling in favor of the plaintiffs. However, the Japanese government may not necessarily view the silence of the United States in these other cases negatively since the United States is already on the historic and contemporary record as having the same position as that espoused by Japan, that further claims are waived by the Treaty. On the other hand, a diplomatic note transmitted from Japan to the United States on August 8, 2000, stated that ''recent efforts to seek further compensation in United States courts for actions taken by Japanese nationals during World War II would be inconsistent with both the letter and the spirit of the Peace Treaty, and would necessarily be detrimental to bilateral relations between our two countries.''

The Restatement (Third) of the Foreign Relations Law of the United States notes that an ''international agreement is to be interpreted in good faith in accordance with the ordinary meaning to be given to its terms in their context and in the light of its object and purpose'' and that the ''President has authority to determine the interpretation of an international agreement to be asserted by the United States in its relations with other states. . . . Courts in the United States have final authority to interpret an international agreement for purposes of applying it as law in the United States, but will give great weight to an interpretation made by the Executive Branch.'' The Restatement further observes than the courts have given ''great weight'' to the interpretation of a treaty by the executive branch, giving more deference perhaps to an executive branch interpretation which is contemporaneous with the negotiation of the treaty than to one adopted by the executive branch in a case before the courts, in the interest of ensuring that the United States speaks with one voice in conducting its international relations. In the Japanese Forced Labor Litigation cases discussed above, the court found that the historical and contemporaneous interpretation of the Peace Treaty expressed the same view with regard to the waiver of further claims. The Restatement also notes that although the Senate's contemporaneous interpretation of a treaty to which it gives consent is binding, later interpretations by the Senate have no special authority. In light of the decisions from the only court to rule on the interpretation of the Treaty and the Restatement's description of the principles of foreign relations law for the United States, it seems likely that other courts would arrive at similar conclusions.

If you need further assistance, please contact us.

Mr. ROHRABACHER. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, let us be very clear about what is going on here. The American POWs from World War II, the survivors of the Bataan Death March were used as slave labor during the war, and after the war, they were told that they did not even have a right to sue these Japanese corporations that had used them as slave labor.

Let us note that German corporations have paid reparations, even Japanese corporations in Japan have paid reparations, but our own people, our greatest heroes, have been denied that right. Whether or not this is symbolic or not, I think that is a matter for the lawyers to determine.

But what we should do as legislators is bend over backwards to watch out for the interests of our great American heroes, the survivors of the Bataan Death March and not try to give the benefit to Japan or the Japanese corporations that use them as slave labor. A court will decide, and already we have an opinion, as I said, in one court that has decided that this is much more than symbolic.

Now, how about the argument that because we are now at war, we should not do right by the heroes of World War II? I do not think so. I do not think that is the way that we send a good message to those people serving this country. I think it is just the opposite.

The fact is, Japan needs to close the books on this incident, that these Japanese corporations do not want to admit that they used our people as slave labor and they tortured people and committed crimes. I am sorry. They did. And it is time, like the Germans did, to just recognize it and close the book.

That does not mean that we are not going to work with the Japanese anymore, and they may be angry. But it is time for us to stand up for our own people. If there is any message we need to send in a war, it is that our soldiers who fight and die for us or are taken prisoner, we are going to watch out for them and they are our number one priority afterwards.

Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. HONDA), who is actually the coauthor of this bill and has been my partner in this gallant effort.

Mr. HONDA. Mr. Speaker, I thank the distinguished gentleman from California for the time. I would like to associate myself with his words also.

Mr. Speaker, I rise today to voice my strong support for this motion to instruct. Before I address the reasons for my support, I would like to take a moment to thank the gentleman from California for his tireless advocacy on behalf of our men and women in our Armed Forces and our veterans.

We in Congress always talk about our strong support for the men and women who currently serve and have served in our armed services, and I have no doubt in my mind that this support is genuine. The support we show our soldiers, past and present, is especially timely in light of the Veterans Day celebration we would be celebrating this weekend. The efforts of my colleague from California go well beyond most people's efforts in this regard.

On the issue of justice for our prisoners of war during World War II, I am proud to be working with my good friend from California, and I thank him for his leadership on this important matter.

Mr. Speaker, the instructions we give today are straightforward and are

worth repeating. None of the funds made available in this act may be used by the Department of Justice or the Department of State to file a motion in this court opposing the civil action against any Japanese person or corporations for compensation or reparations in which the plaintiff alleges that as an American prisoner of war during World War II, he or she was used as slave or forced labor.

□ 1430

On July 18, the House voted by an overwhelming 395 to 33 margin to include language in the bill that comports with these instructions, and on September 10, the other body included identical language in their version of the bill.

Clearly, it is the desire of both Houses of Congress to have this language included in the final conference report. No one can deny that our brave veterans who were prisoners of war in Japan and forced into slave labor deserve to have their day in court. They should not have to fight their own government to get a fair hearing.

Some of those who opposed that amendment are claiming that somehow the peace treaty with Japan will be abrogated should this amendment pass. Well, this is simply not the case. Article 26 of the treaty clearly states, and I quote, ''Should Japan make a peace settlement or war claims settlement with any state granting the state greater advantages than those provided by the present treaty, then those same advantages shall be extended to the parties to the present treaty.''

Since other countries such as Denmark, Sweden, and Spain subsequently signed peace treaties with Japan that did not attempt to preclude the rights of their citizens to sue, the rights of our own citizens to seek justice are actually preserved by the terms of the treaty.

Indeed, in cases involving Holocaust survivors, the State Department has maintained the U.S. Government does not even have the authority to conclude treaties that bar losses by U.S. citizens against foreign corporations.

Mr. Speaker, I include for the RECORD a very insightful piece from the New York Times outlining the diplomatic two-step that took place giving the impression that certain rights were waived when, in fact, they were not.

The material referred to is as follows:

[From the New York Times, Sept. 4, 2001]

RECOVERING JAPAN'S WARTIME PAST—AND OURS

(By Steven C. Clemons)

WASHINGTON.—Celebrations this Saturday of the 50th anniversary of the San Francisco Treaty of Peace, which established the postwar relationship between Japan and the world, will focus on Japan's emergence as a pacifist market economy under the tutelage of its conqueror and later ally, the United States. Little attention will be paid to questions of historical memory or of liability for Japan's behavior during the war. The 1951 treaty, largely through the efforts of America's principal negotiator, John Foster Dulles, sought to eliminate any possibility of war reparations. This undoubtedly cemented Japan's alliance with the United States and helped its economic rebirth. But Dulles's and Japan's strategy also fostered a deliberate forgetfulness whose consequences haunt us today.

Dulles had been a United States counsellor at the Paris Peace Conference in 1919, with special responsibility for reparations. He had opposed, without much success, the heavy penalties imposed by the Allies on Germany. These payments were widely seen as responsible for the later collapse of Germany's economy and, if obliquely, for the rise of Nazism. After World War II, Dulles feared that heavy reparations burdens would similarly cripple Japan, make it vulnerable to Communist domination and prevent it from rebuilding. It was crucial to Dulles that Japan not face claims arising from its wartime conduct. The San Francisco Treaty has been used to this day, by Japan and America, as a shield against any such claims.

Nonetheless, when he had to, Dulles allowed an exception, one that has remained largely hidden. The signatories to the San Francisco Treaty waived ''all reparations claims of the Allied Powers, other claims of the Allied Powers and their nationals arising out of any actions taken by Japan and its nationals in the course of the prosecution of the War.'' But recently declassified documents show that Dulles, in negotiating this clause, also negotiated a way out of it.

Dulles had persuaded most of the Allied powers to accept the treaty. One major nation that refused to sign was Korea, because of its enmity against Japan for colonizing the Korean Peninsula. India, China and the Soviet Union also declined to sign.

For a brief while it appeared that the Netherlands would do likewise. Only days before the treaty was to be signed, the Dutch government threatened to walk out of the convention because it feared that the treaty ''expropriated the private claims of its individuals'' to pursue war-related compensation from Japanese private interests. Tens of thousands of Dutch civilians in the East Indies had lost their property to Japanese companies, which had followed Japan's armies to the Indies. They wanted compensation, and they had political power in Holland.

European opinion mattered to Dulles, who feared that a Dutch exodus might lead the United Kingdom, Australia and New Zealand to drop out as well. On the day before and the morning of the signing ceremony, Dulles orchestrated a confidential exchange of letters between the minister of foreign affairs of the Netherlands, Dirk Stikker, and Prime Minister Shigeru Yoshida of Japan. Yoshida pledged that ''the Government of Japan does not consider that the Government of the Netherlands by signing the Treaty has itself expropriated the private claims of its nationals so that, as a consequence thereof, after the Treaty comes into force these claims would be non-existent.''

Article 26 of the Treaty states that, ''should Japan make a peace settlement or war claims settlement with any State granting that State greater advantages than those provided by the present Treaty, those same advantages shall be extended to the parties to the present Treaty.'' This is why the letters had to be confidential: they preserved the rights of some Allied private citizens, in this case Dutch citizens, to pursue reparations.

Such an agreement, if publicized, could have opened the way for other claims—reparations was a huge and emotional issue after the war. These letters were not declassified until April 2000, by which time most potential claimants were probably dead.

In 1956, the Dutch did successfully pursue a claim against Japan on behalf of private citizens. Japan paid $10 million as a way of ''expressing sympathy and regret.'' Japan had been slow about making its deal with the Netherlands, and the United States had to remind the Japanese that, as a declassified State Department document puts it, the United States had ''exerted considerable pressure on the Netherlands representatives with a view to their signing the Peace Treaty,'' and ''one of the arrangements was assurance that the terms of the Yoshida-Stikker letters would be honored.''

A year before the British noted two other instances in which governments had made deals with Japan for reparations: a settlement with Burma that provided reparations, services and investments amounting, over 10 years, to $250 million; and an agreement with Switzerland that provided ''compensation for maltreatment, personal injury and loss arising from acts illegal under the rules of war.''

The British Foreign Ministry elected not to take any action on behalf of British nationals—and chose not to publicize the information. The United States concurred, with one official commenting, ''Further pressure would be likely to cause the maximum of resentment for the minimum of advantage.'' Nonetheless, the Stikker-Yoshida letters and the Burmese and Swiss agreements could all be used to make Japan, under Article 26 of the San Francisco Treaty, offer similar terms to the treaty's 47 signatories.

The price Japan might have paid, in 1951 or later, as atonement for its crimes would, presumably, have been high. Perhaps Dulles's public policy was best. But it may also be that Japan, and even the United States, are paying a different sort of price for the amnesia and secrecy that both countries chose after the war. An American group of former prisoners of war, for example, has pledged to protest the conferences and commemorative galas. These veterans are pursuing financial relief for having been enslaved in wartime by Japanese corporations, notably Mitsui and Mitsubishi. The P.O.W.'s have already lost one case in California. The judge, Vaughn Walker, decided that because of the success of the San Francisco Peace Treaty and of Japan in becoming a strong ally and partner of the United States, the waiver of individual rights to pursue to private parties in Japan was justified. This has been the argument in the dozens of suits brought in Japan and a smaller number of cases in American courts. And the argument has so far prevailed.

Judge Walker did recognize that Japan's reparations deals with some countries might present the opportunity for the signatory nations of 1951 to bring their own claims, as provided for in Article 26 of the treaty. However, ''the question of enforcing Article 26,'' he wrote, is ''for the United States, not the plaintiffs, to decide.''

The failure to support war claims is one of the reasons Japan is still struggling with other nations over its history. The Germans—at least, West Germans—have engaged in five decades of public debate about Hitler and the Holocaust. And Germany and other European countries have accepted the need, for their governments or their corporations, to pay reparations for crimes very similar to those committed by Japan and Japanese companies in the same period.

The Japanese, however, have not witnessed the court cases and public debates that would help shape a shared understanding of history among Japanese and their neighbors. Prime Minister Junichiro Koizumi's visit last month to the Yasukuni shrine—which honors the souls of Japan's war dead, including the souls of war criminals—and the relentless efforts of some Japanese textbook writers to minimize Japan's wartime aggression against Korea and China have further

aggravated regional tension over Japan's official history. Because Japan is so ill at ease with debate about its past, other nations understandably distrust a more powerful Japan.

What we know only today is that the State Department arranged a deal that arguably allows Americans and others to pursue personal claims against Japan or Japanese firms—but tried to keep the agreement quiet. The State Department even filed briefs in the California court against the former American prisoners of war. Of course, it was the State Department that once advanced the claims of Dutch citizens.

Japan clearly deserves criticism for its inability to debate its past openly. However, the United States, as evidenced by the emerging controversy about the terms of the San Francisco Treaty, has also played a role in Japan's historical amnesia. By withholding documents on American foreign policy, the United States has contributed to a failure of memory that will continue to have consequences for all of us.

Mr. Speaker, I think it is critical that we address historical injustices and not sweep them under the rug. Brave men such as Dr. Lester Tenney, Frank Bigelow, George Cobb, just to name a few, are part of this Nation's greatest generation and deserve their day in court without interference from our own government.

I am very sensitive to the fact that today more than ever the relationship between the U.S. and Japan is crucial in the international arena, and the U.S. and Japan have had and currently have strong friendships for these many decades. Nothing we do in this provision will undermine the friendship we now have with Japan. But we cannot have a true and honest relationship with Japan if we ignore the past.

On a cautionary note, I would emphasize that anyone who would use this effort on behalf of our POWs to further an agenda that fosters anti-Asian sentiments and racism or Japan-bashing, or otherwise fails to distinguish between Japan's war criminals and Americans of Japanese ancestry, or Japan's current population, for that matter, should be severely admonished.

Mr. Speaker, I urge all Members to support this important motion, and I yield back the balance of my time.

Mr. ROHRABACHER. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, for those reading the CONGRESSIONAL RECORD or those listening to this debate, let us understand exactly what is going on here.

Before the Second World War, America sent thousands of troops to the Philippines in order to defend that country and to deter war with Japan. During the war, of course, Japan attacked and occupied the Philippines and took tens of thousands of American troops into custody, and it was one of the most brutal incarcerations and treatment of prisoners in the history of humankind.

In fact, it resulted in what was called the Bataan Death March, where these men, these Americans who had fought and been in our uniform, they were just marched for days and days without water and food, and thousands of them died along the way in the most brutal type of conditions.

The United States has let those men down. We have told them if they held out in the Bataan Peninsula, that we would come and rescue them. We could not do it during the war because the Japanese had attacked Pearl Harbor and we did not have the military strength to do it, so we let them down.

Then, after they were incarcerated, they were sent to work camps and slave labor camps and concentration camps in Japan and in Manchuria. They were worked like slaves where, again, many of them died under the worst possible conditions.

As the war ended and we put together a peace treaty with Japan, we let them down again. In the treaty, we put some provisions that sounded like we were waiving their rights to sue those Japanese corporations that had tortured them and used them as slave labor. But there was a provision in the treaty that said if Japan signs another treaty with another country that grants more rights to those citizens than our citizens have in the treaty we signed, those rights automatically become American citizens' rights, as well.

So the Japanese, guess what, have signed other treaties, and other people have been permitted to sue those Japanese corporations.

Are we going to let these American heroes down again out of consideration of some huge Japanese corporations who do not want to apologize or to give them some just compensation? I do not think so. This body voted overwhelmingly for that, on the side with our great heroes, overwhelmingly, and the Senate voted for it in a heated debate.

All we are saying today is we are demanding that our conferees not take out this provision behind closed doors. The gentleman from California (Mr. COX) has a measure that suggests that our government pay $20,000 apiece. At the very least, if they are not going to give the right to sue, they should at least come up with the $50 million needed to pay our people off by ourselves.

Mr. Speaker, the bottom line is, our American POWs deserve truth and justice. They deserve their day in court. They do not deserve just a stipend from us. We did let them down, but we were not the ones who tortured them and worked them as slave laborers. They deserve their day in court, they deserve an honest opinion, they deserve an apology from Japan, and yes, they deserve compensation from those Japanese companies that worked them as slave labor.

These are our greatest heroes. This is the message to send to our defenders: We will never let you down again; and those people who march off to defend this country, whether it is against them, the terrorists, or wherever it is, they will know that the American people will not let them down because they have not let us down.

Mr. Speaker, let me just suggest to the gentleman from California (Mr. HONDA), he has worked so hard on this and I deeply admire him for this, because he could have taken some personal criticism from people who tried to make this into a racial issue.

This is not a racial issue. I lived in Japan as a young man myself, and we think nothing but good thoughts and goodwill toward the people of Japan. Most of the people in Japan, as we know, had nothing to do with this, but those Japanese corporations that did, they deserve to be held accountable.

The patriotism of the gentleman from California (Mr. HONDA) and his stepping forward and his courage at a time like this are deeply appreciated because it helps define the issue in the way it should be. I thank the gentleman very much.

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

Mr. Speaker, I think the gentleman should pay close attention to what the gentleman from Virginia (Chairman WOLF) said. We are not debating, perhaps, the merits of this issue. What we are concerned about is, on an appropriations bill, at this time that our country finds itself in, trying to rally support throughout the world, to bring up issues that may only serve to create difficulties.

The gentleman from California (Mr. HONDA) brought up a subject that was on my mind and that, in all honesty, I did not want to bring up. I can tell the Members that, as a Hispanic American, we are living through a time now where a lot of people in this country are taking the opportunity to be nervous about anyone who does not look or act like a ''typical American'' because of what we are going through. So if one is from a group in this country that makes some folks nervous, people are paying too much attention to that and making people's lives a little uncomfortable.

I am also concerned, as he was mentioning it, that some folks would take the opportunity of this discussion to begin to point fingers and be nervous about other groups.

That is our concern. Our concern is not about the merits of the gentleman's presentation; that, we agree with and we understand that is a very serious concern.

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

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

Mr. Speaker, again, we need to take a look at what this is all about. The House and Senate voted overwhelmingly in the House, and yes, with a solid majority in the Senate, to make sure that the survivors of the Bataan Death March, our greatest American heroes, were able to sue those Japanese corporations that worked them as slave labor.

After the war, there was a provision put in the treaty which prevented them from suing these Japanese corporations until the situation changed, which it

did when Japan had agreements with other countries that permitted those countries and the citizens from those countries to sue.

So what we have now is a situation that even after the status of their case and their ability to sue had changed, our State Department became the biggest block to having these heroes from the Bataan Death March exercise their right, because our State Department would intercede in their court cases and undermine their right to sue in court.

What this bill does and why it is necessary to put it on this appropriations bill is, it prevents the State Department from using its resources or its people to interfere with the rights of those American POWs and interfere with their right to take their case to court.

That is why it was important for us to get it on this bill. This was the vehicle. It was written in a way that was ruled in order, so the provision was ruled in order by the Parliamentarian.

This gives us an opportunity to bring justice to these men. They are dying every day. Every day there is another survivor of the Bataan Death March who passes away. All of us have family members who were in World War II, and we are seeing them pass away, at great pain to us. We need to make sure that when they die, they know their country has done right by them.

That is what this is all about. Every day that we postpone this, another number of these men pass into eternity. Let us let them go knowing their country backed them up and appreciated what they did.

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

The SPEAKER pro tempore (Mr. OTTER). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from California (Mr. ROHRABACHER).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

APPOINTMENT OF MEMBERS TO BRITISH-AMERICAN INTERPARLIAMENTARY GROUP

The SPEAKER pro tempore. Without objection, pursuant to 22 United States Code 276l and clause 10 of rule I, the Chair announces the Speaker's appointment of the following Members of the House to the British-American Interparliamentary Group in addition to Mr. PETRI of Wisconsin, chairman, and Mr. GALLEGLY of California, vice-chairman, appointed on May 1, 2001:

Mr. BEREUTER of Nebraska;
Mr. TAYLOR of North Carolina;
Mr. HORN of California;
Mr. GREEN of Wisconsin;
Mr. BROWN of South Carolina;
Mr. SPRATT of South Carolina;
Mr. PRICE of North Carolina;
Mr. POMEROY of North Dakota;
Mr. CLYBURN of South Carolina; and
Mr. ALLEN of Maine.

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

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

(Mr. BROWN of Ohio addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. COLLINS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

(Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

□ 1445

MEDICAL EDUCATION FOR NATIONAL DEFENSE ACT IN THE 21ST CENTURY

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

Mr. BUYER. Mr. Speaker, today, I have introduced the Medical Education for National Defense Act in the 21st Century, H.R. 3254. I would like to thank the gentleman from New Jersey (Mr. SMITH), the gentleman from Florida (Mr. BILIRAKIS), the gentleman from New York (Mr. MCHUGH), the gentleman from Arkansas (Mr. SNYDER), and the gentleman from Florida (Mr. STEARNS). These are Members of the House Committee on Veterans' Affairs, Committee on Armed Services and Committee on Energy and Commerce, with whom we have coordinated on this bill.

This legislation would authorize funds to establish partnership between the Department of Veterans' Affairs, the VA, and the Department of Defense, we call DOD, to develop education and training programs on medical responses to the consequences of terrorist activities.

We are fighting a war on terror on two fronts, domestically and overseas. Unfortunately, as a Nation, we are not prepared for the new face of terror that we have been exposed to in the aftermath of the September 11 attacks. What has become all too clear is that our health care providers are not armed with the proper tools to diagnose and treat casualties in the face of nuclear, biological, and chemical weapons.

The events of September 11 have forced the American people to reexamine many facets as to how we live our lives. We have been forced as a Nation to become more aware of our surroundings and more vigilant in the defense of our freedoms.

Most recently, we have come under attack through our own mail systems by terrorists who have used its efficiency to spread the deadly disease of anthrax. The difficulty experienced by government officials and our health care community, in responding to this attack, use infectious diseases rarely seen by medical personnel that should serve as wake-up call for us all.

A Washington Post article on November 1, 2001 by Susan Okie is a perfect illustration of the urgency of our medical community's lack of preparedness to deal with biological, chemical, and nuclear attacks. Ms. Okie reports the accounts of two of the heroic physicians who treated victims of the anthrax attacks: Dr. Susan Matcha, a Washington, D.C. area physician, and Dr. Carlos Omenaca, of Miami, Florida.

Dr. Matcha was quoted as saying, ''We're really in uncharted territory here. As much as we want to have literature to look at, we really have nothing to guide us.'' According to the article, Dr. Omenaca, who encountered a rare form of inhalation anthrax in the case of Ernesto Blanco, found the description of the symptom that Mr. Blaco displayed in a 1901 textbook.

Just think, a doctor in the United States of America, home of the best medical system of the world, this doctor had to use a medical textbook from the first half of the last century to acquire information that he sought on the diagnosis and prognosis of the anthrax. I find that not only unbelievable but unacceptable.

As disturbed as this makes me, we are not here to try to place blame on this predicament to any group or organization. The reason why so many of our medical personnel feel uncomfortable about their ability to respond to these situations is because very few of

them were taught how to diagnose and give a prognosis for these types of rare diseases in medical school.

In fact, out of all of the medical schools in our country, only one, the Department of Defense Uniform Services University of Health Science, USUHS, has in its core curriculum a program to teach its medical students how to diagnose and treat casualties that have been exposed to chemical, biological, or radiological agents.

That, Mr. Speaker, is why I have introduced legislation to create a partnership between the Department of Defense and the Department of Veterans' Affairs that tasks these two agencies to develop and disseminate a program to both our current medical professionals and current medical students in the Nation's medical schools. We already have a nexus in place between our medical universities, where there is a VA hospital in close proximity. That nexus is already in place and that is what we plan to tap into.

The combination of DOD's expertise in the field of treating casualties resulting from an unconventional attack and the VA's infrastructure of 171 medical centers, 800 clinics, satellite broadcast capabilities, and a preexisting affiliation with 80 medical schools will enable the current and future medical professionals in this country to become knowledgeable and medically competent in the treatment of casualties that we all hope will never materialize.

However, Mr. Speaker, we cannot afford to assume that our country will never have to experience a massive biological, chemical, or radiological attack on the American people. We must, as elected Members, sent by our constituents to Washington to represent their interests, act to ensure that if the worst of fears are realized, our medical professionals will be ready and able to deal with these situations.

Mr. Speaker, I will insert the rest of the statement in the RECORD.

Mr. Speaker, I cannot impress upon you enough the urgency of making sure this proposal is adopted. Both the American Medical Association and the American Association of Medical Colleges have thrown the full weight of their support behind this plan. These two organizations, made up of the doctors who will be on the front lines of this new war, know how vital it is to receive this educational package that the Uniformed Services University of Health Sciences and the VA are currently developing to disseminate to the Nation's medical community.

It is often said that knowledge is power, and in this instance nothing could be truer. The knowledge resulting from the implementation of this act is critical. Our medical professionals need to be exposed to training methods that would enable them to save lives, and I can think of no greater power than that.

Please, join with me and support this important piece of legislation.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

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

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

ENVIRONMENTAL REGULATIONS FOR SMALL BUSINESSES

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

Mr. PENCE. Mr. Speaker, I had two countervailing experiences today. One was to travel to the botanical gardens here on the Capitol Mall and meet with the extraordinary personnel of the Environmental Protection Agency that are overseeing the decontamination at the Hart Senate Office Building and in the offices of the three Members of Congress who have been affected by anthrax contamination.

I witnessed then, as I have witnessed in days past, extraordinary professionalism and a deep commitment to creating an environment that is safe for us and for our staff. The EPA has earned a special place in my heart in the last week. But then I traveled just moments later, Mr. Speaker, across the street where I chaired the Subcommittee on Regulatory Reform and Oversight where I serve as chairman on the Committee on Small Business.

It was there that we took a hard look at the inadequacy of regulatory analyses that agencies use to support rulemaking. And the special emphasis regrettably, Mr. Speaker, was on one agency in particular that was singled out by witness after witness for its poor regulatory analyses, and that agency was the Environmental Protection Agency.

The hearing that we convened today was all about the way that the EPA goes about evaluating the cost and benefit of regulations on small businesses. Small business owners are very familiar with the burdens that Federal regulations place on them. Many studies including those sponsored by the Office of Advocacy of the United States Small Business Administration have shown that small businesses face disproportionately higher costs to comply with Federal regulations, including those issued by the EPA than their larger business counterparts. Thus, accurate estimates of costs, if derived from the experiences of large businesses often, Mr. Speaker, paint a false picture of the impact of regulations or the impact of an EPA regulation on a small business. And if the EPA misjudges the economic impact, it often produces an irrational rule that wages war on the vitality of small business America.

It seems to me, Mr. Speaker, that the polestar of the rule-making process is that regulations should be rational. When Congress passed the Administrative Procedure Act of 1946, it believed that the process of notice, comment, and agency response to the public comment would be sufficient conditions to ensure rational outcome. After the regulatory onslaught in the 1970's which saw the creation of the EPA, and the enactment of many statutes that EPA implements by rule-making, Congress and the executive branch determined that further refinements were necessary.

Congress imposed new analytical requirements to assess the impacts on small business and other entities. Presidents Reagan, Bush, and Clinton produced executive orders all in different ways mandating the analysis of cost and benefits. And even my own predecessor, Congressman David McIntosh, led the charge here on Capitol Hill to create a rational process whereby the regulatory state would analyze the cost of the regulations versus the benefit to the environment or the health and safety of employees.

In 1980 Congress enacted the Regulatory Flexibility Act as well. The RFA represents another tool in the decisional calculus designed to develop rational rules. The Reg Flex Act, as it is affectionately known by many in small business circles, requires Federal agencies to consider whether their proposal for final regulations will have a significant economic impact on a substantial number of small businesses.

Despite this legacy since 1946 of demanding a rational foundation for government regulations, Mr. Speaker, sadly, today at our hearing we heard of a very very different tale, indeed. What I heard from one witness after another is that not only the EPA but many Federal and administrative agencies pay very little regard to the difference between the size of businesses when they impose paperwork requirements. And their estimates of the cost of compliance are often far afield of the reality of many small businesses like the one that I started in my basement or like the one my late father ran throughout his lifetime in Columbus, Indiana.

There is a great Biblical tale of the pharisee, Mr. Speaker, who heaps burden upon burden on the traveler but never lifts a finger to help them carry that burden. At our hearing today for the Subcommittee on Regulatory Reform and Oversight of the Committee on Small Business, we heard the need for the EPA and other elements of the administration in the regulatory state to cease adding burdens to travelers but now to begin to think about the size and scope of those enterprises, to lift that burden and let us begin an era of unburdening American small business of Federal and regulatory red tape.

HATE CRIMES LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, the savage attacks of September 11 resulted in the deaths of more than 5,000 innocent victims. To add to this horror, the horror of terrorist strikes, acts of violence against Muslims and Arab-Americans increased dramatically throughout the United States since September 11.

The Council of American Islamic relations has received more than 300 reports of harassment and abuse committed against innocent Sikhs, Arabs, Indians, and people of Muslim faith.

Communities across the Nation are horrified by these brutal crimes: a threat to a turban-wearing Sikh in Connecticut, an attack of a woman on a Maryland college campus, rocks thrown through an open bedroom window in Roanoke, Virginia.

Hate crimes are not new to our country, but these are different. The victims of these hate crimes were children. The victim in Connecticut was a second grader. The woman was a teenager attacked by fellow young adults. And the child who barely missed being hit by a rock was only two years old.

Throughout the country, Muslim and other Arab-American children are fearful of attacks on the street, in their homes, and at their schools in reprisal for the terrorist strikes of September 11.

Muslim private schools have canceled classes. Parents are being asked to help patrol school yards, and according to the American-Arab Anti-Discrimination Committee, many parents have kept their children home from both public and private schools.

Although hate crimes have been on the decline recently, law enforcement officials and leaders in Arab-American and Muslim communities are preparing for more trouble because children are still being attacked by fellow classmates and schools are still being vandalized.

□ 1500

In the past week, two Malaysian students at Indiana University were assaulted and an Afghan student in New York was attacked by fellow students. Only last month a threatening note found by a Palmdale, California, high school forced five Muslim-American students to stay home for their own safety.

No one in America should live in fear because of his or her ethnic background or religious affiliation. This is especially true for children. That is why it is clearer than ever before just how important it is to pass meaningful hate crimes legislation.

Children and their families are suffering as a result of the ignorance, fear and hate of others. We need to strengthen our existing laws to protect them against all hate crimes. We must send a message, especially to our children, that hateful behavior is wrong and will not be tolerated.

Children must be given guidance to resolve conflicts peacefully, to build bridges across issues of difference. As a member of the Committee on Education and the Workforce, I worked to pass the Elementary and Secondary Education Act, ESEA, reauthorization, which includes funding for education and training programs, curricula and instructional materials to prevent crimes. We need to build on this education step because State governments and local police need vigorous tools to fight and prosecute hate crimes. Sadly, existing Federal law is inadequate.

That is why I am a strong supporter of the Local Law Enforcement Hate Crimes Prevention Act of the year 2001, sponsored by the gentleman from Michigan (Mr. CONYERS). That act will empower existing hate crime legislation by making it easier for Federal law enforcement to investigate and prosecute crimes motivated by race, by color, by religion and national origin, as well as gender, sexual orientation, and disability.

Cosponsored by 199 bipartisan Members of the House of Representatives, the Local Law Enforcement Hate Crimes Prevention Act has, unfortunately, been cast aside by the Republican leadership. That is absolutely unacceptable. There could not be a better or more needed time to bring this legislation to the floor and to pass it. It will give Federal authorities the jurisdictional muscle they need to effectively prosecute hate crimes.

Parents and young adults need to be examples to our children. We need to show them how to deal with conflict, how to avoid hate crimes, and how much we disapprove of hate crimes. Teaching our children how to resolve issues of difference and broadening the scope of punishable hate crimes will ensure America's future by protecting our children.

After the attacks of September 11, innocent children must not be added to the long list of victims in our Nation.

HUMANITARIAN AND FOOD ASSISTANCE IN RESPONSE TO TERRORISM

The SPEAKER pro tempore (Mr. OTTER). Under a previous order of the House, the gentlewoman from North Carolina (Mrs. CLAYTON) is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, the events of September 11 have been devastating to the country. The horrific attacks upon the World Trade Center, the Pentagon, and the subsequent anthrax attacks have shaken all of us deeply.

It is both appropriate and imperative that we respond swiftly and surely to those who have perpetrated these horrific deeds. We must not allow actions of terror against American citizens to be carried out without a response.

However, alongside our military response, we must implement our humanitarian and diplomatic response where it shows our compassion and care for those citizens of developing worlds who have suffered greatly at the hands of autocrats and dictators who would keep them in fear. We must exert the same kind of energy and resources against poverty, hunger, and autocracy that we are appropriately exerting against terrorism. This allows us to eradicate the scourge of terror of the threat to American citizens and our interests nationally and internationally.

Fighting terror is not just a matter of eliminating military threats, as the President has appropriately said, but is also for eliminating the root of the desperation as well as the root of the fears and the misconceptions that are born out of a life without hope and a childhood without thoughts of a better tomorrow.

In short, as we fight this campaign against this awful terror that has been brought against us, we must strive to ensure that our humanitarian response is not seen as an afterthought or as secondary to our military and democratic success, but as an intricate part of our foreign policy.

I urge my colleagues who will soon be considering the conference bill of Foreign Operations to bear in mind the importance of strengthening our foreign assistance humanitarian response to terror alongside our military campaign, and to act to increase our commitment to fighting the scourge of terror, hunger, and poverty through foreign assistance which supports economic and political opportunities and encourages political stability, thereby strengthening American interests internationally.

This Foreign Operations budget contains many tools in the fight against terror. We must focus our assistance upon the most vulnerable populations of the world who bear the burden of terror and of dictatorship all over their countries.

Among other things, the foreign operations budget contains money for combating the infectious disease that has indeed engulfed and has ravaged developing countries across the world, that of AIDS and tuberculosis. It provides money for the United Nation's High Commission on Refugees, again an appropriate appropriation. It also funds our commitment for the World Food Program, which, in recent weeks, has been working against terrible odds, with millions of people starving in Afghanistan who, too, hate the Taliban just as much as we do. They do not have an opportunity for an average life or making decisions. These resources, indeed, would help us help them to have a better life.

I urge my colleagues today to consider the value of these important investments as they consider the resources of the Foreign Operations budget and to ratchet up, not reduce down, the fight against terrorism by increasing our financial commitment

to a worthy cause that indeed allows us to show our humanitarian side as well as our diplomatic side, which are important complementary tools in our fight against terrorism.

A LEADER FOR SPACE

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

Mr. HORN. Mr. Speaker, today, the House has taken final action on the appropriations bill that funds the National Aeronautics and Space Administration. This is an appropriate time to recognize the extraordinary contributions of NASA Administrator Dr. Dan Goldin, whose energy and vision have been essential to continuing our Nation's leadership in space exploration.

As he prepares to leave NASA and return to the private sector, we should recognize Dan Goldin's superb leadership during his tenure as head of America's space agency.

My association with Dan Goldin began not long after I came to the House of Representatives in 1993. I learned that NASA was considering cutting jobs at the space shuttle manufacturing plant in Downey. We discussed NASA's plans over coffee in the Members Dining Room, and I told him of my concerns about further job losses in Southern California, where the economy already was devastated.

I was impressed from the very beginning by Dan's forthrightness, his commitment to what he viewed as best for the space program, and his willingness to listen to new and different ideas. Unfortunately, the scale-down of the shuttle program and the consolidation of space-related activities was unavoidable.

The manufacturing plant in Downey, sadly, has been closed. Those who worked there have retired or have gone to other jobs in Southern California. These are the workers who developed and built the Apollo moon capsules, the Sky Laboratory, and all of our space shuttles.

Throughout this process, Dan Goldin has been true to his word in working with me and the City of Downey to address hardships created by the closure and to overcome barriers to an orderly transfer of the NASA property to the City of Downey. He recognized the city's need to get on with its economic revitalization. He has consistently directed NASA officials in Washington and Houston to work with Downey to move forward.

In October 1998, a ceremony was held in Downey for the transfer of the first parcels of the NASA property to the city. The transfer process had faced various delays and complications, but the ceremony was a great tribute to the strong working relationship that had been developed between NASA and the city in completing this difficult transition.

NASA's timetable calls for completion of the process in March 2002. A number of steps are required between now and then, and it is critical for Downey that there be no slips in that time line. It already has been several years since the facility was closed. It is critical that Downey receive the final parcels so that its economic revitalization plan can move forward and the developer can begin working to restore the city's economy.

We continue to work with Dan Goldin, Associate Administrator Sutton, and other senior NASA officials in this important effort. I know they will continue to do all they can to keep the schedule on track.

I wish Dan Goldin all the best as he leaves NASA for new challenges. I know that Downey officials look forward to inviting Dan to visit the city so they can thank him for helping advance a much-needed economic recovery effort.

Mr. Speaker, Dan Goldin is the ablest leader and executive of any major department in Washington during the years I have had in Congress. When President Clinton cut $5 billion from the NASA budget and the space shuttle program, many key people went elsewhere. They gave up. Dan Goldin refused to despair. Instead, he provided the leadership that was needed to pull the program together and continue NASA's vital missions.

As a result, today we have an excellent space program and a growing partnership with Russia. Dan Goldin deserves our thanks for a job well done and our best wishes in all of his new endeavors. He has served our Nation well.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 981

Mr. COMBEST. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 981.

The SPEAKER pro tempore (Mr. SHUSTER). Is there objection to the request of the gentleman from Texas?

There was no objection.

DEPARTMENT OF TRANSPORTATION 1999 REPORTS ON ACTIVITIES UNDER NATIONAL TRAFFIC AND MOTOR VEHICLE SAFETY ACT OF 1966, HIGHWAY SAFETY ACT OF 1966, AND MOTOR VEHICLE INFORMATION AND COST SAVINGS ACT OF 1972

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce.

To the Congress of the United States:

I transmit herewith the Department of Transportation's Calendar Year 1999 reports on Activities Under the National Traffic and Motor Vehicle Safety Act of 1966, the Highway Safety Act of 1966, and the Motor Vehicle Information and Cost Savings Act of 1972.

GEORGE W. BUSH.

THE WHITE HOUSE, *November 8, 2001*.

HONOR THE FALLEN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentlewoman from Virginia (Mrs. JO ANN DAVIS) is recognized for 60 minutes as the designee of the majority leader.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I have before me a growing list of over 3,000 individuals who perished on September 11, 2001. This list, provided by the Congressional Research Service, includes the names of many of the victims of the recent horrific attacks on our great Nation. I stand before the House to pay my respects to our fallen brothers and sisters, and I encourage my colleagues to join me today, and for as many days as it takes, in honoring those individuals who lost their lives or are still missing.

We have all heard the numbers, the devastation, the pain of the families and our Nation's anguish. What we have not heard in Washington are these names. These individuals all represented a life, a family, an employer, a country, a way of life. I hope to in some small way honor these individuals by reading their names aloud for all to hear of America's and our world's tremendous pain and loss.

These individuals will not be soon forgotten. By reading their names, we do not bring them back or even ease the pain of families and friends, but again we show that this House and our Nation honor our fallen brothers and sisters.

As the wife of a retired professional firefighter of 30 years, this tragedy hit especially close to home. Hundreds of firefighters and police officers were killed and injured on September 11, 2001, because of their brave attempts to save victims of the brutal attacks, and left families, friends, and countrymen grieving the loss of these courageous souls. These dedicated professionals are in my thoughts and prayers.

I, like many of my colleagues, lost constituents in this awful attack. I ask for God's blessing on Virginia's First District residents Teresa Martin, Marian Serva, Martha Reszke, Allen Boyle and Brenda Gibson. Please forgive me in advance for any mispronunciations of names.

Additionally, I ask for God's blessings on the following:

□ 1515

Mrs. JO ANN DAVIS of Virginia. Gordon McCannel Aamoth, Maria Rose Abad, Edelmiro Abad, Andrew Anthony Abate, Vincent Abate, Laurence Abel, William Abrahamson, Richard Anthony Aceto, Heinrich B. Ackermann, Paul Andrew Acquaviva, Christian Adams, Stephen George Adams, Donald Leroy Adams, Shannon Lewis Adams, Patrick

Adams, Ignatius Adanga, Christy A. Addamo, Terence E. Adderley, Jr., Sophia Buruwa Addo, Lee Adler, Daniel T. Afflitto, Emmanuel Afuakwah, Alok Agarwal, Mukul Agarwala, Joseph Agnello, David S. Agnes, Joao A.D. Aguiar, Jr., Brian G. Ahearn, Joanne Ahladiotis, Shabbir Ahmed, Terrance Aiken, Godwin Ajala, Nana Akwasi-Mienkah, Boutros al-Hashim, Gertrude ''Trudi'' M. Alagero, Andrew Alameno, Manuel A. Alarcon, Margaret ''Peggy'' Jezycki Alario, Gary Albero, Jon L. Albert, Peter Craig Alderman, Jacquelyn D. Aldridge, Grace Alegre-Cua, David Dewey Alger, Ernest Alikakos, Edward L. Allegretto, Eric Allen, Samantha Lightbourn Allen, Richard L. Allen, Joseph Ryan Allen, Richard Allen, Christopher E. Allingham, Anna Williams Allison, Janet Alonso, Anthony Alvarado, Antonio Javier Alvarez, Telmo Alvear, Cesar A. Alviar, Tariq Amanullah, Angelo Amaranto, James M. Amato, and Joseph Amatuccio.

Mr. Speaker, I yield to my colleague, the gentleman from Illinois (Mr. SHIMKUS).

Mr. SHIMKUS. Paul Ambrose, Christopher C. Amoroso, Craig Amundson, Kazuhiro Anai, Calixto ''Charlie'' Anaya, Jr., Jorge Octavio Santos Anaya, Joe Anchundia, Peter Anchundia, Jeff John Andersen, Kermit Charles Anderson, Yvette C. Anderson, John Andreacchio, Michael Rourke Andrews, Jean A. Andrucki, Siew Nya Ang, Joseph Angelini, Jr., Joseph Angelini, Sr., David Lawrence Angell, Lynn Angell, Laura Angilletta, Doreen J. Angrisani, Lorraine Del Carmen Antigua, Seima Aoyama, Peter Paul Apollo, Faustino Apostol, Jr., Frank Thomas ''F.T.'' Aquilino, Patrick Michael Aranyos, David Arce, Michael G. Arczynski, Louis Arena, Barbara Arestegui, Adam P. Arias, Michael Joseph Armstrong, Jack Charles Aron, Joshua Todd Aron, Richard A. Aronow, Myra Aronson, Japhet Aryee, John Asam, Carl Asaro, Michael Asciak, Michael Edward Asher, Janice M. Ashley, Thomas J. Ashton, Manuel O. Asitimbay, Gregg Atlas, Debbie S. Attlas-Bellows, Gerald Atwood, James Audiffred, Frank Louis Aversano, Jr., Ezra Aviles, Alona Avraham, Samuel Ayala, Sandy Ayala, Arlene T. Babakitis, Eustace ''Rudy'' Bacchus, John Badagliacca, Jane Ellen Baeszler, Robert John Baierwalter, Garnet ''Ace'' Bailey, Brett T. Bailey, Andrew J. Bailey, Thomas Baiter.

Mr. Speaker, I yield back to my colleague from Virginia.

Mrs. JO ANN DAVIS of Virginia. Tatyana Bakalinskaya, Anthony Daniel Baker, Michael S. Baksh, Julio Minto Balanca, Sharon Balkcom, Michael Andrew Bane, Kathy Bantis, Gerard Baptiste, Guy Bar-Zvi, Walter Baran, Gerard A. Barbara, Paul V. Babaro, James W. Barbella, Ivan Kiryllos Fairbanks Barbosa, Victor Daniel Barbosa, Christine Barbuto, Geraldo Barcene, Colleen Ann (Meehan) Barkow, David Michael Barkway, Sheila P. Barnes, Melissa Rose Barnes, Matthew Barnes, Evan J. Baron, Renee Barrett-Arjune, Arthur T. Barry, Maurice ''Moe'' Vincent Barry, Diane Barry, Scott D. Bart, Carlton W. Bartels, Inna Basina, Alysia Basmajian, Kenneth W. Basnicki, Steven Bates, Paul James Battaglia, W. David Bauer, Marlyn Bautista, Ivhan Luis Carpio Bautista, Mark Bavis, Jasper Baxter, Lorraine G. Bay, Michelle Beale, Todd Beamer, Paul F. Beatini, Jane S. Beatty, Alan Beaven, Larry Beck, Manette Marie Beckles, Carl Bedigian, Michael E. Beekman, Marla Asuncion Behr, Max Beilke, Helen Belilovsky, Nina Patrice Bell, Stephen Belson, Paul Benedetti, Denise Lenore Benedetto, Eric Bennett, Bryan Craig Bennett, Judith Bennett, Oliver Bennett, Margaret L. Benson, Dominick J. Berardi, James Patrick Berger.

Mr. Speaker, I yield to the gentleman.

Mr. SHIMKUS. Steven Howard Berger, John Bergin, Alvin Bergsohn, Daniel D. Bergstein, Michael Berkeley, Graham Andrew Berkeley, Donna Bernaerts-Kearns, William ''Bill'' Bernstein, David M. Berray, Joseph J. Berry, David S. Berry, William Reed Bethke, Cynthia Betia, Yeneneh Betru, Timothy D. Betterly, Carolyn Beug, Bob Beurlein, Jr., Edward F. Beyea, Paul Beyer, Anil T. Bharvaney, Bella Bhukan, Jim Biberson, Shimmy D. Biegeleisen, Peter Bielfeld, William Biggart, Ralph Bijoux, Brian Bilcher, Mark Bingham, Carl Bini, Gary Bird, Joshua David Birnbaum, Geroge John Bishop, Kris Romeo Bishundat, Jeffrey D. Bittner, Balewa Albert Blackman, Christopher Blackwell, Carrie Blagburn, Susan Blair, Harry Blanding, Jr., Craig Michael Blass, Rita Blau, Richard M. Blood, Michael Andrew Boccardi, John Paul Bocchi, Michael L. Bocchino, Susan M. Bochino, Deora Bodley, Bruce Douglas Boehm, Mary Catherine Boffa, Nicholas A. Bogdan, Darren C. Bohan, Lawrence F. Boisseau, Vincent Boland, Jr., Touri Bolourchi, Howard J. Bolton, Jr., Alan Bondarenko, Andre Bonheur, Renato Bonifacio, Colin Arthur Bonnett, Yvonne L. Bonomo, Frank Bonomo, Sean Booker, Kelly Ann Booms.

Mr. Speaker, I yield back to the gentlewoman.

Mrs. JO ANN DAVIS of Virginia. Canfield D. Boone, Mary Jane ''M.J.'' Booth, Juan Jose Borda Leyva, Sherry Bordeaux, Krystine C. Bordenabe, Martin Boryczewski, Richard E. Bosco, Klaus Bothe, Carol Bouchard, J. Howard Boulton, Jr., Francisco Bourdier, Thomas H. Bowden, Jr., Donna Bowen, Kimberly S. Bowers, Veronique Nicole Bowers, Shawn Edward Bowman, Jr., Larry Bowman, Kevin L. Bowser, Gary Box, Gennady Boyarsky, Michael Boyce, Pamela Boyce, Michael Boyle, Allen Boyle, Alfred J. Braca, Sandra Conaty Brace, Kevin Bracken, Sandra W. Bradshaw, David Brian Brady, Alexander Braginsky, Nicholas Brandemarti, David Brandhorst, Daniel Brandhorst, Michelle Renee Bratton, Patrice Braut, Lydia E. Bravo, Ronald Breitweiser, Peter Brennan, Thomas M. Brennan, Michael Emmett Brennan, Edward A. ''Ted'' Brennan, III, Frank Brennan.

Mr. Speaker, I yield to the gentleman from Illinois.

Mr. SHIMKUS. Daniel J. Brethel, Gary L. Bright, Jonathan Briley, Mark A. Brisman, Paul Bristow, Victoria Alvarez Brito, Marion Britton, Mark Francis Broderick, Herman Broghammer, Keith Broomfield, Bernard Curtis Brown, Janice J. Brown, Patrick Brown, Lloyd Brown, Bettina Browne-Radburn, Mark Bruce, Richard Bruehert, Andrew Brunn, Vincent Brunton, Ronald Paul Bucca, Brandon Buchanan, Greg Joseph Buck, Dennis Buckley, Nancy Bueche, Patrick Joseph Buhse, John E. Bulaga, Jr., Steve Bunin, Christopher Lee Burford, Matthew J. Burke, William F. Burke, Jr., Thomas Daniel Burke, Charles ''Chick'' Burlingame, III, Thomas E. Burnett, Jr., Donald James Burns, Keith James Burns, Kathleen A. Burns, John Patrick Burnside, Irina Buslo, Milton Bustillo, Rachel Butler, Thomas Butler, Timothy G. Byrne, Daniel Martin Caballero, Jesus N. Cabezas, Lillian Caceres, Brian Cachia, Steven Cafiero, Jr., Richard Caggiano, Cecile Caguicla, John Brett Cahill, Thomas J. Cahill, Scott Walter Cahill, Michael John Cahill, George Cain, Salvatore Calabro, Joseph Calandrillo, Philip V. Calcagno, Jose Orlando Calderon, Edward Calderon, Kenny Caldwell, Dominick Calia, Bobby Calixte, Felix Calixte, Liam Callahan, Frank Callahan, Suzanne Calley, Gino Calvi, Luigi Calvi, Roko Camaj, Michael Cammarata, Geoffrey Thomas Campbell, David Otey Campbell, Robert Campbell, Sandra Campbell, Jill Marie Campbell, Juan Ortega Campos, Sean T. Canavan, John A. Candela, Vincent Cangelosi, Stephen J. Cangialosi, Lisa Cannava, Brian Cannizzaro, Christopher Sean Canton.

Mr. Speaker, I yield to the gentlewoman from Virginia.

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Mrs. JO ANN DAVIS of Virginia. Michael R. Canty, Louis A. Caporicci, Jonathan Neff Cappello, James Christopher Cappers, Richard Caproni, David Cardinale, Jose Cardona, Dennis Carey, Edward Carlino, Michael Carlo, David G. Carlone, Rosemarie C. Carlson, Mark Stephen Carney, Joyce Carpeneto, Ivhan Carpio, Alicia Acevedo Carranza, Jeremy M. Carrington, Peter J. Carroll, Michael Carroll, James J. Carson, Jr.; Christoffer Carstanjen, Angelene C. Carter, James Cartier, Joel Cartridge, Sharon Carver, Vivian Casalduc, John F. Casazza, Paul Reegan Cascio, Neilie Anne Heffernan Casey, William Cashman, Margarito Casillas, Thomas Anthony Casoria, William Otto Caspar, Alejandro Castano, Arcelia ''Chela'' Castillo, Leonard Castrianno, Jose Raymond Castro, William E. Caswell, Richard G. Catarelli, Sean Caton, Robert J. Caufield, Mary Teresa Caulfield, Judson Cavalier, Michael Joseph

Cawley, Jason D. Cayne, Juan Armando Ceballos, Marcia G. Cicil-Carter, Jason Cefalu, Thomas J. Celic, Ana M. Centeno, John J. Chada, Jeffrey M. Chairnoff, Swarna Chalasani, William Chalcoff, Eli Chalouh, Valerie Chambers, Charles ''Chip'' Chan, Linda Chang, Mandy Chang, Rosa Maria ''Rosemary'' Chapa, Mark L. Charette, David M. Charlebois, Gregorio Manuel Chavez.

Mr. SHIMKUS. Pedro Francisco Checo, Yuan Chenglian, Stephen Patrick Cherry, Douglas MacMillan Cherry, Vernon Paul Cherry, Swede Joseph Chevalier, Nestor Chevalier, Alexander H. Chiang, Dorothy J. Chiarchiaro, Luis Alfonso Chimbo, Robert Chin, Wing Wai ''Eddie'' Ching, Nicholas Chiofalo, John Chipura, Peter A. Chirchirillo, Catherine E. Chirls, Kyung ''Kaccy'' Cho, Yeon Ho Choi, Mohammad Salahuddin Chowdhury, Abdul K. Chowdhury, Kirsten L. Christophe, Pamela Chu, Steven P. Chucknick, Wai Chung, Christopher Ciafardini, Alex Ciccone, Frances Ann Cilente, Elaine Cillo, Edna Cintron, Nestor Andre Cintron, Robert Cirri, Juan Pablo Cisneros, Sarah Clark, Buddah Clark, Thomas R. Clark, Gregory A. Clark, Eugene Clark, Benjamin Keefe Clark, Mannie Leroy Clark, Christopher Robert Clarke, Donna Clarke, Michael Clarke, Suria R.E. Clarke, Kevin F. Cleary, Jim Cleere, Nestor Clinton, Geoffrey W. Cloud, Susan M. Clyne, Steven Coakley, Jeffrey Coale, Patricia A. Cody, Daniel Michael Coffey, Jason Matthew Coffey, Kevin Sanford Cohen, Florence Cohen, Anthony Coladonato, Stephen J. Colaio, Mark J. Colaio, Christopher Colasanti, Kevin N. Colbert, Michel Paris Colbert, Tarel Coleman, Keith E. Coleman.

Mrs. JO ANN DAVIS of Virginia. Scott Thomas Coleman, Liam Colhoun, Robert D. Colin, Jean M. Colin, Robert Joseph Coll, Thomas J. Collins, John Collins, Michael Collins, Jeffrey Collman, Patricia M. Colodner, Linda M. Colon, Sol E. Colon, Ronald Comer, Jaime Concepcion, Albert Conde, Robert Condon, Denease Conley, Susan Clancy Conlon, Margaret Mary Conner, John E. Connolly, Jr., Cynthia L. Connolly, James Lee Connor, Jonathan ''J.C.'' Connors, Kevin P. Connors, Kevin F. Conroy, Brenda E. Conway, Dennis Michael Cook, Helen Garcia Cook, Kevin Cook, Jeffrey Coombs, Julian Cooper, Zandra Cooper, John Cooper, James L. Cooper, Joseph J. Coppo, Jr.; Gerard J. Coppola, Joseph A. Corbett, John ''Jay'' Corcoran, Robert Cordice, David Vargas Cordoba, Ruben D. Correa, Daniel A. Correa-Gutierrez, Georgine Rose Corrigan, James Corrigan, Carlos Cortes, Adianes Cortes-Oyolla, Kevin M. Cosgrove, Dolores Marie Costa, Digna A. Costanza, Charles G. Costello, Michael Costello, Asia Cottom, Conrod K.H. Cottoy, Sr.; Martin Coughlan, Timothy John Coughlin, John Coughlin, James Cove, Frederick John Cox, Andre Cox, James Raymond Coyle, Michelle Coyle-Eulau, Christopher S. Cramer, Anne Martino Cramer.

Mr. SHIMKUS. Eric Allen Cranford, Denise Crant, Robert Crawford, James Leslie Crawford, Jr.; Tara Kathleen Creamer, Joanne Cregan, Lucia Crifasi, John Crisci, Daniel Crisman, Dennis A. Cross, Helen Crossin-Kittle, Thomas G. Crotty, Kevin Raymond Crotty, John R. Crowe, Welles Remy Crowther, Robert Cruikshank, Francisco Cruz, John Robert Cruz, Grace Cua, Kenneth John Cubas, Francisco C. Cubero, Thelma Cuccinello, Richard Joseph Cudina, Neil Cudmore, Thomas P. Cullen, III; Joyce Cummings, Brian Thomas Cummins, Nilton Albuquerque Fernao Cunha, Michael ''Mickey'' J. Cunningham, Robert Curatolo, Laurence Curia, Paul Dario Curioli, Patrick Currivan, Beverly Curry, Michael Curtin, Patricia Cushing, Gavin Cushny, Vincent D'Amadeo, Jack L. D'Ambrosi, Mary Yolanda D'Antonio, Edward D'Atri, Michael D'Auria, Manuel J. Da Mota, Caleb Arron Dack, Carlos S. DaCosta, Jason Dahl, Brian Paul Dale, John Dallara, Thomas A. Damaskinos, Jeannine Damiani-Jones, Patrick Danahy, Vincent G. Danz, Dwight Donald Darcy, Elizabeth Ann Darling, Mellisa Darmis, Annette Andrea Dataram, Scott Matthew Davidson, Lawrence Davidson, Michael Allen Davidson, Julane Davidson, Niurka Davila, Rose Feliciano Davila, Ada Davis.

Mrs. JO ANN DAVIS of Virginia. Clinton Davis, Wayne T. Davis, Calvin Dawson, Richard Dawson, Edward James Day, Gloria De Barrera, Jayceryll M. De Chavez, Emerita De la Pena, Azucena de la Torre, Cristina de Laura, Oscar de Laura, Frank A. De Martini, Melanie de Vere, William T. Dean, Robert J. DeAngelis, Jr.; Thomas P. DeAngelis, Dorothy Dearaujo, Tara Debek, James Debeuneure, Anna DeBin, James Vincent Deblase, Paul DeCola, Gerald Francis Deconto, Simon Dedvukaj, Jason DeFazio, David DeFeo, Nereida DeJesus, Monique E. DeJesus, Jennifer DeJesus, Manuel Del Valle, Jr.; Donald A. Delapenha, Vito J. DeLeo, Danielle Delie, Joseph Della Pietra, Andrea Dellabela, Palmina Deli Gatti, Colleen Ann Deloughery, Joseph DeLuca, Anthony Demas, Martin N. DeMeo, Francis X. Deming, Carol K. Demitz, Thomas F. Dennis, Kevin Dennis, Jean C. DePalma, Jose Nicholas Depena, Robert Deraney, Michael DeRienzo, David Derubbio, Christian D. DeSimone, Edward DeSimone, Andrew J. Desperito, Michael J. Desposito, Cindy Deuel, Jerry DeVito, Robert P. Devitt, Jr.; Dennis Devlin, Gerard Dewan, Simon Dhanani, Michael Diagostino, Nancy Diaz, Lourdes Galleti Diaz, Matthew Diaz.

Mr. SHIMKUS. Judith Berquis Diaz-Sierra, Patricia F. Dichiaro, Rodney Dickens, Jerry D. Dickerson, Joseph Dermott Dickey, Jr.; Lawrence Patrick Dickinson, Michael David Diehl, Michael Diez-Piedra, III; John DiFato, Vincent Francis DiFazio, Carl DiFranco, Donald J. DiFranco, Eddie Dillard, Debra Ann DiMartino, David DiMeglio, Stephen Patrick Dimino, William J. Dimmling, Marisa DiNardo Schorpp, Christopher M. Dincuff, Jeffrey M. Dingle, Anthony DiOnisio, George DiPasquale, Joseph DiPilato, Douglas F. DiStefano, Donald Ditullio, Mark Dixon, Ramzi Doany, Johnnie Doctor, Jr.; John J. Doherty, Melissa Doi, Robert Edward Dolan, Brendan Dolan, Neil M. Dollard, James Domanico, Benilda P. Domingo, Alberto Dominguez, Geronimo ''Jerome'' Dominguez, Charles Dominguez, Kevin W. Donnelly, William Howard Donovan, Jacqueline Donovan, Stephen S. Dorf, Marcello S. Dos-Santos, Thomas Dowd, Kevin Dowdell, Mary Yolanda Dowling, Ray M. Downey, Frank Joseph Doyle, Joseph Doyle, Randy Drake, Stephen Patrick Driscoll, Patrick Joseph Driscoll, Janet Driscoll, Charles Droz, Mirna A. Duarte, Michelle Duberry, Rita DuBrow, Luke A. Dudek, Christopher Michael Duffy, Michael Joseph Duffy, Gerard Duffy, Thomas W. Duffy, Antoinette Dugar.

Mrs. JO ANN DAVIS of Virginia. Sareve Dukat, Allen D. Duncan, Christen Duncan, Donrad Duncan, Patrick S. Dunn, Richard Dunstan, Patrick Dwyer, Joseph Anthony Eacobacci, Bruce Eagleson, Catherine Eagon, Edward Thomas Earhart, Robert Eaton, Dean P. Eberling, Margaret Echtermann, Paul Robert Eckna, Gus Economos, Barbara G. Edwards, Dennis M. Edwards, Michael Hardy Edwards, Martin J. Egan, Jr.; Lisa Egan, Samantha Egan, Michael Egan, Christine Egan, Carole Eggert, Lisa Caren Weinstein Ehrlich, John Ernst ''Jack'' Eichler, Brian Eill, Eric Adam Eisenberg, Daphne Elder, Michael Elferis, Mark Ellis, Valerie Silver Ellis, Albert Alfy William Elmarry, Robert Randolph Elseth, Edgar H. Emery, Henry Eneman, Doris Suk-Yuen Eng, Christopher S. Epps, Ulf R. Ericson, Erwin L. Erker, William John Erwin, Sarah Ali Escarcega, Melaku Eskedar, Fanny M. Espinoza, Francis Esposito, Michael Esposito, William Esposito, Brigette Esposito, Ruben Esquilin, Jr., Sadie Ette, Barbara G. Etzold, Robert Evans, Eric Brian Evans, Meredith Ewart, Jason Ezker, John Fabian, Patricia M. Fagan, Catherine K. Fagan, Michael Fahey, Keith Fairben, Charles S. Falkenberg, Dana Falkenberg.

Mr. SHIMKUS. Zoe Falkenberg, Jamie Lynn Fallon, William F. Fallon, Jr.; William L. Fallon, Jr.; Anthony J. Fallone, Jr.; Dolores Fanelli, Robert J. Fangman, John Joseph ''Jack'' Fanning, Kit Faragher, Shea Faria, Thomas J. Farino, Nancy Carold Farley, Paige Farley-Hackel, Betty Farmer, Douglas Farnum, Thomas P. Farreley, Terrence Patrick Farrell, John William Farrell, John Gerard Farrell, Joseph Farrelly, Syed Abdul Fatha, Christopher Faughnan, Wendy Faulkner, Shannon Fava, Bernard D. Favuzza, Robert Fazio, Ronald Carl Fazio, Nikia Feaster, Janet Feathers, William M. Feehan, Francis ''Frank''

Feely, Garth E. Feeney, Sean Fegan, Lee Fehling, Peter Feidelberg, Alan D. Feinberg, Arnold Feinberg, Edwardo Feliciano, Rosa M. Feliciano, Edward Porter Felt, Diane Fenelli, Chris Fenyo, Edward T. Fergus, Jr.; James Joe Ferguson, George J. Ferguson, Henry Fernandez, Judy H. Fernandez, Jose Manuel Contreras Fernandez, Julio Fernandez Ramirez, Joy Fernendez, Elisa Ferraina, Robert Ferris, Vincent W. Ferrone, David Francis Ferrugio, Louis Fersini, Mike Ferugio, Bradley Fetchet, Jennifer Louise Fialko, Kristen Fiedel, Amelia Virginia Fields, Samuel Fields, Alex Filipov, Michael Bradley Finnegan.

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Mrs. JO ANN DAVIS of Virginia. Timothy J. Finnerty, Michael Firoe, Steven J. Fiorelli, Paul Fiori, John Fiorito, John Fischer, Gerald P. Fisher, Thomas Joseph Fisher, John Roger Fisher, Bennett Lawson Fisher, James Fisher, Andrew Fisher, Lucy Fishman, Michael Joseph Fitzgerald, Ryan Daniel Fitzgerald, Tom Fitzpatrick, Richard Fitzsimons, Sal A. Fiumefreddo, Wilson ''Bud'' Flagg, Darlene D. Flagg, Christina Flannery (Donovan), Eileen Flecha, Andre Fletcher, Carl M. Flickinger, Matthew Michael Flocco, John Joseph Florio, Joseph W. Flounders, Carol Flyzik, Michael N. Fodor, David Lawrence William Fodor, Steven Mark Fogel, Thomas Foley, Jane C. Folger, David Fontana, Dennis Foo, Bobby Forbes, Delrose Forbes-Cheatam, James Henry Lee Ford, Godwin Forde, Gregg Foreman, Donald A. Foreman, Christopher Hugh Forsythe, Sandra N. Foster, Claudia Alicia Foster, Noel J. Foster, Ana Fosteris, Robert J. Foti, Yolet Fouchet, Jeffrey L. Fox, Virginia Fox, Lucille Virgen Francis, Pauline Francis, Joan Francis, Jean-Pierre Francois, Peter Christopher Frank, Gary J. Frank, Morton Frank, Colleen Fraser, Richard K. Fraser, Kevin Joseph Frawley, Clyde Frazier, Jr., Lillian I. Frederick, Andrew Fredericks.

I yield to the gentleman.

Mr. SHIMKUS. Tamitha Freeman, Jamitha Freemen, Brett O. Freiman, Peter L. Freund, Arlene Fried, Alan Wayne Friedlander, Paul J. Friedman, Andrew K. Friedman, regg J. Froehner, Lisa Frost, Peter C. Fry, Christopher Fugarino, Clement Fumando, Steven Elliot Furman, Paul James Furmato, Karleton D.B. Fyfe, Fredric Gabler, Richard P. Gabriel, Richard S. Gabrielle, James Andrew Gadiel, Pamela Gaff, Ervin Gailliard Grace Galante, Deanna Galante, German Castillo Galicia, Daniel James Gallagher, Anthony Edward Gallagher, John Gallagher, Bernardo Gallardo, Lourdes Galletti, Cono E. Gallo, Vincenzo Gallucci, Thomas Edward Galvin, Giovanna ''Genni'' Gambale, Thomas Gambino, Jr., Ronald Gamboa, Glann F. Gamboa, Peter Ganci, Claude Michael Gann, Charles Garbarini, Juan Garcia, David Garcia, Andrew Garcia, Mardeny Garcia, Cesar Garcia, Jorge Luis Morron Garcia, Marlyn Carmen Garcia, Jeffrey B. Gardner, Douglas B. Gardner, Thomas A. Gardner, Harvey Jose Gardner, Christopher Gardner, William Arthur ''Bill'' Gardner, Francesco Garfi, Rocco Gargano, James Michael Gartenberg, Matthew David Garvey, Bruce H. Gary, Boyd A. Gatton, Donald Gavagan, Peter Allan Gay, Kamardinoza Gazkharoy, Terence Gazzani.

I yield to the gentlewoman.

Mrs. JO ANN DAVIS of Virginia. Gary Geidel, Paul Hamilton Geier, Julie Geis, Peter Gelinas, Steven Paul Geller, Howard G. Gelling, Jr, Peter Victor Genco, Steven Gregory Genovese, Alayne F. Gentul, Linda George, Michael George, Edward F. Geraghty, Suzanne Geraty, Ralph Gerhardt, Robert J. Gerlich, Denis Germain, Marina R. Gertsberg, Susan M. Getzendanner, Lawrence Daniel Getzfred, James ''Jimmy'' Gerald Geyer, Cortz Ghee, Joseph M. Giaconne, Vincent F. Giammona, Vince Giamonna, Debra L. Gibbon, James Giberson, Brenda Gibson, Craig Neil Gibson, Ronnie E. Gies, Laura Giglio Marchese, Timothy Paul Gilbert, Andrew Clive Gilbert, Paul Stuart Gilbey, Paul J. Gill, Mark Y. Gilles, Evan Gillette, Ronald Gilligan, Rodney Gillis, Laura Gilly, John Ginley, Jeffrey Giordano, John J. Giordano, Donna Marie Giordano, Steven A. Giorgetti, Martin Giovinazzo, Jr., Jinny Lady Giraldo, Kum-Kum Girolamo, Salvatore Gitto, Cynthia Giugliano, Mon Gjonbalaj, Dianne Gladstone, Keith Glascoe, Thomas I. Glasser, Edmund Glazer, Harry Glenn, Jeremy Glick, Barry H. Glick, Steven Lawrence Glick, John Gnazzo, William ''Bill'' R. Godshalk, Michael Gogliormella, Brian Frederic Goldberg, Jeffrey Grant Goldflan.

I yield to the gentleman.

Mr. SHIMKUS. Michelle Herman Goldstein, Steven Goldstein, Monica Goldstein, Ron Golinski, Andrew H. Golkin, Dennis J. Gomes, Manuel Gomez, Enrique Antonio Gomez, Jose Bienvenido Gomez, Wilder Gomez, Max Gomez, Jenine Gonzalez, Rosa Julia Gonzalez, Ana Irene Medina Gonzalez, Joel Guevara Gonzalez, Tambi Gonzalez, Lynn Goodchild, Calvin J. Gooding, Harry Goody, Kiran Reddy Gopu, Catherine Gorayeb, Lisa Fenn Gordenstein, Kerene Gordon, Sebastian Gorki, Thomas E. Gorman, Michael Edward Gould, Olga Kristin Gould White, Douglas A. Gowell, Yuji Goya, Jon Grabowski, Christopher Michael Grady, Edwin J. Graff, III, David M. Graifman, Gilbert Granados, Lauren Grandcolas, Elvira Granitto, Winston A. Grant, Ian Gray, James M. Gray, Christopher S. Gray, Linda Mair Grayling, John Michael Grazioso, Tim Grazioso, Wanda Anita Green, Andrew Peter Charles Curry Green, Derrick Arthur Green, Wade Brian Green, Elaine Greenberg, Donald F. Greene, Gayle R. Greene, James A. Greenleaf, Jr., Eileen Marsha Greenstein, Elizabeth ''Lisa'' Gregg, Florence Gregory, Donald H. Gregory, Jack Gregory, Denise Gregory, Pedro Grehan, Joseph Grezlak, John M. Griffin, Tawanna Griffin, Joan D. Griffith, Warren Grifka, Ramon Grijalvo, Joseph F. Grillo, David Grimmer, Francis Grogan, Linda Gronlund, Arthur Grossman, Kenneth G. Grozalis, Matthew J. Grzymalski, Robert Joseph Gschaar, Liming Gu, Richard Guadagno, Jose Guadalupe, Yan Z. ''Cindy'' Guan, Geoffrey E. Guja, Joseph Gullickson, Babita Guman, Douglas B. Radianz Gurian, Janet H. Gustafson, Philip T. Guza, Sabita Guzman, Barbara Guzzardo.

I yield to the gentlewoman.

Mrs. JO ANN DAVIS of Virginia. Peter Mark Gyulavary, Gary Robert Haag, Peter Haberland, Andrea Lyn Haberman, Barbara Contarino Habib, Philip Haentzler, Nizam Hafiz, Karen Hagerty, Steven Michael Hagis, Mary Lou Hague, David Halderman, Jr, Maile Rachel Hale, Diane M. Hale-McKinzy, Vaswald Hall, Stanley Hall, Richard Hall, Robert John Halligan, Vincent Halloran, Carolyn B. Halmon, James D. Halvorson, Mohammad Hamdani, M. Salman Hamdani, Felicia Hamilton, Robert Hamilton, Carl Max Hammond, Frederic Kim Han, Sean Hanley, Christopher Hanley, Valerie Joan Hanna, Thomas Hannafin, Kevin James Hannaford, Michael L. Hannan, Dana Hannon, Christine Hanson, Peter Hanson, Sue Kim Hanson, Vassilios G. Haramis, James A. Haran, Gerald F. Hardacre, Jeffrey P. Hardy, Timothy J. Hargrave, Daniel Harlin.

I yield to the gentleman.

Mr. GUTKNECHT. Frances Haros, Harvey Harrell, Stephen G. Harrell, Stewart Dennis Harris, Aisha Harris, John Hart, Eric Samadikan Hartono, John Clinton Hartz, Emeric J. Harvey, Peter Hashem, Thomas Haskell, Timothy Haskell, Joseph John Hasson, III, Terence S. Hatton, Leonard William Hatton, Michael Helmut Haub, Timothy Aaron Haviland, Donald G. Havlish, Jr, Anthony Hawkins, Nobuhiro Hayatsu, James E. Hayden, Philip Thomas Hayes, Robert Hayes, William Ward Haynes, Scott Hazelcorn, Michael K. Healey, Roberta Bernstein Heber, Charles Francis Xavier Heeran, John E. Heffernan, Michele Heidenberger, Sheila Hein, Howard Joseph Heller, JoAnn L. Heltibridle, Ronald John Memenway, Mark F. Hemschoot, Ronnie Lee Henderson, Janet Hendricks, Brian Hennessey, Ted Hennessy, Michelle Marie Henrique, William Henry, Joseph Henry, John C. Henwood, Robert Hepburn, Mary ''Molly'' Herencia, Lindsay Coates Herkness, III, Harvey Hermer, Norberto Hernandez, Claribel Hernandez, Raul Hernandez, Anabel Hernandez, Eduardo Hernandez, Gary Herold, Jeffrey A. Hersch, Thomas Hetzel, Brian Hickey, Donald Hickman, Jsidro Hidalgo-Tejada, Timothy B. Higgins, Robert Higley, Todd Russell Hill, Neal Hinds, Clara Victorine Hinds.

I yield to the gentleman from Illinois.

Mr. SHIMKUS. Mark D. Hindy, Heather Malia Ho, Tara Yvette Hobbs,

Thomas A. Hobbs, James L. Hobin, Robert Wayne Hobson, III, DaJuan Hodges, Ronald G. Hoerner, Patrick Aloysius Hoey, John Hofer, Stephen G. Hoffman, Frederick J. Hoffman, Michele Lee Hoffman, Joseph Hoffman, Marcia Hoffman, John Hoffman, Judith Florence Hofmiller, Wallace Cole Hogan, Thomas Warren Hohlweck, Jr., Jonathan R. Hohmann, Cora Holland, Joseph Francis Holland, John Holland, Jimmie Ira Holley.

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Elizabeth Holmes, Thomas P. Holohan, Herbert W. Homer, LeRoy Homer, Bradley Hoorn, James Hopper, Montgomery McCullough ''Monte'' Hord, Michael Horn, Matthew D. Horning, Robert L. Horohoe, Jr., Michael R. Horrocks, Aaron Horwitz, Malverse Houscal, Uhuru Houston, Charles J. Houston, Angela Houtz, George Gerald Howard, Brady K. Howell, Michael C. Howell, Steven L. Howell, Jennifer Howley-Dorsey, Milagros ''Millie'' Hromada, Marian Hrycak, Stephen Huczko, Sandi Hudson, Kris R. Hughes, Melissa Harrington Hughes, Paul Hughes, Timothy Robert Hughes, Thomas F. Hughes, Jr., Robert Hughes, Susan Huie, Fang Huixin, Lamar Hulse, Mychal Hulse, Nicholas Humber, William C. Hunt, Kathleen ''Casey'' Anne Hunt, Joseph Hunter.

Mr. Speaker, I yield to the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Bonnie Hunter, Peggy Hurt, Robert Hussa, Stephen Neil Hyland, Mark Hylton, Robert J. Hymel, Walter G. Hynes, Thomas Hynes, John Hynes, Joseph Ianelli Jr., Zuhtu Ibis, Jonathan Lee Ielpi, Michael Patrick Iken, Daniel Ilkanayev, Frederick Ill Jr., Abraham Nethanel Ilowitz, Anthony P. Infante, Jr., Louis Steven Inghilterra, Christopher N. Ingrassia, Paul William Innella, Stephanie Irby, Doug Irgang, Kristin A. Irvine-Ryan, Todd Isaac, Erik Hans Isbrandtsen, William Iselepis, Taizo Ishikawa, Waleed Iskandar, Aram Iskenderian, John F. Iskyan, Kazushige Ito, Aleksander Ivantsov, Lacey B. Ivory, Virginia M. Jablonski, Bryan Creed Jack, Brooke Alexandra Jackman, Aaron Jacobs, Jason Kyle Jacobs, Michael Grady Jacobs, Ariel Jacobs, Steven A. Jacobson, Steven D. ''Jake'' Jacoby, Ricknauth Jaggernauth, Jake Jagoda, Yudh V.S. Jain, Maria Jakubiak, Robert Adrien Jalbert, Peter Jalinas, Gricelda E. James, Ernest James, Mark Jardin, Amy N. Jarret, Mohammed Jawara, Maxima Jean-Pierre, Paul E. Jeffers, John Charles Jenkins, Allen K. Jensen, Prem Nath Jerath, Farah Jeudy, Hweidar Jian, Yuan Jianhua, Luis Jiminez, Eliezer Jiminez, Jr., Charles Gregory John, Nicholas John, Nick John, Scott Michael Johnson, Dennis M. Johnson, LaShawna Johnson, William Johnston, Charles E. Jones, Judith Jones, Mary S. Jones, Donald W. Jones, Linda Jones, Arthur J. Jones, III, Allison Horstmann Jones, Donald Thomas Jones, II, Brian L. Jones, Christopher D. Jones, Andrew Jordan, Robert Thomas Jordan, Karl Joseph, Stephen Joseph.

Mr. Speaker, I yield to the gentlewoman from Virginia.

Mrs. JO ANN DAVIS of Virginia. Robert Joseph, Ingeborg Joseph, Jane Eileen Josiah, Anthony Jovic, Angel Juarbe Jr., Karen Susan Juday, Mychal Judge, Ann Judge, Paul William Jurgens, Thomas Edwards Jurgens, Roya Kafaie, Wally Kaldens, Shari Kandell, Vincent Kane, Jennifer Lynn Kane, Howard Lee Kane, Joon Koo Kang, Sheldon R. Kanter, Robin Kaplan, Deborah H. Kaplan, Alvin Peter Kappelman, Jr., Charles Karczewski, William ''Tony'' A. Karnes, Douglas G. Karpiloff, Charles L. Kasper, Andrew Keith Kates, John Katsimatides, Robert M. Kaulfers, Don J. Kauth, Jr., Hideya Kawauchi, Anei Kazuhiro, Edward Thomas Keane, Richard M. Keane, Lisa Kearney-Griffin, Karol Ann Keasler, Paul H. Keating, Barbara Keating, Leo Russell Keene, III, Brenda Kegler, Chandler Keller, Joseph J. Keller, Peter Rodney Kellerman, Joseph P. Kellett, Frederick H. Kelley, Timothy C. Kelly, Thomas W. Kelly, Richard John Kelly, Jr., William Hill Kelly, Jr., James Joseph ''Kells'' Kelly, Thomas Michael Kelly, Thomas R. Kelly, Joseph Anthony Kelly, Maurice Patrick Kelly, Thomas J. Kennedy, Yvonne Kennedy, Robert C. Kennedy, John Keohane, Ralph Kershaw, Ronald Kerwin, Howard L. Kestenbaum, Douglas D. Ketcham, Ruth E. Ketler, Ren Keyoug.

Mr. Speaker, I yield to the gentleman from Minnesota.

Mr. GUTKNECHT. Boris Khalif, Taimour Firaz Khan, Norma Khan, Sarah Khan, Rajesh Khandelwal, Devi Khemraj Bhowanie, Seilai Khoo, Michael Kiefer, Satoshi Kikuchihara, Don Kim, Andrew Jay-Hoon Kim, Lawrence Kim, Mary Jo Kimelman, Heinrich Kimmig, Karen A. Kincaid, Robert King, Jr., Amy R. King, Lucille King, Andrew Marshall King, Michele King, Lisa M. King-Johnson, Brian Kinney, Takashi Kinoshita, Chris Michael Kirby, Barry Kirschbaum, Glenn Davis Kirwin, Richard Klares, Peter A. Klein, Julie Klein, Alan David Kleinberg, Karen Joyce Klitzman, Robert Phillip Kloepfer, Eugeuni Kniazev, Thomas Patrick Knox, Andrew Knox, Rebecca Kobone, Deborah Kobus, Gary Koecheler, Frank J. Koestner, Ryan Kohart, Vanessa Lynn Kolpak, Irina Kolpakova, Suzanne Kondratenko, Abdoulaye Kone, Bon-seok Koo, Dorota Kopiczko, Scott Kopytko, Bojan Kostic, Danielle Kousoulis, David Kovalcin, John J. Kren, William Krukowski, Lyudmila Ksido, Toshiya Kuge, Shekhar Kumar, Kenneth Kumpel, Frederick Kuo, Jr., Patricia Kuras, Nauka Kushitani, Thomas Kuveikis, Victor Kwaku, Victor Kwarkye, Kui Fai Kwok.

Mr. Speaker, I yield to the gentlewoman from Virginia.

Mrs. JO ANN DAVIS of Virginia. Angela R. Kyte, Kathryn L. LaBorie, Amarnauth Lachhman, Andrew LaCorte, Ganesh Ladkat, James Patrick Ladley, Joseph Lafalce, Jeanette LaFond-Menichino, David LaForge, Michael Patrick LaForte, Alan Lafranco, Juan Lafuente, Neil K. Lai, Vincent A. Laieta, William David Lake, Franco Lalama, Chow Kwan Lam, Michael Scott Lamana, Steven LaMantia, Amy Lamonsoff, Robert T. Lane, Brendan Lane, Rosanne P. Lane, Vanessa Langer, Mary Lou Langley, Peter Langone, Thomas Langone, Michelle Lanza, Ruth S. Lapin, Carol LaPlant, Carol Ann LaPlante, Ingeborg Astrid Desiree Lariby, Robert Blair Larkey, Judy Larocque, Christopher Randall Larrabee, Hamidou S. Larry, Scott Larsen, Jude Larson, Natalie Larson, John Adam Larson, N. Janis Lasden, Gary E. Lasko, Nicholas C. Lassman, Paul Laszczynski, Amarnath Latchman, Jeffrey Latouche, Charles Laurencia, Stephen James Lauria, Maria LaVache, Dennis F. Lavelle, Jeannine Laverde, Anna A. Laverty, Robert A. Lawrence, Nathaniel Lawson, David W. Laychak, Eugene Lazar, James Leahy, Joseph Gerard Leavey, Neil Leavy, Robert LeBlanc, Leon Lebor, Kenneth Charles Ledee, Alan J. Lederman.

Mr. Speaker, today we have completed only a partial list of those who perished or are missing from the tragedy on September 11, but we will continue the reading of these names for the CONGRESSIONAL RECORD each day until we are finished, and it may take us into next year. I thank my colleagues from Illinois and Minnesota for helping me in this undertaking.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. OSE (at the request of Mr. ARMEY) for today on account of attending a funeral.

SPECIAL ORDERS GRANTED

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

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

(The following Members (at the request of Mr. BUYER) to revise and extend their remarks and include extraneous material:)

Mr. HORN, for 5 minutes, today.

Mr. BUYER, for 5 minutes, today.

Mr. COLLINS, for 5 minutes, November 13.

Mr. DEAL of Georgia, for 5 minutes, November 13.

Mr. PENCE, for 5 minutes, today.

ADJOURNMENT

Mr. SHIMKUS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 14 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, November 9, 2001, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4540. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Imidacloprid; Pesticide Tolerances for Emergency Exemptions [OPP–301187; FRL–6806–9] (RIN: 2070–AB78) received October 31, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4541. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Methoxyfenozide; Pesticide Tolerances for Emergency Exemptions [OPP–301185; FRL–6806–4] (RIN: 2070–AB78) received October 31, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4542. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Chlorothalonil; Pesticide Tolerances for Emergency Exemptions [OPP–301188; FRL–6807–1] (RIN: 2070–AB78) received October 31, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4543. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the Requirements on Variability in the Composition of Additives Certified Under the Gasoline Deposit Control Program; Direct Final Rule [AMS-FRL–7096–5] (RIN: 2060–AJ69) received October 31, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4544. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Hawaii: Final Authorization of State Hazardous Waste Management Program [FRL–7097–1] received October 31, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4545. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Protection of Stratospheric Ozone: Reconsideration of the 610 Nonessential Products Ban [FRL–7101–1] (RIN: 2060–AH99) received November 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4546. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Illinois NOx Regulations [IL208–2, IL209–2; FRL–7077–9] received November 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4547. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans: Alabama: Attainment Demonstration of the Birmingham 1-hour Ozone Nonattainment Area [AL–056–200204; FRL–7098–7] received November 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4548. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Maryland; Control of Volatile Organic Compound Emissions from Distilled Spirits Facilities, Aerospace Coating Operations and Kraft Pulp Mills [MD124–3084; FRL–7085–1] received November 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4549. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality State Implementation Plans (SIP); Alabama: Control of Gasoline Sulfur and Volatility [AL–056–2–200205; FRL–7098–6] received November 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4550. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Maryland; RACT for the Control of VOC Emissions from Iron and Steel Production Installations [MD117–3081; FRL–7083–7] received November 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4551. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Illinois; Oxides of Nitrogen Regulations [IL203–3; FRL–7077–8] received November 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4552. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Illinois; Ozone [IL200–2; FRL–7088–8] received October 31, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4553. A letter from the Director of Legislative Affairs, Railroad Retirement Board, transmitting the Board's annual report on the Program Fraud Civil Remedies Act for fiscal year 2001, pursuant to 31 U.S.C. 3810; to the Committee on Government Reform.

4554. A letter from the Director, Policy Directives and Instructions Branch, INS, Department of Justice, transmitting the Department's final rule—Milk in the Southeast Marketing Area—received November 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4555. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Debt Collection—Amendments to Collection Rules and Adoption of Wage Garnishment Rules [Release No. 34–44965] (RIN: 3235–AI34) received November 5, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4556. A letter from the Deputy Administrator, General Services Administration, transmitting a copy of a Building Project Survey for Colorado Springs, CO, pursuant to 40 U.S.C. 610(b); to the Committee on Transportation and Infrastructure.

4557. A letter from the Administrator, General Services Administration, transmitting informational copies of a lease prospectus and a design prospectus, pursuant to 40 U.S.C. 606(a); to the Committee on Transportation and Infrastructure.

4558. A letter from the Chief, Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting the Department's final rule—Customs Preclearance in Foreign Countries [T.D. 01–81] received November 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4559. A letter from the Regulations Coordinator, Centers for Medicare & Medicaid Services, Department of Health and Human Services, transmitting the Department's ''Major'' final rule—Medicare Program; Announcement of the Calendar Year 2002 Conversion Factor for the Hospital Outpatient Prospective Payment System and a Pro Rata Reduction on Transitional Pass-Through Payments [CMS–1159–F1] (RIN: 0938–AK54) received November 8, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HANSEN: Committee on Resources. H.R. 2062. A bill to extend the effective period of the consent of Congress to the interstate compact relating to the restoration of Atlantic salmon to the Connecticut River Basin and creating the Connecticut River Atlantic Salmon Commission, and for other purposes; with an amendment (Rept. 107–274 Pt. 1). Ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 2062. Referral to the Committee on the Judiciary extended for a period ending not later than November 16, 2001.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. RILEY (for himself, Mr. BACHUS, Mr. CALLAHAN, Mr. EVERETT, Mr. ADERHOLT, Mr. CRAMER, and Mr. HILLIARD):

H.R. 3252. A bill to amend the Education of the Deaf Act of 1986 to authorize the Secretary of Education to establish the National Junior College for Deaf and Blind at the Alabama Institute for Deaf and Blind; to the Committee on Education and the Workforce.

By Mr. SMITH of New Jersey (for himself, Mr. EVANS, Mr. BILIRAKIS, Mr. RODRIGUEZ, Mr. BUYER, and Mr. STEARNS):

H.R. 3253. A bill to amend title 38, United States Code, to provide for the establishment of emergency medical preparedness centers in the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. BUYER (for himself, Mr. SMITH of New Jersey, Mr. BILIRAKIS, Mr. STEARNS, Mr. SNYDER, and Mr. MCHUGH):

H.R. 3254. A bill to amend title 38, United States Code, to provide for a partnership between the Department of Veterans Affairs and the Department of Defense to develop

and disseminate education and training programs on the medical responses to the consequences of terrorist activities; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MENENDEZ (for himself, Mr. GEPHARDT, Mr. DINGELL, Mr. BISHOP, Mr. BORSKI, Ms. HARMAN, Mr. PASCRELL, Mr. SCOTT, Mr. SKELTON, Mr. COSTELLO, Mr. HONDA, Ms. JACKSON-LEE of Texas, Ms. ROYBAL-ALLARD, Mrs. TAUSCHER, Mr. TURNER, Ms. PELOSI, Mr. FROST, Mrs. LOWEY, Ms. DELAURO, Mr. ACEVEDO-VILA, Mr. ALLEN, Mr. BACA, Mr. BAIRD, Mr. BENTSEN, Ms. BERKLEY, Mr. BLUMENAUER, Mrs. CAPPS, Mr. CARDIN, Mr. CARSON of Oklahoma, Mrs. CHRISTENSEN, Mr. CONYERS, Mr. CROWLEY, Mr. DAVIS of Illinois, Mr. DAVIS of Florida, Mr. DEFAZIO, Mr. DELAHUNT, Mr. DEUTSCH, Mr. DOYLE, Mr. EDWARDS, Mr. ENGEL, Ms. ESHOO, Mr. ETHERIDGE, Mr. FARR of California, Mr. FILNER, Mr. GONZALEZ, Mr. GORDON, Mr. GREEN of Texas, Mr. HINOJOSA, Mr. HOEFFEL, Mr. HOLT, Mr. HOLDEN, Mr. ISRAEL, Mr. JOHN, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KAPTUR, Mr. KILDEE, Mr. KIND, Mr. LANGEVIN, Mr. LANTOS, Mr. LARSEN of Washington, Mr. LARSON of Connecticut, Ms. LEE, Mr. LUTHER, Mrs. MALONEY of New York, Mr. MALONEY of Connecticut, Mr. GEORGE MILLER of California, Mrs. MCCARTHY of New York, Ms. MCCARTHY of Missouri, Ms. MCCOLLUM, Ms. SLAUGHTER, Mr. MCINTYRE, Mr. MEEKS of New York, Mr. MOORE, Mr. OBERSTAR, Mr. OLVER, Mr. ORTIZ, Mr. OWENS, Mr. PALLONE, Mr. PHELPS, Mr. POMEROY, Mr. PRICE of North Carolina, Mr. REYES, Ms. RIVERS, Mr. RODRIGUEZ, Mr. ROSS, Mr. ROTHMAN, Mr. SANDLIN, Mr. SAWYER, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. SHERMAN, Mr. SNYDER, Ms. SOLIS, Mr. STRICKLAND, Mr. STUPAK, Mr. THOMPSON of California, Mrs. THURMAN, Mr. TIERNEY, Mr. TOWNS, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Ms. VELAZQUEZ, Ms. WOOLSEY, and Mr. WYNN):

H.R. 3255. A bill to respond to the threat of bioterrorism; to the Committee on Energy and Commerce, and in addition to the Committees on the Judiciary, Transportation and Infrastructure, Armed Services, Science, Intelligence (Permanent Select), International Relations, Agriculture, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BALDWIN (for herself, Mr. MCGOVERN, Mr. SANDERS, Ms. KAPTUR, and Mr. SHOWS):

H.R. 3256. A bill to establish a National Center for Military Deployment Health Research in the Department of Health and Human Services to provide an independent means for the conduct and coordination of research into issues relating to the deployment of members of the Armed Forces overseas, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Veterans' Affairs, the Budget, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BLUMENAUER:

H.R. 3257. A bill to amend the Act of September 30, 1961, to limit the antitrust exemption applicable to broadcasting agreements made by leagues of professional sports, and for other purposes; to the Committee on the Judiciary.

By Mrs. CUBIN:

H.R. 3258. A bill to amend the Federal Lands Policy and Management Act of 1976 to clarify the method by which the Secretary of the Interior and the Secretary of Agriculture determine the fair market value of rights-of-way granted, issued, or renewed under such Act to prevent unreasonable increases in certain costs in connection with the deployment of communications and other critical infrastructure; to the Committee on Resources.

By Mr. MCINNIS (for himself and Mr. HAYWORTH):

H.R. 3259. A bill to amend the Endangered Species Act of 1973 to authorize Federal agencies to promptly respond to emergencies involving the health and safety of persons, in the same manner as such authority is available under the Wilderness Act; to the Committee on Resources.

By Mr. MORAN of Kansas:

H.R. 3260. A bill to amend the Plant Protection Act to authorize the Secretary of Agriculture to carry out a cost-share program with the States for the control of noxious weeds; to the Committee on Agriculture.

By Mr. MORAN of Virginia:

H.R. 3261. A bill to amend the Internal Revenue Code of 1986 to expand the offset against overpayments to include all State and local taxes owed by any person, whether or not a resident of the State seeking the offset, and for other purposes; to the Committee on Ways and Means.

By Mr. OBERSTAR (for himself and Mr. YOUNG of Alaska):

H.R. 3262. A bill to revitalize the international competitiveness of the United States-flag maritime industry through international tax parity, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PASCRELL:

H.R. 3263. A bill to amend section 7(a) of the Small Business Act to exempt small business concerns owned and controlled by veterans who have been discharged or released from military service for less than 5 years from guarantee fees; to the Committee on Small Business.

By Mr. PETERSON of Minnesota (for himself and Mr. POMBO):

H.R. 3264. A bill to terminate all Federal programs relating to price support and supply management for milk and to grant the consent of Congress to cooperative efforts by States to manage milk prices and supply; to the Committee on Agriculture, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PLATTS:

H.R. 3265. A bill to amend title II of the Social Security Act to eliminate the 5-month waiting period which is presently required in order for an individual to be eligible for benefits based on disability or for the disability freeze; to the Committee on Ways and Means.

By Ms. RIVERS:

H.R. 3266. A bill to amend title 18, United States Code, to prohibit unauthorized trafficking in personal DNA information, and for other purposes; to the Committee on the Judiciary.

By Mr. STARK (for himself, Mr. GEPHARDT, Mr. RANGEL, Mr. DINGELL, Mr. BROWN of Ohio, Mr. WAXMAN, Mr. KLECZKA, Mrs. THURMAN, Mr. CARDIN, and Mr. TIERNEY):

H.R. 3267. A bill to amend part C of title XVIII of the Social Security Act to provide for continuous open enrollment and disenrollment in MedicareChoice plans, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TAUZIN:

H.R. 3268. A bill to amend the Communications Act of 1934 to strengthen the limitations on the holding of any license, permit, operating authority by a foreign government or any entity controlled by a foreign government; to the Committee on Energy and Commerce.

By Ms. WATSON:

H.R. 3269. A bill to provide for the development of State medical disaster response plans regarding terrorist attacks that use biological or chemical weapons; to the Committee on Energy and Commerce.

By Mr. WICKER:

H.R. 3270. A bill to amend title XVIII of the Social Security Act to remove the 20 percent inpatient limitation under the Medicare Program on the proportion of hospice care that certain rural hospice programs may provide; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WU (for himself, Ms. CARSON of Indiana, Mr. SHOWS, Mrs. TAUSCHER, Ms. LEE, Mr. SANDERS, Mr. EVANS, Mr. MCGOVERN, Mr. BRADY of Pennsylvania, Mr. HONDA, Ms. ROYBAL-ALLARD, Mrs. JONES of Ohio, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FILNER, Ms. MCKINNEY, Mr. GUTKNECHT, and Ms. MCCOLLUM):

H.R. 3271. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to conduct veterans outreach programs known as Stand Down events and to establish a pilot program to provide for an annual Stand Down event in each State; to the Committee on Veterans' Affairs.

By Mr. PASCRELL (for himself, Mrs. ROUKEMA, Mr. SAXTON, and Mr. HOLT):

H. Con. Res. 266. Concurrent resolution honoring veterans by requesting that television and radio stations provide a moment of silence or a public service announcement on November 11 at 11 a.m. each year; to the Committee on Veterans' Affairs.

By Mr. FROST:

H. Res. 282. A resolution designating minority membership on certain standing committees of the House; considered and agreed to.

By Mr. ARMEY:

H. Res. 283. A resolution designating majority membership on certain standing committees of the House; considered and agreed to.

By Mr. OTTER (for himself, Mr. PAUL, Mr. SIMMONS, Mr. FLAKE, Mr. STENHOLM, Mr. CRANE, Mr. HAYES, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. TANCREDO, Mrs. BONO, Mr. BROWN of South Carolina, Mr. JENKINS, Mr. HOUGHTON, Mr.

KUCINICH, Mr. LANGEVIN, Mr. CONDIT, Mr. CALVERT, Mr. POMBO, Mr. RADANOVICH, Mr. CANNON, Mr. PETERSON of Pennsylvania, Mr. SOUDER, Mr. WALDEN of Oregon, Mr. HEFLEY, Mr. HAYWORTH, Mr. ROHRABACHER, Mr. GUTKNECHT, Mr. SCHAFFER, Mr. GRAVES, Mr. KENNEDY of Minnesota, Mr. PENCE, Mr. PETERSON of Minnesota, Mr. HULSHOF, Mr. LAHOOD, Mr. NORWOOD, Mr. GILCHREST, Mr. GRUCCI, Mr. EHLERS, Mr. MCKEON, Mr. REYNOLDS, Mr. SKEEN, Mr. YOUNG of Alaska, Mr. REHBERG, Mr. TRAFICANT, Mr. GIBBONS, Mr. SHERWOOD, Mr. SHUSTER, Mr. HUNTER, Mr. SCHROCK, Mr. TIAHRT, Mr. NETHERCUTT, Mr. SHADEGG, Mrs. JOHNSON of Connecticut, Mr. HANSEN, Mr. STUMP, Mr. KIRK, Mr. PLATTS, and Mr. SIMPSON):

H. Res. 284. A resolution encouraging the people of the United States to support the Armed Forces and civilian personnel who are engaged in the war on terrorism as part of a united effort to be known as Operation Enduring Support; to the Committee on Armed Services.

By Mr. PITTS (for himself and Mr. BONIOR):

H. Res. 285. A resolution commending President Pervez Musharraf of Pakistan for his leadership and friendship and welcoming him to the United States; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 19: Mrs. BIGGERT.
H.R. 141: Mr. ANDREWS.
H.R. 162: Ms. WATERS.
H.R. 218: Mr. PUTNAM, Mr. SANDLIN, Mr. ROGERS of Michigan, and Mr. PORTMAN.
H.R. 424: Mr. GEKAS.
H.R. 425: Ms. DELAURO.
H.R. 439: Mr. MCGOVERN.
H.R. 547: Mr. BORSKI.
H.R. 778: Ms. LEE.
H.R. 783: Mrs. MINK of Hawaii.
H.R. 831: Mr. HASTINGS of Florida, Mr. LAHOOD, Mr. SMITH of Washington, and Mr. SCHROCK.
H.R. 938: Mr. BACA and Mr. HINCHEY.
H.R. 951: Mr. BARR of Georgia, Mr. SHIMKUS, Mr. BACA, Mr. WHITFIELD, Mr. WU, Mr. ISRAEL, Ms. SOLIS, Mr. SHERWOOD, and Mr. BECERRA.
H.R. 981: Mr. KELLER, Mr. HAYWORTH, Mr. PITTS, Mr. JEFF MILLER of Florida, and Mr. WELDON of Pennsylvania.
H.R. 990: Mr. BONIOR.
H.R. 1004: Ms. ROYBAL-ALLARD.
H.R. 1170: Mr. SPRATT and Mr. LIPINSKI.
H.R. 1178: Mr. OSBORNE.
H.R. 1254: Mr. GEKAS, Mrs. THURMAN, and Ms. ROYBAL-ALLARD.
H.R. 1307: Mr. LUCAS of Kentucky.
H.R. 1331: Ms. CARSON of Indiana.
H.R. 1377: Mr. UPTON.
H.R. 1405: Ms. RIVERS.
H.R. 1577: Mrs. DAVIS of California.
H.R. 1584: Mr. CANNON and Mr. SOUDER.
H.R. 1596: Mr. THORNBERRY.
H.R. 1681: Mr. NORWOOD and Mr. PLATTS.
H.R. 1754: Mr. STRICKLAND and Mr. GRUCCI.
H.R. 1759: Ms. DELAURO.
H.R. 1810: Mr. KIND.
H.R. 1814: Mr. BLAGOJEVICH, Mr. QUINN, and Mr. ENGLISH.
H.R. 2037: Mr. SWEENEY, Mr. LATHAM, Mr. GALLEGLY, Mr. LAHOOD, Mrs. BIGGERT, and Mr. LINDER.
H.R. 2074: Mr. TOWNS.
H.R. 2157: Mr. BISHOP.
H.R. 2166: Mr. FORD.
H.R. 2220: Mr. UDALL of Colorado.
H.R. 2269: Mr. GRUCCI.
H.R. 2329: Mr. WAXMAN.
H.R. 2348: Mr. ACKERMAN and Mr. CLEMENT.
H.R. 2357: Mr. OXLEY, Mr. WELDON of Pennsylvania, Mr. EVERETT, Ms. HART, and Mr. ISSA.
H.R. 2485: Mr. HERGER and Mr. LINDER.
H.R. 2527: Mr. WICKER.
H.R. 2630: Mr. PAYNE.
H.R. 2695: Mr. HERGER.
H.R. 2837: Mr. LANTOS, Mr. NADLER, and Mr. MCGOVERN.
H.R. 2841: Mr. MCNULTY, Mr. SABO, Mr. COYNE, Mr. FRANK, and Mr. WATT of North Carolina.
H.R. 2887: Mr. KIND.
H.R. 2896: Mr. HOSTETTLER.
H.R. 2946: Ms. WATERS and Ms. BERKLEY.
H.R. 2949: Mr. RANGEL, Mr. KUCINICH, Mr. RODRIGUEZ, Mr. MEEHAN, Mr. CALVERT, Mr. UNDERWOOD, Mr. FILNER, Mr. ENGLISH, Mr. LANTOS, Mr. BACA, and Mrs. JONES of Ohio.
H.R. 2965: Mr. WOLF and Mr. DOYLE.
H.R. 2982: Mrs. ROUKEMA, Mr. MASCARA, Mr. LIPINSKI, Mr. HOEFFEL, Mr. PLATTS, Mr. RANGEL, Mr. ETHERIDGE, Mr. MENENDEZ, Mr. GONZALEZ, Mr. MCNULTY, Mr. BRADY of Pennsylvania, Mr. FATTAH, Mr. HALL of Texas, Mr. SWEENEY, Mr. REYNOLDS, Mr. ROTHMAN, Mr. PASTOR, Mr. BORSKI, and Mr. GOODLATTE.
H.R. 3011: Mr. RUSH, Mr. ABERCROMBIE, Ms. SCHAKOWSKY, and Mr. LEWIS of Georgia.
H.R. 3022: Mr. BACA.
H.R. 3026: Mr. LANGEVIN and Ms. HART.
H.R. 3029: Mr. GILMAN.
H.R. 3046: Mr. GREEN of Wisconsin, Ms. ROYBAL-ALLARD, Mr. SHIMKUS, Mr. TIBERI, Mr. BLUMENAUER, and Mrs. MINK of Hawaii.
H.R. 3054: Mr. BAKER, Mr. DIAZ-BALART, Mr. FILNER, Mr. RAHALL, Mr. BISHOP, Mr. GREEN of Texas, Mr. HOLDEN, Mr. BOEHLERT, Mr. MCNULTY, Mr. LIPINSKI, Mr. CLYBURN, Mr. COYNE, Mr. TOWNS, Mrs. MEEK of Florida, Mr. OWENS, Mr. THOMPSON of Mississippi, Ms. WOOLSEY, and Mr. OSE.
H.R. 3077: Mr. SCHROCK.
H.R. 3087: Mr. FALEOMAVAEGA and Mr. BONIOR.
H.R. 3088: Mr. GALLEGLY, Mr. SHAYS, Mr. LEVIN, and Mr. BOEHLERT.
H.R. 3101: Mr. GORDON, Mr. ETHERIDGE, Mr. ISRAEL, Mr. BACA, Ms. MCCOLLUM, and Mr. HALL of Texas.
H.R. 3131: Mr. KOLBE, Mr. LEWIS of Georgia, and Mr. SCHIFF.
H.R. 3143: Mr. BACA.
H.R. 3154: Mr. JONES of North Carolina, Mrs. MINK of Hawaii, Mr. WYNN, Mr. STUPAK, Ms. HOOLEY of Oregon, Mr. BLUMENAUER, Mr. BAKER, Mr. TOWNS, Mr. ORTIZ, Ms. KILPATRICK, and Mr. WU.
H.R. 3163: Mr. FROST.
H.R. 3175: Mr. FRANK and Mrs. JONES of Ohio.
H.R. 3185: Ms. ROS-LEHTINEN, Mr. OBERSTAR, Mr. SANDLIN, and Mr. TERRY.
H.R. 3190: Ms. SANCHEZ.
H.R. 3209: Mr. WATTS of Oklahoma, Mr. GOODLATTE, Mr. KELLER, Mr. COBLE, Mr. GREEN of Wisconsin, and Mr. SCHIFF.
H.R. 3219: Mr. KINGSTON, Mr. COLLINS, Mr. ISAKSON, Mr. DEAL of Georgia, Mr. NORWOOD, Mr. BLUNT, Mr. THOMPSON of California, Mr. HOLT, Mr. SANDLIN, Mr. GONZALEZ, Mr. LEWIS of Georgia, Mr. FORD, Mr. RUSH, Ms. RIVERS, and Mr. MARKEY.
H.R. 3238: Mr. BACA and Mr. CARSON of Oklahoma.
H.R. 3240: Mr. GIBBONS.
H.R. 3246: Mr. WATTS of Oklahoma, Mr. RUSH, and Mr. BECERRA.
H. Con. Res. 42: Mr. BARR of Georgia.
H. Con. Res. 249: Mr. ISRAEL, Mr. BLUMENAUER, Mr. TURNER, Mr. ETHERIDGE, Mrs. DAVIS of California, Mr. TIERNEY, Mrs. CHRISTENSEN, Mr. SANDLIN, Mr. HINOJOSA, Mr. SABO, Ms. HARMAN, Mr. SCHIFF, Mr. LANGEVIN, Mr. KILDEE, Mr. GREEN of Texas, Ms. MCCARTHY of Missouri, Ms. BALDWIN, Mr. HONDA, Mr. GEPHARDT, Mr. WATT of North Carolina, Mr. BECERRA, Mr. DEUTSCH, Mr. SAWYER, Mr. HOLT, Ms. BERKLEY, Mr. LEWIS of Georgia, Mr. PRICE of North Carolina, Mr. UDALL of Colorado, Mr. SCOTT, Mr. FRANK, Mrs. ROUKEMA, Mr. UNDERWOOD, Ms. ESHOO, Mr. LEVIN, Ms. WATERS, Mr. SHERMAN, Mr. LAMPSON, Mr. POMEROY, Ms. KAPTUR, Mr. DICKS, Mr. MENDENDEZ, Mr. CLYBURN, Mr. LYNCH, Mr. HILLIARD, Mr. BACA, Mr. BERMAN, Mr. PASTOR, Ms. LEE, Mr. BENTSEN, Mr. REYES, Mrs. CAPPS, Mr. RODRIGUEZ, Mr. PHELPS, Ms. CARSON of Indiana, Mr. THOMPSON of Mississippi, Mr. DAVIS of Illinois, Ms. WATSON, Mr. HASTINGS of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JEFFERSON, Mr. RUSH, Mr. CRANE, Mr. BRADY of Texas, Mr. RYAN of Wisconsin, Mr. SHAW, Mr. STARK, Mrs. JOHNSON of Connecticut, Mr. MATSUI, Mr. RAMSTAD, Mr. COYNE, Mr. CARDIN, Mr. MCDERMOTT, Mr. NEAL of Massachusetts, Ms. DUNN, Mr. TANNER, Mr. COLLINS, Mrs. THURMAN, Mr. WATKINS, Mr. DOGGETT, Mr. HAYWORTH, Mr. WELLER, Mr. HULSHOF, Mr. MCINNIS, Mr. OLVER, Mr. ALLEN, Mr. QUINN, and Mr. SWEENEY.
H. Con. Res. 254: Mr. BRADY of Pennsylvania, Mr. FATTAH, Mr. BORSKI, and Mr. KANJORSKI.
H. Con. Res. 257: Mr. CLAY, Mrs. MEEK of Florida, Ms. BERKLEY, Mr. DEUTSCH, Mr. BISHOP, Mr. TIERNEY, and Mr. WATT of North Carolina.
H. Res. 133: Mr. BLUMENAUER.
H. Res. 241: Mr. WU.
H. Res. 281: Mr. TANCREDO, Mr. SMITH of New Jersey, Mr. ROHRABACHER, Mr. PITTS, Mr. LANTOS, Mr. CROWLEY, Ms. LEE, Mr. GILMAN, Mr. HOUGHTON, and Mr. LANGEVIN.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 981: Mr. COMBEST.

United States of America

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PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, FIRST SESSION

Vol. 147 WASHINGTON, THURSDAY, NOVEMBER 8, 2001 No. 154

Senate

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

The PRESIDING OFFICER. The guest Chaplain, Elder Francis Cree, the Spiritual Leader of Turtle Mountain Band of Chippewa Indians, in Dunseith, ND, will lead us in prayer.

PRAYER

The guest Chaplain, Elder Francis Cree, offered the following prayer:

[Speaking Chippewa]

Great Spirit of God, we want to thank You for this wonderful day You have given us, for all the many good things You have blessed us with. You have also given us this love and respect and unity and faith in God. And we ask You, at this time, that You bless the President, and all his employees, and all of us here and all over the world. We thank You. We thank You, again.

That is the prayer I said in the Chippewa language.

PLEDGE OF ALLEGIANCE

The Honorable E. BENJAMIN 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 assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 8, 2001.

To the Senate:

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

ROBERT C. BYRD,
President pro tempore.

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

RESERVATION OF LEADER TIME

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

The Senator from North Dakota.

WELCOMING ELDER FRANCIS CREE OF NORTH DAKOTA

Mr. CONRAD. Mr. President, I am pleased this morning to welcome a good friend and distinguished North Dakotan, Francis Cree, to the Senate. I thank him for his moving and inspirational prayer.

Francis Cree is the Spiritual Leader and Tribal Elder of the Turtle Mountain Band of Chippewa of North Dakota. He is the official Pipe Carrier for the Tribe, a position of honor and leadership. He led the tribe as chairman in the 1950s and served several terms on the Tribal Council.

Francis spends countless hours teaching young tribal members about Chippewa culture and traditions. Last year, he even made an award-winning CD called, ''The Elders Speak.''

Francis is married to Rose Cree, a well-known artist who makes beautiful willow and birchbark baskets, several of which are displayed in my office. They were recently featured at the Smithsonian's Festival of American Folk Life on the Mall here in our Nation's Capital.

Francis and Rose have 14 children, and, according to Rose, ''too many grandchildren and great-grandchildren to count, but there are well over a hundred.'' In May, Rose and Francis will celebrate 63 years of marriage.

Congratulations to you both.

I am very pleased to welcome Francis Cree to the Senate this morning. I thank him for being here and for sharing his inspiring message with us.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. Mr. President, before my friend from North Dakota leaves the Chamber, and before Spiritual Leader and Tribal Elder Cree leaves the Chamber, I say, I never had the opportunity in the Senate Chamber to say this to anyone who would understand it, but the Senator from North Dakota and the tribal leader will: I am a Pipe Carrier for the Pyramid Paiute Tribe in northern Nevada. I have been through the ceremony. It was very dignified and impressive. It was a ceremony I will never forget.

So I am very happy we have had this very time-honored tradition now done in opening the Senate in prayer. I congratulate the Senator from North Dakota in bringing one of the most-renowned citizens of his State to the U.S. Capitol.

Mr. CONRAD. I thank my colleague from Nevada.

My colleague, Senator DORGAN, is chairing a hearing in another part of the Capitol complex and will come to the Chamber later today to also memorialize this occasion. I do not want this moment to pass without indicating Senator DORGAN was here earlier but had to leave to chair a meeting of his subcommittee elsewhere in the Capitol complex or else he would be here as well.

I thank the Chair.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

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

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SCHEDULE

Mr. REID. Mr. President, this morning, the Senate will begin consideration of the Intelligence Authorization Act. The only amendments in order to this bill are relevant amendments, with the exception of two possible amendments regarding immigrant deportation that may be offered by Senator SMITH of New Hampshire and Senator LEAHY. Rollcall votes are possible throughout the day.

I note that we are expecting to receive from the House at or about noon today the VA–HUD appropriations bill that has been worked on for many months, led by Senator MIKULSKI and the ranking member, Senator BOND. It is a very important bill.

This will be the sixth bill we would send to the President for his signature. There are other appropriations conference reports moving toward completion now. We should be able to do several more of those in the next few days.

I also indicate that we have some extremely important items to consider, as the entire Senate knows. We are hopeful of working on the stimulus package next week. The majority leader will have announcements about that later on in the day.

We have a lot to do on most-important matters, but I indicate, it is very timely we will be working today on the intelligence authorization bill. The two managers will be Senator GRAHAM of Florida and the ranking member, Senator SHELBY of Alabama. We hope to complete the bill very soon today. It should not take a lot of time we hope. But whatever time it takes, we need to complete that legislation today.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

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

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

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2002

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to the consideration of S. 1428, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1428) to authorize appropriations for fiscal year 2002 for intelligence and intelligence-related activities of the United States Government, the Community Management Account of the Director of Central Intelligence, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Select Committee on Intelligence without amendment and the Committee on Armed Services with amendments, as follows:

(The parts of the bill intended to be inserted are shown in italic.)

S. 1428

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Intelligence Authorization Act for Fiscal Year 2002''.

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

Sec. 1. Short title; table of contents.

TITLE I—INTELLIGENCE ACTIVITIES

Sec. 101. Authorization of appropriations.
Sec. 102. Classified schedule of authorizations.
Sec. 103. Personnel ceiling adjustments.
Sec. 104. Community Management Account.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Sec. 201. Authorization of appropriations.

TITLE III—GENERAL PROVISIONS

Sec. 301. Increase in employee compensation and benefits authorized by law.
Sec. 302. Restriction on conduct of intelligence activities.
Sec. 303. Judicial review under Foreign Narcotics Kingpin Designation Act.
Sec. 304. Modification of positions requiring consultation with Director of Central Intelligence in appointments.
Sec. 305. Modification of reporting requirements for significant anticipated intelligence activities and significant intelligence failures.
Sec. 306. Modification of authorities for protection of intelligence community employees who report urgent concerns to Congress.
Sec. 307. Review of protections against the unauthorized disclosure of classified information.
Sec. 308. Modification of authorities relating to official immunity in interdiction of aircraft engaged in illicit drug trafficking.
Sec. 309. One-year suspension of reorganization of Diplomatic Telecommunications Service Program Office.
Sec. 310. Presidential approval and submission to Congress of National Counterintelligence Strategy and National Threat Identification and Prioritization Assessments.
Sec. 311. Preparation and submittal of reports, reviews, studies, and plans relating to Department of Defense intelligence activities.

TITLE IV—CENTRAL INTELLIGENCE AGENCY

Sec. 401. One-year extension of Central Intelligence Agency Voluntary Separation Pay Act.
Sec. 402. Modifications of central services program.

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2002 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Central Intelligence Agency.
(2) The Department of Defense.
(3) The Defense Intelligence Agency.
(4) The National Security Agency.
(5) The Department of the Army, the Department of the Navy, and the Department of the Air Force.
(6) The Department of State.
(7) The Department of the Treasury.
(8) The Department of Energy.
(9) The Federal Bureau of Investigation.
(10) The National Reconnaissance Office.
(11) The National Imagery and Mapping Agency.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL CEILINGS.—The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 2002, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared to accompany the conference report on the bill _____ of the One Hundred Seventh Congress.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—The Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch.

SEC. 103. PERSONNEL CEILING ADJUSTMENTS.

(a) AUTHORITY FOR ADJUSTMENTS.—With the approval of the Director of the Office of Management and Budget, the Director of Central Intelligence may authorize employment of civilian personnel in excess of the number authorized for fiscal year 2002 under section 102 when the Director of Central Intelligence determines that such action is necessary to the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed 2 percent of the number of civilian personnel authorized under such section for such element.

(b) NOTICE TO INTELLIGENCE COMMITTEES.—The Director of Central Intelligence shall notify promptly the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate whenever the Director exercises the authority granted by this section.

SEC. 104. COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Community Management Account of the Director of Central Intelligence for fiscal year 2002 the sum of $238,496,000. Within such amount, funds identified in the classified Schedule of Authorizations referred to in section 102(a) for the advanced research and development committee shall remain available until September 30, 2003.

(b) AUTHORIZED PERSONNEL LEVELS.—The elements within the Community Management Account of the Director of Central Intelligence are authorized 343 full-time personnel as of September 30, 2002. Personnel serving in such elements may be permanent employees of the Community Management Account or personnel detailed from other elements of the United States Government.

(c) CLASSIFIED AUTHORIZATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated for the Community Management Account by subsection (a), there are also authorized to be appropriated for the Community Management Account for fiscal year 2002 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a). Such additional amounts shall remain available until September 30, 2003.

(2) AUTHORIZATION OF PERSONNEL.—In addition to the personnel authorized by subsection (b) for elements of the Community

Management Account as of September 30, 2002, there are hereby authorized such additional personnel for such elements as of that date as are specified in the classified Schedule of Authorizations.

(d) REIMBURSEMENT.—Except as provided in section 113 of the National Security Act of 1947 (50 U.S.C. 404h), during fiscal year 2002 any officer or employee of the United States or a member of the Armed Forces who is detailed to the staff of the Community Management Account from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee, or member may be detailed on a nonreimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of Central Intelligence.

(e) NATIONAL DRUG INTELLIGENCE CENTER.—

(1) IN GENERAL.—Of the amount authorized to be appropriated in subsection (a), $27,000,000 shall be available for the National Drug Intelligence Center. Within such amount, funds provided for research, development, testing, and evaluation purposes shall remain available until September 30, 2003, and funds provided for procurement purposes shall remain available until September 30, 2004.

(2) TRANSFER OF FUNDS.—The Director of Central Intelligence shall transfer to the Attorney General funds available for the National Drug Intelligence Center under paragraph (1). The Attorney General shall utilize funds so transferred for the activities of the National Drug Intelligence Center.

(3) LIMITATION.—Amounts available for the National Drug Intelligence Center may not be used in contravention of the provisions of section 103(d)(1) of the National Security Act of 1947 (50 U.S.C. 403–3(d)(1)).

(4) AUTHORITY.—Notwithstanding any other provision of law, the Attorney General shall retain full authority over the operations of the National Drug Intelligence Center.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 2002 the sum of $212,000,000.

TITLE III—GENERAL PROVISIONS

SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

SEC. 303. JUDICIAL REVIEW UNDER FOREIGN NARCOTICS KINGPIN DESIGNATION ACT.

Section 805 of the Foreign Narcotics Kingpin Designation Act (title VIII of Public Law 106–120; 113 Stat. 1629; 21 U.S.C. 1904) is amended by striking subsection (f).

SEC. 304. MODIFICATION OF POSITIONS REQUIRING CONSULTATION WITH DIRECTOR OF CENTRAL INTELLIGENCE IN APPOINTMENTS.

Section 106(b)(2) of the National Security Act of 1947 (50 U.S.C. 403–6(b)(2)) is amended by striking subparagraph (C) and inserting the following new subparagraphs:

''(C) The Director of the Office of Intelligence of the Department of Energy.

''(D) The Director of the Office of Counterintelligence of the Department of Energy''.

SEC. 305. MODIFICATION OF REPORTING REQUIREMENTS FOR SIGNIFICANT ANTICIPATED INTELLIGENCE ACTIVITIES AND SIGNIFICANT INTELLIGENCE FAILURES.

Section 502 of the National Security Act of 1947 (50 U.S.C. 413a) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''To the extent''; and

(2) by adding at the end the following new subsections:

''(b) FORM AND CONTENTS OF CERTAIN REPORTS.—Any report relating to a significant anticipated intelligence activity or a significant intelligence failure that is submitted to the intelligence committees for purposes of subsection (a)(1) shall be in writing, and shall contain the following:

''(1) A concise statement of any facts pertinent to such report.

''(2) An explanation of the significance of the intelligence activity or intelligence failure covered by such report.

''(c) STANDARDS AND PROCEDURES FOR CERTAIN REPORTS.—The Director of Central Intelligence, in consultation with the heads of the departments, agencies, and entities referred to in subsection (a), shall establish standards and procedures applicable to reports covered by subsection (b).''.

SEC. 306. MODIFICATION OF AUTHORITIES FOR PROTECTION OF INTELLIGENCE COMMUNITY EMPLOYEES WHO REPORT URGENT CONCERNS TO CONGRESS.

(a) AUTHORITY OF INSPECTOR GENERAL OF CENTRAL INTELLIGENCE AGENCY.—Section 17(d)(5) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q(d)(5)) is amended—

(1) in subparagraph (B), by striking the second sentence and inserting the following new sentence: ''Upon making the determination, the Inspector General shall transmit to the Director notice of the determination, together with the complaint or information.''; and

(2) in subparagraph (D)(i), by striking ''does not transmit,'' and all that follows through ''subparagraph (B),'' and inserting ''does not find credible under subparagraph (B) a complaint or information submitted under subparagraph (A), or does not transmit the complaint or information to the Director in accurate form under subparagraph (B),''.

(b) AUTHORITIES OF INSPECTORS GENERAL OF THE INTELLIGENCE COMMUNITY.—Section 8H of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in subsection (b), by striking the second sentence and inserting the following new sentence: ''Upon making the determination, the Inspector General shall transmit to the head of the establishment notice of the determination, together with the complaint or information.''; and

(2) in subsection (d)(1), by striking ''does not transmit,'' and all that follows through ''subsection (b),'' and inserting ''does not find credible under subsection (b) a complaint or information submitted to the Inspector General under subsection (a), or does not transmit the complaint or information to the head of the establishment in accurate form under subsection (b),''.

SEC. 307. REVIEW OF PROTECTIONS AGAINST THE UNAUTHORIZED DISCLOSURE OF CLASSIFIED INFORMATION.

(a) REQUIREMENT.—The Attorney General shall, in consultation with the Secretary of Defense, Secretary of State, Secretary of Energy, Director of Central Intelligence, and heads of such other departments, agencies, and entities of the United States Government as the Attorney General considers appropriate, carry out a comprehensive review of current protections against the unauthorized disclosure of classified information, including—

(1) any mechanisms available under civil or criminal law, or under regulation, to detect the unauthorized disclosure of such information; and

(2) any sanctions available under civil or criminal law, or under regulation, to deter and punish the unauthorized disclosure of such information.

(b) PARTICULAR CONSIDERATIONS.—In carrying out the review required by subsection (a), the Attorney General shall consider, in particular—

(1) whether the administrative regulations and practices of the intelligence community are adequate, in light of the particular requirements of the intelligence community, to protect against the unauthorized disclosure of classified information; and

(2) whether recent developments in technology, and anticipated developments in technology, necessitate particular modifications of current protections against the unauthorized disclosure of classified information in order to further protect against the unauthorized disclosure of such information.

(c) REPORT.—(1) Not later than May 1, 2002, the Attorney General shall submit to Congress a report on the review carried out under subsection (a). The report shall include the following:

(A) A comprehensive description of the review, including the findings of the Attorney General as a result of the review.

(B) An assessment of the efficacy and adequacy of current laws and regulations against the unauthorized disclosure of classified information, including whether or not modifications of such laws or regulations, or additional laws or regulations, are advisable in order to further protect against the unauthorized disclosure of such information.

(C) Any recommendations for legislative or administrative action that the Attorney General considers appropriate, including a proposed draft for any such action, and a comprehensive analysis of the Constitutional and legal ramifications of any such action.

(2) The report shall be submitted in unclassified form, but may include a classified annex.

SEC. 308. MODIFICATION OF AUTHORITIES RELATING TO OFFICIAL IMMUNITY IN INTERDICTION OF AIRCRAFT ENGAGED IN ILLICIT DRUG TRAFFICKING.

(a) CERTIFICATION REQUIRED FOR IMMUNITY.—Subsection (a)(2) of section 1012 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2837; 22 U.S.C. 2291–4) is amended by striking '', before the interdiction occurs, has determined'' and inserting ''has, during the 12-month period ending on the date of the interdiction, certified to Congress''.

(b) ANNUAL REPORTS.—That section is further amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

''(c) ANNUAL REPORTS.—(1) Not later than February 1 each year, the President shall submit to Congress a report on the assistance provided under subsection (b) during the preceding calendar year. Each report shall include for the calendar year covered by such report the following:

''(A) A list specifying each country for which a certification referred to in subsection (a)(2) was in effect for purposes of that subsection during any portion of such calendar year, including the nature of the illicit drug trafficking threat to each such country.

''(B) A detailed explanation of the procedures referred to in subsection (a)(2)(B) in effect for each country listed under subparagraph (A), including any training and other mechanisms in place to ensure adherence to such procedures.

''(C) A complete description of any assistance provided under subsection (b).

''(D) A summary description of the aircraft interception activity for which the United States Government provided any form of assistance under subsection (b).

''(2) Each report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.''.

SEC. 309. ONE-YEAR SUSPENSION OF REORGANIZATION OF DIPLOMATIC TELECOMMUNICATIONS SERVICE PROGRAM OFFICE.

Notwithstanding any provision of subtitle B of title III of the Intelligence Authorization Act for Fiscal Year 2001 (Public Law 106–567; 114 Stat. 2843; 22 U.S.C. 7301 et seq.), relating to the reorganization of the Diplomatic Telecommunications Service Program Office, no provision of that subtitle shall be effective during the period beginning on the date of the enactment of this Act and ending on October 1, 2002.

SEC. 310. PRESIDENTIAL APPROVAL AND SUBMISSION TO CONGRESS OF NATIONAL COUNTERINTELLIGENCE STRATEGY AND NATIONAL THREAT IDENTIFICATION AND PRIORITIZATION ASSESSMENTS.

The National Counterintelligence Strategy, and each National Threat Identification and Prioritization Assessment, produced under Presidential Decision Directive 75, dated December 28, 2000, entitled ''U.S. Counterintelligence Effectiveness—Counterintelligence for the 21st Century'', including any modification of the Strategy or any such Assessment, shall be approved by the President, and shall be submitted to the appropriate committees of Congress.

SEC. 311. PREPARATION AND SUBMITTAL OF REPORTS, REVIEWS, STUDIES, AND PLANS RELATING TO DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES.

(a) CONSULTATION IN PREPARATION.—The Director of Central Intelligence shall ensure that any report, review, study, or plan required to be prepared or conducted by a provision of this Act, including a provision of the classified Schedule of Authorizations or a classified annex to this Act, that involves the intelligence or intelligence-related activities of the Department of Defense shall be prepared or conducted in consultation with the Secretary of Defense or an appropriate official of the Department designated by the Secretary for that purpose.

(b) SUBMITTAL.—Any report, review, study, or plan referred to in subsection (a) shall be submitted, in addition to any other committee of Congress specified for submittal in the provision concerned, to the following committees of Congress:

(1) The Committees on Armed Services and Appropriations and the Select Committee on Intelligence of the Senate.

(2) The Committees on Armed Services and Appropriations and the Permanent Select Committee on Intelligence of the House of Representatives.

TITLE IV—CENTRAL INTELLIGENCE AGENCY

SEC. 401. ONE-YEAR EXTENSION OF CENTRAL INTELLIGENCE AGENCY VOLUNTARY SEPARATION PAY ACT.

Section 2 of the Central Intelligence Agency Voluntary Separation Pay Act (50 U.S.C. 403–4 note) is amended—

(1) in subsection (f), by striking ''September 30, 2002'' and inserting ''September 30, 2003''; and

(2) in subsection (i), by striking ''or 2002'' and inserting ''2002, or 2003''.

SEC. 402. MODIFICATIONS OF CENTRAL SERVICES PROGRAM.

(a) ANNUAL AUDITS.—Subsection (g)(1) of section 21 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403u) is amended—

(1) by striking ''December 31'' and inserting ''January 31''; and

(2) by striking ''conduct'' and inserting ''complete''.

(b) PERMANENT AUTHORITY.—Subsection (h) of that section is amended—

(1) by striking paragraph (1);

(2) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively;

(3) in paragraph (1), as so redesignated, by striking ''paragraph (3)'' and inserting ''paragraph (2)''; and

(4) in paragraph (2), as so redesignated, by striking ''paragraph (2)'' and inserting ''paragraph (1)''.

The ACTING PRESIDENT pro tempore. The Senator from Florida.

Mr. GRAHAM. Mr. President, with my friend and colleague, Senator SHELBY, I bring to the Senate S. 1428, the Intelligence Authorization Act for the fiscal year 2002.

The tragic events of the past months and the reality that our Nation is engaged in a war against global terrorism make this year's intelligence authorization bill especially important. We all realize that good and timely intelligence is our first and sometimes our only line of defense against terrorism.

It is not enough for us to attempt to determine who was the culprit and to bring that culprit to justice. What the American people want most is the capability to prevent acts of terrorism, which necessitates the best intelligence information on a timely basis so that actions to interrupt terrorist activities can take place before more Americans are attacked.

To accomplish this prevention of terrorism strategy, we must provide our intelligence community with the resources and the authorities it needs to meet the expectations of the American people.

Many of those authorities were contained in the antiterrorism act which the President signed the last Friday of October. Today we are going to be talking about the resources that will give life to those authorities and to the ongoing activities of the intelligence community.

Our Select Committee on Intelligence marked up this bill on September 6, submitted it to the Armed Services Committee, and the Armed Services Committee has now reported the bill as submitted.

Even though we took legislative action before September 11, we noted at the time that international terrorism was not a crisis—with it, the connotation that it is a short-term passing phenomenon—rather, international terrorism is a condition with which we will have to deal on a long-term basis.

The committee strongly encouraged the intelligence community to orient itself accordingly by implementing policies under the control of the Director of Central Intelligence for regulating the various roles of the elements of the intelligence community that participate in the fight against terrorism. To that end, our legislation authorizes activities that will rebuild the foundation of our intelligence community so we can meet our long-term challenges.

In the process of preparing this year's intelligence authorization bill, the committee spent considerable time reviewing the current status of the intelligence community.

At this point, I recognize our vice chairman, Senator SHELBY. He, of course, had been the chairman of this committee for a considerable period of time and started much of this process of in-depth review of the intelligence community which then put us in a position to take advantage of that work to provide what today will be some of the prescriptions based on the diagnosis of the problems. I particularly recognize Senator SHELBY and the work in which he led the committee and our staff for many months.

As a result of this review, we concluded that the intelligence community has been underfunded over the past decade—basically, the decade since the fall of the Berlin Wall—and its ability to conduct certain core missions had deteriorated.

In order to correct these deficiencies, the committee identified four priorities to receive special emphasis in this year's bill: One, revitalization of the National Security Agency; two, correcting deficiencies in human intelligence; three, addressing the imbalance between collection and analysis; and four, providing sufficient funding for a robust research and development series of initiatives. These four priorities underpin the work of the intelligence committee in all areas, including counterterrorism.

The committee believes that providing additional resources in these priorities is critical to assuring that the intelligence community is capable of providing our political and military decisionmakers with the accurate and timely intelligence they require to make the best decisions in the interest of the American people.

By providing proper resources and attention to these four priorities, we will be able to support effectively the requirements placed on the intelligence community, including fighting global terrorism, but also a list of other challenging responsibilities: countering the proliferation of weapons of mass destruction and their delivery system; stopping the flow of illicit narcotics; and understanding the capabilities, potential, and intentions of potential adversaries and foreign powers.

It is important to note that the committee recognizes that a consistent and predictable funding stream is necessary to rebuild and maintain these priority areas.

In preparing this year's legislation, the committee outlined a 5-year plan for each of these priorities. We believe this plan is consistent with the capacity of the various agencies within the

intelligence community to absorb these additional funds and use them effectively, and that will result in a substantial new foundation under our intelligence community over the next 5 years in order to meet the challenges of the next decades. We know that our commitment to rebuild our intelligence community must be sustained over the long-term or our efforts this year will be wasted.

Let me briefly explain what we are doing in each of these four priority areas.

First, we are continuing the revitalization of the National Security Agency, or the NSA. The committee, under the leadership of Senator SHELBY, has been pressing for this revitalization over the past 3 years. The NSA is the agency of our intelligence community that is responsible for assuring the security of United States communications, as well as collecting foreign electronic signals. In the parlance of intelligence, this is the signals agency.

Five years from now, the NSA must have the ability to collect and exploit electronic signals in a vastly different communications environment than that in which we spent most of the second half of the 20th century. Along with significant investment in technology, this means closer collaboration with clandestine human collectors.

If I could explain briefly, during the Cold War, the United States became extremely adept at intercepting electronic communications. Our system was largely based on communications that would move over the airwaves. We would put a listening device between the sender and receiver and could absorb massive amounts of information with relative impunity.

Today, the computer and telecommunication systems that NSA employees will be attempting to intercept are much more difficult because they do not use the old over-the-airwaves system. To have the same level of electronic surveillance today that we did even 10 years ago is going to require a significant investment in new technology. I mentioned, also, the linkage to human intelligence. It was relatively easy to eavesdrop on the old communication technology. The new communication technologies will frequently require a human being to first gain access to the machine that you are trying to surveil, and then have that person who has gained access have sufficient technical capacity to be able to install the devices that are necessary to gain the information. So we are going to have to have a new generation of human intelligence that has a significantly higher component of technical expertise, especially in the communications area.

The analysts—the ones who take this information that is collected—must have sophisticated software tools to allow them to fully exploit the amount of data that will be available in the future. So our first objective is a continuation of the 3-year effort to revitalize the National Security Agency.

Second, we must correct deficiencies in our human intelligence capabilities. In 5 years, our human intelligence collection efforts must be designed to meet the increasingly complex and growing set of human intelligence collection requirements.

Most of the history of our intelligence community is since the Second World War. During World War II, we established America's first professional intelligence agency under the direction of the military. As soon as the war was over, it was disbanded. Two years later, President Truman, recognizing the rise of the Soviet Union, asked the Congress to establish a civilian agency and designate a director of central intelligence. Under that director, there were a number of agencies, such as the Central Intelligence Agency. For the next 40 years, we focused on one big target: the Soviet Union and its Warsaw pact allies.

As I indicated, in the area of signals intelligence, we became very adept at listening to that big target. People were speaking basically in Russian. It was a culture that we understood and with which we had a long association since John Quincy Adams was our Ambassador to the czarist court in St. Petersburg.

Now, in the post-Berlin Wall period, we are dealing with a wide diversity of targets, not just one. Many of these are targets with which we have not had a great deal of national history, and they speak many languages. In Afghanistan, for instance, in addition to English and Arabic, there are at least six major domestic languages. We are very deficient in our capabilities as a nation in many of these languages.

We must increase the diversity of our human intelligence, our spies. We must recruit more effectively to operate in many places around the world where U.S. interests are threatened. The human intelligence system must be integrated into our other collection systems, particularly, as I indicated, with our National Security Agency, in order to gain effective access to new communications technology.

In addition, the Director of Central Intelligence must conduct a rigorous analytical review of human intelligence collection requirements in the future so that we can be proactive with the resources necessary to meet those requirements. The Director of Central Intelligence must implement a performance measurement system to assure that our collection efforts are meeting the highest priority needs of our ultimate customers for intelligence—the President and military decisionmakers.

Our third priority is addressing the growing imbalance between collection and analysis. Even with the deficiencies that I have mentioned in signals intelligence and human intelligence, we are still collecting a massive amount of information on an hourly basis. But the percentage of this collected information to that which is analyzed and converted into effective intelligence has been steadily declining since 1990. Collection systems are becoming more and more capable as our investment in analysis erodes. This disparity threatens to overwhelm our ability to analyze and use the information collected.

The nightmare of the review of the events of September 11 would be if we find that there was a wiretap, for instance, on a foreign resident whom we had reason to suspect might be involved in some potential terrorist plot against the United States but that wiretap had not been listened to, translated from its foreign language—frequently it is an encrypted foreign language—into English and then analyzed in terms of what did it mean in terms of American security, and then that analysis is transferred to an effective law enforcement agency which could do something about the threat to American security. That nightmare underscores the importance of having the adequate capacity to analyze and convert information into intelligence.

To address this problem, the committee has added funds for the Assistant Director of the Central Intelligence Agency for Analysis and Production to finance promising new analytical initiatives that will be beneficial across the intelligence community.

The amount authorized is a downpayment on a 5-year spending profile to rebuild the community's all-source analytical capability. The words ''all-source'' refer to the fact that today there is a growing volume of information which is not clandestine, which is available through the newspapers, through other forms of public information, through the Internet. The challenge for the analysts of today is to take that open-source information and add to it the clandestine information gathered by our variety of sources and then produce a final intelligence document which will add to the ability of the ultimate decisionmaker, whether it is a military officer planning a combat action or whether it is the President of the United States attempting to set a strategic direction for American foreign policy. That decisionmaker will be in a better position to make an informed judgment to benefit the people of America.

The committee has also included funding to implement the National Imagery and Mapping Agency, known as NIMA, which is the agency that collects imagery for intelligence purposes. We will fund internal modernization plans to support this imagery analysis associated with the future imagery architecture of our satellite system.

The fourth and final priority for the intelligence community is providing additional funding for a robust research and development initiative. Over history, one of the hallmarks of American intelligence has been its leadership role in world technology. The U–2, which was groundbreaking in terms of aviation technology, was built

by the CIA in just a matter of weeks when it was recognized that we needed to have an overhead capacity to observe the Soviet Union, particularly during the period that the Soviet Union was accelerating its nuclear program.

Many of the telecommunications advances we now utilize and take for granted were first developed by the National Security Agency as part of our intelligence effort.

Over the decade since the fall of the Berlin Wall, it has been stated that the intelligence community has often used its research and development budget as a bill payer for funding shortfalls in other programs and that we have sacrificed the modernization and the innovation of technology in the process.

The committee has outlined a plan to reverse the intelligence community's declining investment in advanced research and development. The committee's classified annex includes a requirement for a review of several emerging technologies to determine what will provide the best long-term return on our investment.

The committee also encourages a symbiotic relationship between the intelligence community and the private sector using innovative approaches, such as the CIA's In-Q-Tel. In-Q-Tel is a venture capital fund, largely funded by the U.S. intelligence community, to stimulate new technologies through private sector entrepreneurs. It shows great promise.

I should also mention that there is a fifth priority we have identified but to which we have not yet given the specific emphasis in this year's legislation as we will in the next. This area is referred to as MASINT. It is the newest form of intelligence collection; that is, the collection of measurements and signatures intelligence.

MASINT encompasses a variety of technical and intelligence disciplines that are particularly important in countering the proliferation of weapons of mass destruction and their delivery system. While the committee recognizes the importance of this vital area of intelligence, we are awaiting the completion of a community-wide review of our MASINT capabilities which was required by the fiscal year 2000 intelligence authorization bill. This study will include recommendations for building a robust MASINT capability that will meet the challenges of the 21st century.

Admiral Wilson, the Director of the Defense Intelligence Agency, is leading this effort and has assured the committee this review will be completed and forwarded to the Congress in time to be considered as we prepare next year's authorization bill. We expect that rebuilding our MASINT capability will be a priority item in next year's legislation.

I am confident we have outlined a 5-year plan that will rebuild and reenergize our intelligence community so that it can meet the challenges before it. The events of September 11 have increased the complexity as well as the quantity of those challenges to our intelligence community. I urge my colleagues to support this legislation and help it move to the President's desk as expeditiously as possible so that the resources we are authorizing can get to the community which needs them.

I conclude by thanking some of those who have helped in the production of this important legislation. First, as I have indicated, much of this legislation is built on the foundation of the work that has been done over the past several years by our vice chairman, Senator RICHARD SHELBY. He has been a valued partner and a good friend as we have worked through this legislation, as well as some of the other challenges the committee has faced this year. The members of the committee have played an active and constructive role in the development of this legislation.

Our staff director, Al Cumming, our deputy director, Bob Filippone, and chief counsel, Vicki Divoll, have led the effort to put this bill together, as have our budget director, Melvin Dubee, chief clerk, Kathleen McGhee, and security director, Jim Wolfe.

I might say, our security director has been especially challenged in the last few weeks as our offices are in the hot zone of the Hart Building, and we have been evacuated for the past 3 weeks while still maintaining security over a large volume of very sensitive documents.

I also thank Senator SHELBY's staff director, Bill Duhnke, for his work and assistance in putting this legislation together. This committee has had a long history of bipartisanship. We do not have a Democratic staff or Republican staff; we have ''a staff,'' and they work together effectively to serve the Senate and the American people.

We have faced some unique challenges this year. The shift of control in the Senate was handled professionally and smoothly by our members as well as our staff. I again thank Senator SHELBY for his great contribution to that effort.

The comprehensive review of the defense and intelligence budgets caused us to receive the administration's budget request later than normal. This required our staff to work through the August recess and over the Labor Day weekend to prepare for our September 6 markup.

The anthrax contamination in the Hart Building has forced us out of our offices for an extended period of time. Again, our staff has met the challenge and continues to fulfill its obligations under these challenging circumstances.

I thank Mike DeSilvestro and his staff in the Office of Senate Security who have handed over some of their space and have shared their offices with our committee.

I also thank Congressman PORTER GOSS, the chairman of our House counterpart committee, and his staff who have been equally accommodating.

I am deeply indebted to all of these individuals and to our entire committee staff for their dedication, professionalism, and commitment to public service.

I commend to our colleagues in the Senate the legislation which is the Intelligence Authorization Act for this fiscal year and urge its adoption.

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

Mr. SHELBY. Mr. President, the world is a very different place than it was the last time Congress passed an intelligence authorization bill. As we all know, we are now at war, but we are not only at war, we are in a particular kind of war: A war against global terrorism in which the lives of thousands of innocent Americans have already been lost.

This war has turned some of the conventional wisdom on its head. In past wars, intelligence agencies served to support the warfighter. In this war, however, the intelligence agencies are on the front lines all over the world.

Good intelligence has always been critical in wartime, but the war we fight today is an intelligence-driven one to a degree we have never seen before. This war has no front lines and the field of combat is global.

Wherever terrorists and their supporters can be found, that is the battlefield. Never before have we demanded or have we needed so much from our intelligence services. I have been privileged to serve as the chairman, and now the vice chairman, of the Senate Intelligence Committee. I treasure my relationship with the chairman, Senator GRAHAM. He has brought great, steady leadership to the committee. He is a veteran of the committee. He has been there a long time, we have worked together on a lot of initiatives, and we are going to continue to do that.

Some of what I have learned about our intelligence community over the last 7 years that I have been on the committee is very encouraging. It has many truly outstanding people doing very good work. Today it is working, actually right now, to respond vigorously to the unprecedented demands this war places upon it. But our intelligence community has changed far less rapidly than the world around it. In too many important ways, it remains structured as it was during the cold war.

The U.S. intelligence services were crucial to our victory in the cold war, but times have changed and they keep changing.

Our intelligence system still remains wedded to the institutional fiefdoms and information stovepipes of the past. Our intelligence community is still too little of a community and too much of a freewheeling federation that lacks effective, centralized control and management.

We have a nominal Director of Central Intelligence who has and apparently is resigned to having little authority over the community he is supposed to head. Although the press of

events since the September 11 events have prompted our agencies to communicate and to cooperate with each other much better, we still have a very long way to go before U.S. intelligence can effectively meet this new challenge.

Helping our intelligence community overcome these problems will be a challenge for this Congress and the President in the months and years ahead. This bill before us today embodies the Senate's continued support for the intelligence community, authorizing its appropriations for the next fiscal year. It also represents a small first step in what will be our role in driving significant reforms in U.S. intelligence, by helping set the stage for improved oversight.

This bill, for example, increases Congress's ability to evaluate allegations of wrongdoing within the Central Intelligence Agency by requiring the CIA Inspector General to notify the Director of credible complaints against the agency.

Building upon the report our committee recently produced on CIA activities in interdicting illegal drug flights in Peru, the bill before us also requires special reporting and certifications by the President for such interdiction operations.

Additionally, the bill requires that national counterintelligence strategies and threat reports be approved by the President before being submitted to the Congress.

This bill is not a bill to revolutionize the intelligence community. That effort will take time, but I believe it is now inevitable. This is a bill to keep the intelligence community on an even keel while it tries to respond to the challenges it faces today, and while we work to help it change in the right ways.

I have long been a strong supporter of U.S. intelligence, and I am pleased that we in the Senate continue to support it with special vigor in this time of crisis. We have more to do, however, and Congress will continue its tradition of assertive oversight. It must. Today, more than ever, we need an intelligence community that is able to overcome the tyranny of its conceptual and institutional stovepipes. We need one that does not merely respond to our present emergency by doing more of the same, just with more money and more people. That will not be enough. A bigger and better funded status quo is not good enough. The status quo has not and will not serve us well in a world of increasing and more diverse threats.

I believe we need management that is able and willing to fight for the intelligence community within the administration and to reach out to unconventional thinkers. The time for ''steady as you go'' is over, and we need leaders who are not afraid to take on the ossified bureaucracies.

I believe Chairman GRAHAM and I agree that change must come, and it will. Again, I commend Chairman GRAHAM for his efforts in getting this bill to the Senate today and managing it in a professional way. Senator GRAHAM's steady leadership of our committee has been instrumental during a turbulent period on Capitol Hill and throughout the Nation. I thank him again for his efforts and look forward to continuing our close working relationship.

At the end of the debate on this bill, I urge my colleagues to support it. It will permit our intelligence community to continue its current operations while we work to lay the foundations for a more capable intelligence community that can meet the challenges ahead.

I yield the floor.

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

I have not had the opportunity while in the Senate to serve on the Intelligence Committee. It is a tremendous honor to serve on that committee. The things worked on in that committee are extremely important to our country. They always have been, but even more so the last 2 months. I have great admiration and respect for the bipartisan manner in which the Senator from Florida and the Senator from Alabama have handled this committee, especially during these most difficult times.

I read in this morning's paper there are efforts being made to do some consolidation within the intelligence-gathering community in our country. As someone not on the inside of what goes on in the intelligence community, from the outside it looked like a pretty good idea. I think one thing that should be done, and I have spoken both to the chairman and the ranking member of the committee, is this country needs to recognize terrorism is here for awhile. We as a country need to recognize there are certain things we need to do to better prepare to handle what these evil people are doing. As a first step, we need to consolidate the training of our Nation's first responders as well. I believe the Nevada Test is the best place to do that.

I have spoken, as I said, to the two managers of this bill about this ideas. I have also spoken to Governor Ridge, the terrorism czar, about this idea. I have spoken to the CIA Director.

This Nevada Test Site has played an important part in helping our nation win the cold war. As you know, I was born and raised in Nevada. As a little boy, I can remember getting up in my town of Searchlight because we knew an atomic blast was going to go off. We could see this bright orange thing in the sky, and then we could feel the force of that blast. We could not always feel it because sometimes it would bounce over us, but generally we could. Those nuclear devices were set off in the desert north of Las Vegas at the Nevada Test Site.

The Nevada Test Site area is larger than the State of Rhode Island. This area has mountains, valleys, dry lakes. It already has a facility for testing chemicals. It has been there for a number of years. It has worked extremely well. You have large dormitories and restaurants handle the first responders who will come to train there.

The facility also has a network of tunnels through the mountains. They were developed originally to set off nuclear devices and they can now be used as a place where training could be done. Now they can be used to simulate hardened underground bunkers like we saw in Iraq.

We need a top gun school for training first responders. There is a tremendous facility in Alabama at Fort McClellan, but it is limited as to what it can handle. We need a facility that can handle all the training necessary for first responders. The Nevada Test Site can do that. Already, first responders and special operations training is occurring there. The energy and water bill we just completed includes $10 million to help expand existing capabilities into a national antiterrorism center. There is also money in the Commerce-State-Justice bill for this.

A National Center for Combating Terrorism will offer all the people and organizations combating terrorism and the local first responders to the larger Federal resources a place to come together and train for the wars taking place today and in the future. It has it all: Caves, tunnels, mountains, valleys. It is very cold in the winter, very hot in the summer. The Nevada Test Site, without question, helped us win the cold war.

I hope we will look at the Nevada Test Site. I have a parochial interest, no question. It is quite obvious. But I haven't heard anyone tell me why this idea is wrong. I think it needs to be done. It is a facility that has tremendous potential.

The Nevada Test Site served our nation and helped it win the cold war. It can now help us fight the new wars we face today and will face tomorrow.

I appreciate the consideration the two managers of this bill have given me in my conversations with them. I certainly stand ready, as do the contractor and the Department of Energy, to make the facility available for those purposes.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. I appreciate the remarks our colleague from Nevada, Senator REID, has made regarding the contribution the Nevada Test Site has made to our development of weapons that were so critical to our success in the cold war and its potential for serving a role in the new war against terrorism. I appreciate the Senator's interest in increasing our capabilities to

wage and win this war. I assure him our committee will give full attention to this opportunity. I very much appreciate the Senator having brought this to our attention.

As the Senator from Nevada mentioned at the beginning of his remarks, this will be a period of some fundamental questions about the future of the intelligence community and how it can be best organized to deal with the new world in which we will be living, as opposed to the world in which it has spent most of its life to date, which was the world of a single enemy that we knew a lot about and that we had considerable experience in attempting to understand and respond to.

Mr. REID. Will the Senator yield?

Mr. GRAHAM. I yield.

Mr. REID. The chairman of this committee, the Senator from Florida, has been Governor of one of the biggest States in the United States. The State of Florida is not only large area-wise but has the fourth or fifth largest number of people in America. That gives me confidence that the Senator, who has had to administer an extremely large government, understands what is happening with our intelligence capability. Forty different entities are gathering intelligence information.

I have significant confidence in the Senator from Florida being chair. Because of the Senator's administrative experience, he is a great legislator, although being a great legislator does not always mean being a good administrator. It is extremely important for me to hear his thoughts based on experiences as the Governor of the State of Florida, and learning how to consolidate our intelligence information. I appreciate the Senator being willing to take the chairmanship of this most important committee. When the Senator took the chairmanship, he had no idea, as any of us, we would be in this war at this time. I look forward to improvements being made basically because of our special abilities.

Mr. GRAHAM. I appreciate those kind remarks. We do have a major challenge to see that the architecture of our intelligence agencies encourages innovative thinking, that the Senator's idea which he brings forward today will stimulate.

I, too, was impressed with the article that appeared in today's Washington Post about the recommendations being made to the President by a man for whom I have great respect, Gen. Brent Scowcroft, which, as reported, will call for a closer collaboration among the intelligence agencies. That is something that has long been recommended but difficult to achieve because we are asking agencies that have a piece of current intelligence jurisdiction to release their hold.

However, if we are to do things as suggested by the Senator from Nevada, new ways of thinking, of training for a new and continuous war—not only a war being fought over there but a war that is being fought right here on the homeland of the United States—we are going to need to have new organizational relationships. Eventually it will be the responsibility of the Congress, since it was the Congress which created the old architecture, to be the principal architect if we are to rebuild our intelligence capabilities to deal with the new challenges we face.

I look forward to working with Senator REID, Senator SHELBY, and our colleagues in doing that in the most effective way and to be willing to put aside old ideas—not because old necessarily means they are bad ideas but be willing to challenge those ideas with new thinking to prepare to deal with new challenges.

Mr. NELSON of Florida. Mr. President, will the Senator yield?

Mr. GRAHAM. I yield.

Mr. NELSON of Florida. Mr. President, I want to echo the assistant majority leader's comments about the right man who rises to the top for the times.

Just to give an example in addition to the one the Senator from Nevada has already given about our former Governor having that unique experience because of his experience in State government, he understands now, uniquely, the vulnerability of the 300 deep-water ports that we have in this Nation because Florida itself has 14 deep-water ports.

We have passed out of our Commerce Committee a port security bill. It is coming to the floor, hopefully, very soon. Senator GRAHAM and I and Senator HOLLINGS will be offering an amendment to significantly increase the Federal grants for security and loan guarantees to the tune of some several hundreds of millions of dollars of grants, and to the tune, over a 5-year period, of some $3.3 billion in loan guarantees. To do what? To try to make those ports more secure through badging, through sophisticated detection devices, through fencing, through guards, through gates, in addition to what the Coast Guard is already doing.

It is just another example of the leadership offered by the former Governor of Florida, now our senior Senator from Florida, and the chairman of the Intelligence Committee.

I wanted to add that one comment to the comments of the Senator from Nevada about the right man for the time. I would only say: Accolades to his ranking Republican on the committee as well, Senator SHELBY, who has been a dear personal friend of mine since we came to Congress together in 1978. I am confident in the leadership of our Intelligence Committee.

I yield the floor.

Mr. GRAHAM. Mr. President, obviously I am very touched by those kind remarks by my friend, colleague, and fellow Floridian, Senator NELSON.

To speak to the broader point he made, using the example of seaport security, one of the things we as a nation cannot allow ourselves to lapse into is a practice of waiting until one of our infinite number of vulnerabilities has actually been attacked before we start the process of attempting to make it more secure. We have been attacked in the last 2 months basically in two areas: The conversion of commercial aircraft into weapons of mass destruction, and the use of the Postal Service to distribute anthrax. We don't know yet what the origin of that second attack was. We are now responding.

We have passed massive economic assistance to the airline industry. We have now in conference legislation passed by both Houses in the area of airline and airport security. We will soon have a major bioterrorism bill before us, largely in response to the anthrax issue. Our Postal Service is now moving at the fastest possible pace to install technologies to check our mail to see that it is safe.

While we are doing that, and that is certainly appropriate, we cannot forget all these other vulnerabilities. If you had asked me 5 years ago what I thought was the more likely to be the target of a terrorist, a commercial airline or a container delivered at an American seaport, I would have said the container. Why would I have said that? Because the security standards in our seaports are substantially less rigorous than at airports and airlines, even before September 11.

Just a few statistics. We have 361 seaports, as Senator NELSON has outlined. Into those 361 seaports today and every day are delivered an average of 16,000 containers from noncontiguous nations; that is, not from Mexico or Canada but from the rest of the noncontiguous world. Of those 16,000, less than 3 percent are subject to close inspection. If a terrorist wanted to use one of those containers as a weapon of mass destruction, as 757s were used as weapons of mass destruction on September 11, frankly his chances of detection would be minimal.

I have gotten some criticism making that same statement, suggesting that I am disclosing some confidential information of which the terrorists might rush to take advantage. I am certain the terrorists are well aware of those statistics because they have been widely reported.

Mr. President, I ask unanimous consent to have printed in the RECORD an article which appeared in yesterday's New York Times, based on their analysis of one relatively moderate-size port in America, the one at Portland, ME, and its vulnerabilities.

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

[From The New York Times, Nov. 7, 2001]

THE SEAPORTS—ON THE DOCK, HOLES IN THE SECURITY NET ARE GAPING

(By Peter T. Kilborn)

PORTLAND, ME., Nov. 3.—The big cargo ships and ships with truck-size containers pull up to docks where no one inspects their contents. Brown tankers from the Middle East steam into the bay, slide under a drawbridge that bisects the Fore River and tie up

by terminals, tanks and a pipeline that carries the oil that heats Montreal.

In warmer weather, cruise ships like the QE2 and the Royal Empress with up to 3,000 tourists park at piers on busy Commercial Street, right next to Portland's lively downtown.

For Portland's officials, the scene, at least before Sept. 11, was a point of pride, the sign of a strong economy and a proud maritime heritage. Now it evokes fear and uncertainty. The unscrutinized containers, the bridge, the oil tanks, the dormant but still-radioactive nuclear power plant 20 miles north of the harbor—all form a volatile mix in a time of terrorism.

The usual barrier is chain-link fence. ''It keeps out the honest people,'' said Paul D. Merrill, owner of a cargo terminal. ''That's what it comes down to.'' The Port of Portland, Police Chief Michael Chitwood said, ''is a tinderbox.''

Remote as it seems on the northeastern ear of the nation, Portland is not particularly exceptional among the nation's 361 seaports. The ports of New York and New Jersey, Miami, Long Beach, Calif., and Los Angeles are much bigger and busier. Yet like most ports, the one here is near a population center and it is packed with bridges, power plants, and combustible and hazardous materials.

All that makes ports among the country's greatest points of vulnerability.

Even so, no national plan exists to thwart attacks against them, to respond if one happens or to organize a community afterward. No federal agency regulates seaports the way the Federal Aviation Administration manages airports. They are managed locally, often by the private businesses that use them. All are overseen by a patchwork of agencies, already stretched thin, some monitoring hundreds of ships a day.

Compared with the attention being given to airline security, security at the ports has gone largely unnoticed, even though they handle 95 percent of the cargo that enters from places other than Canada and Mexico. A bill to tighten port security has passed a Senate committee. The full Senate could vote on the bill within two weeks, but the debate has yet to begin in the House of Representatives.

''People in Congress don't have any idea it's a problem,'' said Senator Ernest F. Hollings, Democrat of South Carolina, who is chairman of the Commerce Committee and co-sponsor of the bill with Senator Bob Graham, Democrat of Florida. ''I've got folks who don't have ports in their states. It's hard to get it in front of their heads.''

Port officials are aware of various threats, like using a tanker or fuel-loaded cruise liner as a bomb, secreting weapons and explosives in containers, hijacking a ship and ramming it into a nuclear plant on the shores of a river or infesting a cargo of grain or seeds with a biological weapon.

Given the potential dangers, the security measures in place are far from adequate.

''We're looking for needles in a haystack,'' said Dean Boyd, a spokesman for the United States Customs Service. ''And the haystack has doubled.'' International trade has doubled since 1995 while the number of people to handle inspections has remained roughly constant, he said.

The Coast Guard patrols coasts and harbors but little of the land or the cargo. It checks out ships coming in from the open sea but has no way of thoroughly searching everything that comes by.

The Customs Service says it can inspect only 2 percent of the 600,000 cargo containers that enter seaports each a day on more than 500 ships. Of the 2 percent, many are not inspected until they reach their final destination, sometimes on the opposite coast, where they travel unguarded by rail, barge and truck.

Last year, a government commission on crime and security at seaports found similar weaknesses. The commission surveyed 12 major ports including those of New York and New Jersey, Miami, Los Angeles, New Orleans and Charleston.

While withholding their identities for security reasons, the report found that only three of the ports tightly controlled access from the land and that access from the water was completely unprotected at nine of them.

The report also emphasized the hazards posed by materials unloaded from ships. ''The influx of goods through U.S. ports provides a venue for the introduction of a host of transnational threats into the nation's infrastructures,'' the report said.

A tangled chain of authority further compromised security, the commission said, a point echoed by the authorities in Portland.

''No one's in charge,'' said Jeffrey W. Monroe, director of transportation for the city. ''There's no central guidance.''

And ports have a strong economic incentive to limit control. With the taxes that cruise ships, tankers and other businesses pay, ports are the lifeblood of their communities. Port authorities' principal constituencies are private industry and economic development offices, whose mission is growth, not security. ''They win if they move more cargo,'' Senator Hollings said.

In Portland, the seaport has been a boon, generating millions of dollars a year in revenues, Mr. Monroe said that in the past year the bulk cargo business grew 10 percent, passenger traffic and oil imports both rose by 20 percent. But the stalling economy and now the cost of heightened security have wiped out nearly all that the seaport and airport contribute to the city budget.

In Congress, the Hollings-Graham legislation would help cities meet some of the cost of securing their ports. It would give the Coast Guard regulatory control over ports, require background checks of waterfront workers and provide for 1,500 new Customs agents.

Before the September attacks, the seaport industry's principal lobby, the American Association of Port Authorities, fought the legislation, arguing that it would impose one-size-fits-all security systems for all seaports.

Though the group now supports many provisions of the bill, it still has questions over the matter of who controls security. Meanwhile, ports have taken their own steps to improve security. In Florida, Gov. Jeb Bush announced he would deploy the National Guard to oversee four of the state's busiest ports. In California, Gov. Gray Davis tightened security around bridges.

In Portland, officials and businesses have taken similar steps. Minutes before the drawbridge opens for a tanker, police officers arrive to monitor both sides of the bridge. Fences are being repaired and installed.

At the city's International Marine Terminal, where from May to October the Scotia Prince carries 170,000 passengers on 11-hour cruises between Portland and Yarmouth, Nova Scotia, visitors used to roam freely around the pier. Now only passengers are allowed there, and then only after they and their baggage are cleared by metal detectors and bomb dogs. The pilings below the pier are now illuminated at night.

For its part, the Coast Guard now focuses primarily on harbor security. It requires vessels weighing more than 300 tons to notify the port 96 hours before arrival. The big ships also must fax crew lists, said Lt. Cmdr. Wyman W. Briggs, executive officer of the guard's facilities in Portland. The crews of fishing boats must carry picture ID's.

For all this, much tighter seaport security may prove impossible. Seaports cannot be secured like airport, said Brian Nutter, administrator for the Maine Port Authority in Augusta. ''You can't fence off the whole state of Maine,'' Mr. Nutter said.

Mr. GRAHAM. I think what we need to do is, yes, we need to pass the Seaport Protection Act and others. But our mentality needs to be one of anticipation and prevention, not one of waiting to be hit and then respond. The adoption of the Seaport Protection Act would be an example that we have not lapsed into a defensive mode but that we are on the offensive; that we are preparing to protect the American people before they are subject to attack.

Mr. NELSON of Florida. If the Senator will yield, I only underscore the importance of his comments about the vulnerability of our deep-water seaports which are so often co-located with military facilities. As we look at the Port of Jacksonville, there are major military facilities; Pensacola, the same; Port Canaveral, right adjacent to the Cape Canaveral Air Force Test Station as well as the Trident submarine turning base.

As Senator GRAHAM has pointed out, we have a real risk. How do we go about determining what is in the container that might have started at Singapore, comes to the Port of Lisbon, is transferred around onto a different ship, and ultimately comes into one of our American ports?

On the reverse we have had quite a bit of success. Indeed, through a machine called a gamma ray machine which was set up initially to try to stop the smuggling and stealing—smuggling of stolen automobiles—the gamma ray machine takes an x-ray picture of the container without the harmful side effects of radiation from x-rays. You can see exactly what is in the container as the truck pulls up between two poles. The picture is there. The guard can check that against the manifest of what is supposed to be in the truck.

Lo and behold, on the east coast of Florida there are some four or five gamma ray machines now set up, and it has virtually stopped all of the smuggling of stolen automobiles going out of those ports.

If we can do that on the outbound cargo, clearly we have to figure out something for the inbound cargo because the vulnerability is there.

I appreciate so much the leadership of my senior Senator from Florida. It is a privilege for me to join with him and Senator HOLLINGS to try to enhance this legislation as it comes to the floor.

Mr. GRAHAM. Mr. President, if I could just conclude with, again, my appreciation for the very generous remarks of my friend and colleague, and also to relate what he has just said to the subject that is before us, which is the intelligence authorization bill.

The PRESIDING OFFICER (Mr. NELSON of Florida). The Senator from Florida.

Mr. GRAHAM. The fact is, even with the sophisticated technology that our now-Presiding Officer just described, there is still a tremendous burden on intelligence.

I visited some time ago in the course of my interest in seaport security what is the largest port in the world at Rotterdam, which uses a very advanced level of technology. But they can only inspect a relatively small percentage of all the containers that come into that port. So they must depend upon intelligence information to allow them to identify which of those thousands of containers that are arriving every day at Rotterdam are the ones that are the most suspicious and, therefore, need to have this advanced technology applied.

While part of the Sea Port Security Act is going to give, hopefully as quickly as possible, to all of our ports significantly better technology, we are still going to be relying on intelligence to focus on which of those containers to which that technology would need to be applied. The legislation before us is a significant step in increasing our capability to provide that intelligence to seaports as well as to thousands of other American vulnerabilities.

Mr. ROCKEFELLER. Mr. President, I rise to support S. 1428, which is the intelligence authorization bill, and to congratulate particularly Senator BOB GRAHAM from the State of Florida for his excellent leadership on this whole matter.

We all know the work of the Intelligence Committee and the work of the intelligence community, more particularly, is incredibly important at all times and, obviously, after September 11, it has become a matter of national survival in many respects. So this is an extremely important bill and a very good one.

We rely on the people in the intelligence community in every way. We often do not think about it, although we have thought about it more in the last couple of months. They support the U.S. military actions in Afghanistan; they work with other countries to track down and arrest terrorists and disrupt all kinds of attacks which we may not hear about because they did not occur; they assist law enforcement agencies with the anthrax investigation; they follow the finances of terrorist organizations allowing the Department of the Treasury to freeze assets with accurate and proper information, and they are leading the hunt for the leaders of al-Qaida.

The intelligence community has surged its efforts to support this war, but it is also now obviously been called on for enormous amounts of new resources just to meet the day-to-day requirements they had before September 11.

We continue to collect and analyze counterproliferation, counternarcotics and international organized crime. We collect intelligence regarding our traditional state adversaries, such as North Korea and Cuba, and we keep a very close eye on hot spots around the world, obviously including places such as the Middle East.

There are four priorities in the bill. They should remain our priorities. The first is we revitalize the National Security Agency. That was done.

We correct deficiencies in human intelligence. That is being addressed.

We address the imbalance between collection and analysis. We have talked about that for a long time.

We provide sufficient funding for research and development. All of those are addressed.

As I indicated, we need the resources not just now, but there will be probably more needs in the future. That is being done through the supplemental appropriations process, as it should be, but I just put our colleagues on notice this is going to be a continuing situation.

This is my first year on the Intelligence Committee. I have to say I am extraordinarily impressed by the diligence of the committee, by the people who are on it, including the Presiding Officer, and the vigor and emphasis which they bring to their work. It is a committee that not a lot of people know a great deal about, but it does very important work.

I urge my colleagues to support this bill. I thank the Presiding Officer, and I yield the floor.

Mrs. FEINSTEIN. Mr. President, I rise in strong support of Senator GRAHAM's bill authorizing appropriations for intelligence for fiscal year 2002.

The Senate Select Committee on Intelligence, on which I serve, and which Senator GRAHAM chairs, is a unique expression of the vital role the United States plays in the critical field of national security. Much of our proceedings are, by necessity, secret, and our committee's business is often conducted behind closed doors. That said, I am proud of the fact that in this country the activities of the intelligence services, so important to national security, but potentially so dangerous to our precious civil liberties, are authorized by the people's representatives in Congress.

The bill before us today is the result of that process. Under the able leadership of Chairman GRAHAM and Vice Chairman SHELBY, the Intelligence Committee has delved deeply into the activities of our intelligence agencies, reviewing their operational efforts, their resource needs, and the legal and regulatory structure within which they operate. This bill was crafted in the light of that inquiry, and I believe represents a well-conceived and workable plan to support the critical intelligence needs of our country.

Many have said that, after the tragic events of September 11, ''everything changed.'' That is not completely true, for an effective and well-supervised intelligence structure was essential to our national security before September 11, and remains so after the attacks. What did change, however, is the sense of urgency, and the general understanding of the importance of intelligence, particularly in the area of terrorism. This bill addresses those needs, and I am certain will provide a framework which will allow the intelligence community to work towards protecting our Nation from those who would do it harm, whether rogue nations or sub-national terrorist groups.

The bill addresses some of the difficult issues that confronted the committee during the past year with balance and firmness.

It contains language that addresses the specific, and systemic, shortcomings which led to the tragedy last spring when a civilian airplane was accidentally shot down in the course of a CIA-sponsored counterdrug operation. It accomplishes this by requiring the President to certify that appropriate safety procedures are in place, adhered to, and that the program, should it continue, is necessary to our national security.

The bill contains language directing the Department of Justice to perform a thorough review of current law concerning the unauthorized disclosure of classified information. This will allow the administration to carefully address the pernicious problem of recurring unauthorized disclosures in a measured and thoughtful manner. Should it be necessary for the Congress to revisit this issue, our efforts will be assisted by the results of the Department of Justice review.

The bill, and its classified annex, authorizes funding appropriate to the extensive, and often expensive, responsibilities we have asked the intelligence community to carry out. There has been much said publicly about the size and scope of our intelligence budget, and there remains reasonable arguments on both sides as to whether the intelligence budget should remain classified. However, I want to take this opportunity to assure my colleagues, and all Americans, that the intelligence budget is not created in a shadowy vacuum, but in a process that allows the legislative branch meaningful insight into, and final authority on, the intelligence budget.

Finally, I look forward to working with my colleagues on the committee in performing the necessary follow-on to passage of this bill—the vigorous oversight of the operational and analytic efforts that will carry out the authorized direction contained in this bill.

The PRESIDING OFFICER. Without objection, the two reported committee amendments are agreed to.

The Senator from New Hampshire.

AMENDMENT NO. 2114

Mr. SMITH of New Hampshire. 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 New Hampshire [Mr. SMITH] proposes an amendment numbered 2114.

Mr. SMITH of New Hampshire. 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 new procedures for the removal of alien terrorists and the protection of United States citizens from international terrorism)

At the appropriate place in the bill, insert the following:

SEC. ___. ALIEN TERRORIST REMOVAL ACT OF 2001

(a) SHORT TITLE.—This section may be cited as the ''Alien Terrorist Removal Act of 2001''.

(b) FINDINGS.—Congress makes the following findings:

(1) In 1993, international terrorists targeted and bombed the World Trade Center in New York City.

(2) In 1996, Congress enacted the Antiterrorism and Effective Death Penalty Act, which established the Alien Terrorist Removal Court for the purpose of removing alien terrorists from the United States based on classified information.

(3) On May 28, 1997, the Court adopted ''Rules for the Alien Terrorist Removal Court of the United States'' which was later amended on January 4, 1999.

(4) The Court is comprised of 5 United States District Judges who are designated by the Chief Justice of the United States to hear cases in which the United States seeks the removal of alien terrorists.

(5) On September 11, 2001, terrorists hijacked 4 civilian aircraft, crashing 2 of the aircraft into the towers of the World Trade Center in the New York City, and a third into the Pentagon outside Washington, D.C.

(6) Thousands of innocent Americans and citizens of other countries were killed or injured as a result of these attacks, including the passengers and crew of the 4 aircraft, workers in the World Trade center and in the Pentagon, rescue worker, and bystanders.

(7) These attacks destroyed both towers of the World Trade Center, as well as adjacent buildings, and seriously damaged the Pentagon.

(8) These attacks were by fair the deadliest terrorist attacks ever launched against the United States and, by targeting symbols of America, clearly were intended to intimidate our Nation and weaken its resolve.

(9) As of September 11, 2001, the United States had not brought any cases before the Alien Terrorist Removal Court.

(10) The Court has never been used because the United States is required to submit for judicial approval an unclassified summary of the classified evidence against the alien. If too general, this summary will be disapproved by the Judge. If too specific, this summary will compromise the underlying classified information.

(11) The notice provisions of the Alien Terrorist Removal Court should be modified to remove the barrier to the Justice Department's effective use of the Court.

(c) ALIEN TERRORIST REMOVAL HEARING.—Section 504(e)(3) of the Immigration and Nationality Act (8 U.S.C. 1534(e)(3)) is amended—

(1) by striking ''(A) USE.—''.

(2) by striking ''other than through reference to the summary provided pursuant to this paragraph''; and

(3) by striking subparagraphs (B) through (F).

(d) REPORTS TO CONGRESS.—Beginning 6 months after the date of enactment of this Act, and every 6 months thereafter, the Attorney General shall submit a report to Congress on the utilization of the Alien Terrorist Removal Court for the purposes of removing alien terrorists from the United States through the use of classified information.

Mr. SMITH of New Hampshire. Mr. President, this amendment really has two very simple provisions. There exists now what is called an Alien Terrorist Removal Court which was set up to remove alien terrorists from our country. The problem is no one is using the court. The reason for that is we are required under the law to submit to the terrorists a summary of the intelligence we gathered on him and how we got it. Obviously, if the terrorist gets that information, then the people who provided that information are going to be killed or their lives will be at risk.

My amendment provides that an independent Federal judge would take a look at the information and decide that it could not be shared but that the person should be deported.

That is the first provision of my amendment.

The second one provides that every 6 months we get a report back from Justice on how the terrorist court is working, how often the court is being used, and so forth.

That is really all there is.

I want everyone to understand that the amendment is quite simple. We are trying to work out an agreement on both sides. So far, that has not occurred. In view of the fact that we still have not done that, I am going to ask for the yeas and nays on my amendment at this time.

The PRESIDING OFFICER. Is there a sufficient second?

At the moment, there is not a significant second.

Mr. SMITH of New Hampshire. Mr. President, in the way of introduction, I applaud the efforts of our intelligence community to fight this war against terrorism. Under very difficult circumstances, they are doing an outstanding job. They have a tough assignment, not knowing from one day to the next where a terrorist may strike. We know there is a network of terrorists right now in America. There are a lot of brave people in the intelligence community who are working night and day to make sure the events of September 11 are never repeated. Of course, we can't make those guarantees. The best way to have a situation where we can see that it doesn't happen again is to provide the support the intelligence community needs to fight this war against terrorism.

My amendment under the intelligence authorization bill is a tremendous tool in that fight against terrorism and to see to it that aliens are deported—not U.S. citizens, but aliens who are in this country participating, if you can believe it, in these networks of terrorism. All we are asking for is that they be deported—sent back home.

That is what the amendment does. It will remove provisions from the Alien Terrorist Removal Court that render the court ineffective and useless.

Let me repeat again that today under the Alien Terrorist Removal Court, if we gather information that an alien terrorist may be committing a crime, or is prepared to commit a crime, or is getting ready to do some terrorist act against the United States, that individual must have the intelligence summary presented to him, which could and many times does compromise the sources and methods of gathering intelligence.

My amendment would say that a judge would look at that summary, and that judge would say, yes, this would compromise their sources and methods. So we will deport the alien—not a U.S. citizen—based on the recommendation of the judge.

The second provision is that we get a report every 6 months on how often this court is being used. That will allow us to track the effectiveness of how this court is working. Right now it is not working at all. We have a court, and no one is using it because the intelligence community simply will not compromise their people, nor should they, nor their sources and methods.

In 1994, to provide a little history, I sponsored legislation to create this court. The legislation established specific procedures for the removal of alien terrorists without disclosing sensitive intelligence data and also protected those sources and methods. I didn't get anywhere with it in 1994. In 1996, I succeeded in getting a version of this legislation added to the Antiterrorism Act. That bill became law. The court was established.

The intent was to set up a Federal court that specialized in the identification and expulsion of aliens who are terrorists from the territories of the United States. But my idea never became reality. We created the court, and nobody used the court because of this business about the summary having to be provided under the law. We need to go to the next level beyond the court. We created the court. Now let's allow the court to work and allow the intelligence community to do what it has to do to get these people deported.

The Alien Terrorist Removal Court is staffed with judges and is empowered to prosecute alien terrorists. As you well know, since that 1996 law was passed there have been zero prosecutions.

It is hard to believe, especially today, that this mechanism to fight terrorism has yet to be utilized by the Federal Government to prosecute even one alien terrorist. That is the part that frustrates me. It is not a comment against the intelligence community. They are put in the position. They come in, and they say, we have this information that this person or that person is going to do something. They are damned if they do and damned if they don't because if they provide the information, they compromise their own

sources and methods. If they don't provide it, we can't deport them. So they stay.

I believe there are some aliens we have been able to deport. Perhaps—who knows. We will never know—some of the ones who committed that heinous act on September 11.

But there are legitimate reasons the court has not prosecuted any cases. Some of the reasons are from weakening amendments that were made prior to the bill becoming law, which also was disturbing. But I don't want to go back and criticize. Hindsight is cheap, and armchair-Monday-morning quarterbacking is not what I want to do. I don't want to go back and complain to any Senator or to any Congressman about weakening legislation. But we are in a different world now. The world has changed. September 11 changed us forever. We need to respond to that change and be willing to take a new look, a fresh look at this.

I am not casting stones at anybody. If we could all predict the future, we would probably all be doing something other than what we are doing. So I want to make it very clear, this is not about criticizing anybody's position in the past or criticizing the intelligence community at all.

But the most glaring shortfall of the court is that too many procedural protections are given to the accused alien at the expense of the rest of us. These are not U.S. citizens. I make that clear.

I have been informed that the notice requirements and other procedural obstacles that force the Federal Government to disclose classified information just basically renders the court useless. The court can be a very effective tool in our antiterrorism program, including everything we have been talking about, not only in this bill but in the other legislation that we just passed in the antiterrorism bill. We can make it so much more effective with this kind of support.

Case in point: I wrote a letter to Attorney General Ashcroft on September 17, which, of course, was right after the terrorist attacks, and informed him of this whole issue of the Alien Terrorist Removal Court and what was needed.

Mr. President, I ask unanimous consent that letter be printed in the RECORD.

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

U.S. SENATE,
Washington, DC, September 17, 2001.

Hon. JOHN ASHCROFT,
Attorney General,
Washington, D.C. 20530.

DEAR JOHN: Please accept my heartfelt appreciation for the hard work that you and the rest of the Department are doing to hunt down the terrorists who have attacked our great nation. It is a sincere comfort to me, as I know it is for other Americans, to know that we have such a capable team in place to lead us through this trying time. My prayers are with you.

In 1994, I sponsored legislation to create an Alien Terrorist Removal Court. This legislation established specific procedures for the removal of alien terrorists without disclosing sensitive intelligence data to the terrorist and his organization. In 1996, I succeeded in getting a version of this legislation added to the Antiterrorism and Effective Death Penalty Act (8 U.S.C. 1531–1537). That bill became law and the court was established. My intent was to set up a Federal court to specialize in the identification and expulsion of alien terrorists from the territory of the United States. Unfortunately, my idea never became a reality.

The Alien Terrorist Removal Court is staffed with judges and is empowered to prosecute alien terrorists. As you well know, however, in the years since that 1996 law was passed, there have been zero prosecutions by the court. It is hard to believe, especially today, that this mechanism to fight terrorism has yet to be utilized by the Federal government to prosecute one alien terrorist.

There are legitimate reasons why this court has never prosecuted one case—many resulting from weakening amendments that were made prior to the bill becoming law. The most glaring shortfall of the court is that too many rights are given to the accused alien terrorist. I have been informed that the notice requirements and other procedural obstacles that force the Federal government to disclose classified information render this court useless. I believe this Court can be an effective tool in our terrorism program, and I want to work with you to remedy any problems with the law, and begin using the Court to rid our nation of terrorists.

I would appreciate your suggestions for improvements that would make this court an effective instrument in the fight against terrorism. Again, John, thank you for all of your exemplary work on this issue and I look forward to working with you.

Sincerely,

BOB SMITH.

Mr. SMITH of New Hampshire. Subsequent to that letter, I had a conversation with the Attorney General. The Attorney General is supportive of this provision because it will help them to do their work.

Republican Leader LOTT and I had a colloquy in this Chamber during a recent debate on antiterrorism. We had a conversation in which he agreed with me and supported my provision.

Mr. President, I ask unanimous consent that colloquy be printed in the RECORD.

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

[From the Congressional Record, Oct. 11, 2001]

ALIEN TERRORIST REMOVAL COURT

Mr. SMITH of New Hampshire. Mr. President, it had been my intention to offer an amendment which would strengthen provisions in the bill to deal with known terrorist aliens. As Senator LOTT well remembers, we worked in 1996, created the Alien Terrorist Removal Court, to hear cases against aliens who were known terrorist and to allow the Justice Department to deport these aliens without divulging classified information to the terrorist organization.

Mr. LOTT. I know the Senator from New Hampshire has been working a long time on this issue. In fact, when he sponsored this legislation back in 1995, I was a cosponsor of his bill. He has been a leader on this issue, he passed his legislation, and the Court was created.

Mr. SMITH of New Hampshire. That is correct. As the leader knows, there are some changes that are needed to improve the law, which is what my amendment was going to be about.

Mr. LOTT. I understand, and I agree that the law needs to be strengthened.

Mr. SMITH of New Hampshire. Mr. President, I would say to my colleagues, all the tools we are giving to the Justice Department in this bill are irrelevant if we cannot deport these terrorist who are living in our country preparing to terrorize American citizens. Page 162 of the bill says the Attorney General shall place an alien in removal proceedings within 7 days of catching him, or charge him with a criminal act, or else the bill says ''the Attorney General shall release the alien.'' Mr. President, the problem is that most of these terrorist have not committed criminal acts until they are ready to attack. Therefore, in most of these cases, the only option is to deport them.

Mr. LOTT. It is my opinion, that if we can deport known terrorist, we should do it. We cannot let the Justice Department be barred because the evidence was too sensitive to use in Court.

Mr. SMITH of New Hampshire. That is exactly the problem. Under current law, the Justice Department would have to give a declassified summary of all the secret evidence used in the deportation proceedings to the terrorist. Now, why would we compromise our intelligence sources and methods by revealing sensitive intelligence information to a known terrorist? The intelligence community would never allow it, and with good reason. But as a result, the Justice Department has never once used the alien terrorist removal court to deport anyone.

Mr. LOTT. That is my understanding, and it is a serious problem. I am in complete agreement with the Senator.

Mr. SMITH of New Hampshire. Mr. President, I thank the Leader. As I said, it had been my intention to offer an amendment to resolve this problem by eliminating the requirement for the Attorney General to give this sensitive information to the alien terrorist before deporting him. However, upon discussions with the Attorney General, who indicated to me that he supports this provision, and after discussions with the Leader, I have decided in the interest of moving this legislation to withhold my amendment at this time, with the assurance of the Leader and the Administration that we will work to solve this problem in conference.

Mr. LOTT. Let me say to the Senator that he can count me as a cosponsor of this amendment. It is an excellent amendment, it is needed, and I commit to the Senator that I will do my best to see that it is added in conference. I would further say to the Senator that I have also talked about this issue with

the Attorney General, and he indicated to me that the Administration supports your amendment and that he will also work to support it in conference when we get to that point. So, I appreciate his withholding at this time so we can get this bill to conference where we can work to get the Smith amendment added to greatly improve this bill.

Mr. SMITH of New Hampshire. I thank the Leader for his strong support, and I am pleased that the administration is also supportive. I know how many long hours the Attorney General is putting in on this issue, and how committed he is to winning this war on terrorism. I look forward to passing this important provision which will be an invaluable tool for the Attorney General and the President in this war.

Mr. SMITH of New Hampshire. This court was created in 1996, as I said, as part of the Antiterrorism and Effective Death Penalty Act. Since 1996, the Justice Department has used the court, as I said before, not once—not even one time—to deport any alien terrorist or suspected alien terrorist. Again, the reason is because they have to compromise their sources and methods to do it. They do not want to do that and I don't blame them. Therefore, the alien stays here, and we have to wait until he commits a crime before we can then arrest him or deport him, whatever the courts chose to do.

So, again, this amendment that I am offering strikes the provision of existing law that allows an alien terrorist to get access to a summary of classified information.

It is interesting because you will hear some critics of my amendment say: A summary is OK. We can take a summary and we can modify it, and we can take out sources and methods. We can do all these necessary things to make this good.

I submit to you, in some cases summaries are acceptable. We get them all the time. I know that the Senator from Florida, the chairman of the Intelligence Committee, gets them. We see summaries. Sometimes you can take a summary and get enough information. Oftentimes, Senators look at summaries of intelligence. We do not see the raw intelligence and that is fine.

But in this case, it is not fine because, let's say, for example—and this is a totally fictitious example—there is a conversation taking place between four people, and one of those people is a U.S. intelligence agent, and the three others are in a terrorist network. If we reference any of that conversation, even in a summary, the others are going to know that one of the four is a U.S. agent. If they know that, then a bin Laden might wipe everybody out just to be sure we get the suspect here. So it does risk our intelligence personnel, and we cannot afford that.

So my intent is to prevent the so-called ''sleeper cell'' of alien terrorists from committing an act of terrorism. A ''sleeper cell'' means they are out there; they have not committed an act yet, but we know who they are. Why not deport them. These are not U.S. citizens. We are not taking away their rights. We are taking away their visas. They are guests in our country. They have visas.

Those terrorists who committed those crimes were guests in our country, if you can believe that. They were guests. So why can't we take their visas and send them back to some other place where, if they want to commit it wherever they came from, fine, but keep them out of here. That is what we need to do. Let the other countries they came from take care of them and stop them, but don't let them come in here with their visas and do these kinds of horrible things. That is what I am trying to do, get at this sleeper cell, the network out there. Frankly, we are spying on them. Of course we are. And it is the right thing to do. But they are aliens. We do it with good reason—because we have specific information from our intelligence community.

The intelligence community gets this, and they cannot act on it because to act on it would compromise their own people and their methods of collection. To not act on it means they stay here. So that is where we are. That is why not one case has been brought to court since my legislation created it in 1996.

Who are these sleeper cells? We have seen a lot of them. These are guys that took flying lessons in Florida, who seemed to be reputable people, with families, just going about their business. They could be a student here on a visa. They could be here on a work visa. And they are very careful; they do not break any laws. They do not want to bring any attention to themselves. They do not get speeding tickets or rob banks or commit murders. They stay nice and cool and stay out of trouble. They are good. They keep their hands clean. Then they focus on the horrible act of terrorism, as we saw on September 11.

These are smart people. They know what they are doing. And we have smart people who know how to catch them. But we have to give the intelligence community the tools to do that.

So how does the Government prosecute an alien who is planning an act of terrorism—an alien who has committed no criminal act, nor has that alien violated his or her visa? How do we get them? Again, with the Alien Terrorist Removal Court. They have good Federal judges. Our court has one judge. If somebody wants to make that two or three judges, I do not object to that. I trust that the Federal judge can look at that intelligence and say: Whoops, wait a minute, we cannot provide that. We have to get this guy out of Dodge, get him out of here.

These sleeper cells are law-abiding. That is the interesting part. They are law-abiding. I want to make sure they are not given access to any classified information at that hearing which is going to cause them to take the lives of those who have provided that information or somehow compromise the methods of collection.

I also want to make sure they do not get to do the terrible things that they are planning to do, as they did on September 11.

So my amendment provides for reports to Congress on the Justice Department's utilization of the court. If we can put a provision in there that says—I want my chairman to understand this because I know he may have a concern or two—if we can say to the court, report back to Congress and let us know how you are utilizing the court, if it is abused, we are going to know that. If we do not think the alien got the right decision from the judge, we are going to hear about that.

We are going to be able to monitor this every 6 months. If we can trust Federal judges to enforce our Federal laws in our country, we ought to be able to trust them to look at a piece of intelligence and decide whether somebody should be removed or not without sharing that intelligence. So I am hopeful we can get this done.

Let me address the issue of due process because this always comes up. I have been criticized for being somebody who wants to take the civil liberties from every American. I am not trying to take anybody's rights. I am trying to take their visas before they take our lives. Is there anything wrong with that?

Let me repeat that because it is very important. I am not taking away anybody's due process. I am not taking away their rights. I am taking their visas. They are guests in our country. They have been law-abiding people who have not committed a crime but are plotting one—as we saw on September 11, a big crime, a massive crime, a horrible, detestable act against innocent Americans.

If we had a court—and we don't know that we would have gotten those people—that had the ability, maybe we would have broken up that network. I am not saying we would have or could have, but we might have. That is really the issue: Are there any more plans such as this? Who can we monitor? How many people are out there who we are watching right now that we would like to deport but cannot deport without compromising those methods?

I think this passes constitutional muster. There will be some who will differ. That is the beauty of the Senate. We have people who differ on everything. It is like two lawyers. They won't agree on everything. They always find something to disagree about. I respect that, but I believe it passes constitutional muster. I believe others do as well and who have said so.

Remember, we are talking about a civil and not a criminal matter. We are talking about aliens who have no constitutional right to a quasi-criminal

proceeding to remove that alien if that alien is involved in terrorism. That is important to understand. We are not talking about U.S. citizens. That is another issue. That is another venue, another court, another methodology. That does not apply. Both the fifth and fourteenth amendments prohibit Government actions which would deprive ''any person of life, liberty or property without due process of law.'' The Alien Terrorist Removal Court has the necessary procedural safeguards to protect an alien terrorist's due process rights.

If life, liberty, or property is at stake, the individual has a right to a fair procedure. Again, this is not about his life. This is not about his liberty. This is not about his property. It is about his visa.

The interesting irony is that—and I hesitate to use the term ''law-abiding citizens''—but these horrible people who did these things on September 11, at the time, were law-abiding citizens. They were very careful to keep their noses clean in America until they did what they did. That is why we must deport them when we know they are involved in planning, plotting, thinking about plotting, or are involved in meetings that are plotting, or whatever, terrorist acts.

So this court has the necessary procedural safeguards to protect an alien's due process. And I am very confident about that.

Liberty is freedom of action by physically restraining an individual—deporting or imprisoning—or a denial of a right with special constitutional protection, such as freedom of speech.

From the case Mathews v. Eldridge, 1976, there is a procedural due process test. There are three factors: No. 1, private interest; No. 2, risk of deprivation of interest; and, No. 3, Government's interest.

The Government's interest in these cases is our interest. The Government has an interest in deporting terrorists who may commit these crimes because the Government's interest is to protects us. That is what we have a Government for, to protect us, and they cannot because they cannot use the tool that we have given them, which is the court. They cannot use it because they have to compromise their sources and methods to do it.

So the Alien Terrorist Removal Court does provide these protections. An alien terrorist gets the evidentiary hearing before a Federal judge. Even though he is an alien, he gets an evidentiary hearing. This hearing is afforded to the alien terrorist, and the judge is allowed to see all classified information—the judge, not the terrorist. This is under my amendment. But the way it is now, the terrorist gets to see the classified information. Can you believe that? That is true. But they do not see it because the intelligence community does not give it to them. Therefore, the terrorist stays in America, and we wait for the acts to be committed.

The Federal judge, not the alien terrorist, has access to view all the classified information, and he or she can make a determination on the merits of the Government's claim. The Government's interest in not disclosing highly classified and sensitive information is outweighed by the alien terrorist's right to see the evidence. Think about that. Let me repeat that: Under current law, the Government's interest in not disclosing highly classified and sensitive information is outweighed by the alien terrorist's right to see the evidence. That shouldn't be. It should be the other way around. The Government's interest should outweigh the terrorist's interest. It is the people's interest, not just the Government. It is the interest of 260 million American people.

When one balances the interest of the alien terrorist versus the interest of the Government to prevent the disclosure of sources and methods to terrorist cells, such as al-Qaeda, and to prevent the killing of human resources by these terrorist organizations, that is when this should kick in. It is the rights of the terrorist versus the rights of the Government and the people. Sometimes they clash. In the case of a person committing or persons wanting to commit a terrorist act, they have clashed. It is more important that we protect the information and err on the side of caution, that we don't cost more lives. That is what my amendment is about.

I have an article which I ask unanimous consent to print in the RECORD.

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

[From U.S. News, Oct. 1, 2001]

FINGER-POINTING, FINGERPRINTS

THE HUNT FOR EVIDENCE AND, HARD ON ITS HEELS, CHARGES ABOUT WHO SCREWED UP

(By Edward T. Pound and Chitra Ragavan)

In the spring of 1996, Congress gave law enforcement officials a new and seemingly important tool to combat terrorism. It created the Alien Terrorist Removal Court, assigning the special federal court the task of deporting terrorists operating on American soil. After the World Trade Center bombing in 1993, and the growing suspicion that foot soldiers for Osama bin Laden were slipping into the United States, the establishment of the court seemed an eminently sensible thing to do.

But terrorists had nothing to worry about—because the court is a court in name only. In the five years since its creation, U.S. News has learned, the five-judge panel has never deported a single terrorist. For that matter, it has never even heard a case. The Justice Department, the agency principally responsible for monitoring terrorists' movements within the United States, has never filed an application with the court seeking to deport a terrorist.

Former Justice Department officials say the agency couldn't use the court because the law requires disclosure of sensitive information to terrorists—evidence, they say, that would compromise intelligence gathering and identify sources. But critics say the government's refusal to bring suspected terrorists before the special court is a glaring example of its inability to use its vast counterterrorism resources effectively. In the past few years, Congress has authorized billions of dollars for new equipment and for thousands of personnel in law enforcement and intelligence agencies. This year alone Congress authorized $10 billion before the attacks for counterterrorism efforts.

American law enforcement and intelligence agencies have scored several big wins against terrorists, jailing some and foiling the plots of others, Michael Cherkasky, a former New York state prosecutor who investigated terrorist activities, says federal agents have known for years that suicide bombers had changed their habits, living seemingly normal lives here, but says agents failed to understand the terrorists' deadly intentions.

Cherkasky cites the evidence introduced in a recent terrorist trial in New York—a training manual from bin Laden's al Qaeda terrorist network. ''The al Qaeda manual says you have to act nonreligious,'' Cherkasky explains, ''shave your beards, fit in as middle class.''

But it wasn't just behavior, it was targets that went undetected. The government was caught flat-footed in several major terrorist attacks, current and former intelligence official say. Among them; the bombing of the USS Cole last year, the bombings of the two East African embassies in 1998, and the September 11 attacks on the World Trade Center and the Pentagon. A review of the government's efforts against international terrorism shows that they have been hobbled by bungled investigations and poor intelligence analysis—or, in some cases, no analysis at all of critical documents accumulated by investigators.

That disturbs several former senior Justice Department and FBI officials who were actively involved in counterterrorism investigations during their careers. They believe that U.S. intelligence agencies may have had sufficient information to prevent the deadly attacks on the World Trade Center and the Pentagon—if only they had understood what they had. John Martin, the former top national security prosecutor for the Justice Department, says the government eventually will get to the bottom of why intelligence and law enforcement agencies did not prevent the attack. And, he thinks, they will conclude that government agencies ''were collecting the intelligence, they were deciphering it, but they were sending it to the field late and in muddled, ambiguous terms.'' Jamie Gorelick, the No. 2 Justice Department official in President Clinton's first term, sounds a similar theme. ''We have a very robust intelligence collection effort,'' she says. ''But we don't have a commensurate analytical capability. I am certain that when we are able to digest what we have collected, we will find information which surely could have or might have prevented'' the attacks.

Red alert. That may be, and there's growing evidence that Washington should have been better prepared. There were warning signs, say former counterterrorism officials. Court files show that operatives linked to bin Laden or other militants have been planning for some time to make the United States their primary theater of operations. Now the FBI is finding that its failure to analyze the intelligence amassed during earlier investigations is slowing its efforts to locate conspirators or associates of the hijackers.

With many leads not producing much, U.S. law enforcement agencies are looking overseas for help. One big break came late last week when an Algerian pilot named Lotfi Raissi, 27, was arrested in London for allegedly lying on his application for a pilot's license in the United States. British authorities say they have linked him to four of the

hijackers. A prosecutor told a London court that Raissi's job was to ensure that the hijackers were ''capable and trained.''

The United States has the most sophisticated intelligence collection capability in the world, but it appears to have failed utterly in this instance. The supersecret National Security Agency intercepts phone calls and messages thousands of miles from its sprawling complex in suburban Maryland near Washington. Yet there has been no indication from U.S. officials that the NSA intercepted any information on the alleged hijackers who were operating in its shadow, just a few miles away, in the days before the attacks.

When the dust settles, Congress undoubtedly will examine what U.S. intelligence and law enforcement agencies knew before the hijackers produced their carnage. The Bush administration says it had no advance warning that the attacks would take place. But it is clear that the FBI and Justice Department had developed information on some of the hijackers before the attacks—just how much isn't known, and the government isn't saying.

Three former top intelligence officials say it is clear that some of the hijackers and possible associates were on FBI watch lists prior to the September 11 attacks. There seems to be little doubt of that. On August 23, the CIA sent the FBI the names of two suspected terrorists, Khalid Almihdhar and Nawaf Alhazmi. But the bureau was unable to apprehend them before they helped hijack the airliner that crashed into the Pentagon. FBI officials did not respond to several requests for interviews.

Officials say the CIA and FBI now are rushing to improve their intelligence capabilities. One intelligence source says the CIA is bringing back retirees to fill the massive demand for qualified help. Meanwhile, the FBI has put out the word that it badly needs people who can translate Arabic, Farsi, and Pashto. ''They are scouting everywhere for translators,'' says a law enforcement involved in the government's massive manhunt. One reason: In the past, the bureau hasn't had sufficient personnel to translate and interpret critical documents, or vast amounts of intelligence, that could have shed light on terrorist plots. In some ways, the FBI must shoulder the blame. The bureau has very few Arab-American agents and translators, and funds intended for hiring translators were diverted to hiring more agents to fight street crime, several former Justice Department officials say. ''The language problem is prodigious,'' says the intelligence source, ''at both the CIA and the FBI.''

That's true, too, at other intelligence agencies in the Defense Department, including the NSA. In a report issued last week, the House Intelligence Committee said American spy agencies ''have all admitted they do not have the language talents . . . to fully and effectively accomplish their missions.''

Surveillance. Apart from the language needs, Attorney General John Ashcroft now wants Congress—in addition to the $20 billion more in counterterrorism funding it has committed since the attacks—to give law enforcement even more powers to wiretap immigrants and monitor their activities in the United States. At the same time, some lawmakers are pushing the government to use the Washington-based Alien Terrorist Removal Court, composed of sitting judges, to help rid the country of suspected terrorists. Sen. Bob Smith, a Republican from New Hampshire, is spearheading that effort.

Under the current law, a suspected terrorist brought before the court must be given an unclassified summary of the deportation charges. Smith plans to introduce a provision this week that would allow the government to use classified information in the court proceeding without sharing any information with the suspect. The proposal is likely to spark a hot debate in Congress, *where some members deplore the use of secret evidence and have been trying to outlaw the practice.* Smith couldn't care less. ''We need to bring these terrorists to court and deport them,'' he says. Smith persuaded Congress to approve the creation of the court in April 1996. But its powers were weakened, he adds, by amendments requiring suspected terrorists to be given a summary of the charges against them. As a result, the Justice Department never used the court, fearing that disclosure of intelligence would expose sources. Current officials would not comment for this story.

Civil libertarians say the department has found it easier to deport or imprison suspected terrorists through other administrative immigration proceedings. Secret evidence, which is anathema to Arab-Americans and civil rights activists, can be used in those proceedings when the government seeks to deport aliens on other grounds, such as ''garden variety'' immigration violations, says a former top immigration official. In the terrorist court, suspects would have more safeguards—the right to counsel and the option to challenge the constitutionality of the secret evidence, says Timothy Edgar, a top lawyer for the American Civil Liberties Union. No such rights are available in immigration court proceedings, he says. Given the choice, he says, the terrorist court is the least distasteful.

Immigration officials say that secret evidence is seldom used, perhaps only 10 to 12 times a year out of 300,000 cases in the immigration courts. Steven R. Valentine, a former Justice Department official who oversaw the Office of Immigration Litigation, says the government must deport or detain terrorist suspects—especially in light of the recent tragic attacks. In the past, he says, because of legal challenges, the Justice Department has been unable to deport known terrorists. ''That,'' he adds, ''is insane.''

Mr. SMITH of New Hampshire. This was written by Ed Pound and Chitra Ragavan. It is a U.S. News article of a few weeks back.

In the article, which is entitled ''Finger-pointing, fingerprints,'' Mr. Pound goes into a lot of detail and history about the fact that the court has not been used. I hope my colleagues will read it. It is a good history and a summation.

It is pretty simple. This provides that the court we now have created to remove alien terrorists can be used. That is what I am hoping.

I ask again for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. GRAHAM. Mr. President, could the request be restated?

Mr. SMITH of New Hampshire. I asked for the yeas and nays.

The PRESIDING OFFICER. The Senator asked for the yeas and nays on his amendment. Is there a sufficient second?

At the moment, there is not a sufficient second.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, 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. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. CLINTON). Without objection, it is so ordered.

Mr. NELSON of Florida. Madam President, I ask unanimous consent that I be allowed to speak for about 5 minutes as in morning business.

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

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

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, I have listened closely to some aspects of this debate, especially the amendment presently pending, raised by my distinguished colleague from my neighboring State of New Hampshire.

I had the honor of serving for 8 years on the Senate Intelligence Committee, where I was vice chairman. I have enormous regard for the current chairman and vice chairman of the committee. I have also served as both ranking member and chairman of the Judiciary Committee.

As I listened to the debate, something sounded familiar. Indeed, this amendment was raised during the debate in preparation of the antiterrorism bill that the Congress passed and the President signed last month. There was no enthusiasm for it from Republicans or Democrats. We looked at it, the White House looked at it, and the Justice Department looked at it. None of us were interested in including it in what became the USA Patriot Act.

The idea of having a quasi-secret court, and making only limited evidence available to the defendant, as is true under existing law, is constitutionally questionable enough. But to say that we will not tell the defendant any of the evidence against him in the court, as Senator SMITH proposes, is the kind of thing we rail against when other countries do it. Our government officials have gone all the way to the head of state level to register complaints when Americans have been held in other countries without being informed of the charges against them. Every President I have known has been forced at one time or another to raise such issues with another head of state. We should not make this task more difficult by approving of the amendment Senator SMITH has offered here.

Let us look at a little bit of history. The Alien Terrorist Removal Court was created in 1996. It was done largely through the efforts of Senators HATCH and Dole. It exists to provide a way for the Government to remove terrorist aliens whom it believes it cannot attempt to remove through public hearings, to balance the Government's need

to maintain its existing intelligence sources while giving some rights to the accused.

Under the law as it presently exists, the accused does not see the actual evidence against him but does receive an unclassified summary of that evidence. The law states very clearly that that unclassified summary has to be ''sufficient to enable the alien to prepare a defense.''

Under the amendment that Senator SMITH has presented, an alien accused of being a terrorist would receive no information about the basis of the charges against him, not even the limited summary provided in existing law.

If we were to pass something of this nature, there is no way the President of the United States or the Secretary of State or the Attorney General could go to any other country holding an American on undisclosed evidence and demand to see that evidence. That nation could simply say that it is doing what the United States, the country seen as the bulwark of freedom, is doing, the United States that has had a written Constitution that has survived for all these years. The U.S. Constitution, as written and interpreted over the last two centuries, makes it clear that the government cannot bring somebody into a court and say: ''We have all this information against you, but we are not going to tell you what it is. Are you guilty of what we have against you? I am not going to tell you what it is we have against you, but I want to know, are you guilty or not? And, if you are not guilty, then defend yourself against these charges we have brought. Sorry, you can't see the charges. Sorry, you can't hear the evidence. Sorry, we can't let you know what is going on. But we will give you a chance to defend yourself.''

It doesn't quite work that way. Anybody in this body who has been either a prosecutor or defense attorney, on either side, would not want that.

The distinguished Presiding Officer knows as well as any Senator here the terrible nature of September 11. Her State was impacted in a horrible way, as were the surrounding States of New Jersey and Connecticut, just as the State of Virginia has been horribly harmed by the attack on the Pentagon. Nobody has stated the horror, the anger, and the feelings left in the wake of the September 11 attacks in a more articulate way than the distinguished Presiding Officer. We all share those feelings. But nobody here has ever suggested that we somehow abandon all our laws, all our rules, our Constitution and everything we stand for, the very democracy that got the terrorists to attack us. In effect, we would say, ''We surrender.''

The Senator from New York, the Senator from Vermont, the Senator from Florida, all 100 of us—none of us is about to surrender. We understand there is a problem with terrorism. I suspect throughout my lifetime we will face threats. But let's answer the threats in the ways that comport with what our constitutional history and our history as a nation.

The Alien Terrorist Removal Court has not been used, but that is not because an unclassified summary has to be provided to the defendant. The Justice Department talked to us about why the court is not being used, and did not mention this. When the Department was given the opportunity to consider this amendment at the time of the terrorism bill, it did not want it. I suspect that this lack of interest is related to concerns within the Justice Department about constitutional challenges to the court itself, as it is formulated under existing law. Surely the Justice Department knows that if we approve this amendment those constitutional challenges will basically be irrefutable.

We provide substantial new powers to the Justice Department with regard to terrorist aliens through the antiterrorism legislation we just passed, legislation I voted for, the distinguished senior Senator from Florida voted for, his colleague, the other Senator from Florida voted for; the distinguished Presiding Officer voted for it—98 of us voted for it. That legislation should make it easier for the Justice Department to use this court.

But as chairman of the Judiciary Committee, I could never support this amendment, which has already been rejected once by the administration and by Republicans and Democrats who negotiated the antiterrorism bill. I certainly could not accept it absent any showing of why it is needed.

I say to my friend from Florida, the distinguished chairman, that I have no problem calling upon the administration to notify the Judiciary Committee if it really believes a change in the law is needed. The administration did not believe this a couple of weeks ago. But if the Attorney General now believes he needs something such as this, I will be glad to hold hearings on the issue and bring his concerns forward. But to do something of such constitutional magnitude in an amendment on the floor, without any hearings in the Judiciary Committee or Intelligence Committee, is simply inappropriate.

Madam President, we need to go back to basic constitutional law 101 here. The idea of giving the government the ability to bring removal proceedings against someone and force him to defend himself without telling him of the evidence against him flies in the face of all of our principles.

We must not tell the rest of the world that the only way we can defend ourselves is to accuse somebody but not tell him what the evidence is against him. Back in the 1700s, we fought a revolution to ensure a much different principle. All of us share the terror of what happened. All of us are opposed to terrorists. All of us want to defend the United States. But we must not let our enthusiasm to defend our Nation lead us to do things that will hurt us further.

Frankly, I would be delighted to have the Attorney General take a look at Senator SMITH's amendment and see what he thinks. But I tell my friend from Florida that I certainly do not support this amendment, because the constitutional questions raised are of such enormous magnitude. To do so without any request from the administration and without any hearings would not be a responsible action for this body to take.

I yield the floor.

Mr. GRAHAM. Madam President, it is our hope that we will develop a second-degree amendment to this amendment which essentially would ask the Attorney General to review this legislation that has been part of our statute since 1996, which the Senator from New Hampshire has stated has not been effective, and to give us his assessment as to the effectiveness of this legislation, if he believes that changes are needed. They might be changes in the law. They might be changes in the resources that are devoted to carrying out this law or for any other impediments.

I note, as has the Senator from Vermont, that in the antiterrorism act which was just signed last Friday of October by President Bush, there are changes in the underlying definition of what constitutes an alien terrorist and an alien terrorist activity. Those changes have been stated to potentially have an effect on the efficacy of this 1996 act. That would be another subject on which we would ask the Attorney General's opinion.

We are today taking up a very major change in our law without the kind of prudent, thoughtful consideration for which the Senate is established to provide. I believe this process of requesting a review and then making the judgment based on the response to that request as to whether legislative, appropriations, or other activity is called for would be consistent with the history of this body.

Speaking of history, I point out that one of the first controversies which politically helped to establish that we would have a two-party system was called the Alien and Sedition Acts which was enacted in the late 1790s. I refer to the biography of John Adams. He was the President when the Alien and Sedition Acts was passed by the Congress. He had not supported the Alien and Sedition Acts, but he signed it into law as our second President and paid a very heavy price, including his defeat when he ran for reelection in 1800 with this being one of the major issues used against his reelection.

This is an issue of how to treat aliens in this country, which has a very long political history. It is an issue about Americans, whether they are citizens or any of the variety of categories that come under the generic term ''alien.'' They might be defined as a permanent resident who has been in the country for decades, as well as a refugee who just recently arrived seeking protection against political persecution in

their home country. That whole wide range of people come under the generic term of ''alien.'' How aliens should be treated has a long history in this country.

We are now participating in a debate on the most current topic of that. When it is available, I believe that our second-degree amendment, which will call for a temperate, thoughtful review of this by the highest legal officer in our executive branch, would be an appropriate manner for those of us who are privileged to serve in the Senate to proceed to determine whether, and if so, what changes in this law or the circumstances that surround this law, we should undertake.

Awaiting the completion of the drafting of that amendment, 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. GRAHAM. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

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

AMENDMENT NO. 2115 TO AMENDMENT NO. 2114

Mr. GRAHAM. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The amendment is in the nature of a second-degree amendment to the amendment of the Senator from New Hampshire.

The PRESIDING OFFICER. The clerk will report.

The senior assistant bill clerk read as follows:

The Senator from Florida (Mr. GRAHAM), for himself and Mr. SHELBY, proposes an amendment numbere 2115 to amendment No. 2114.

Mr. GRAHAM. Madam President, I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

Strike all after the word ''sec'' and insert the following:

Section 504 of the Immigration and Nationality Act (8 U.S.C. 1534) is amended by adding the following subsection after subsection (K):

''(L) No later than 3 months from the date of enactment of this Act, the Attorney General shall submit a report to Congress concerning the effect and efficacy of Alien Terrorist Removal proceedings, including the reasons why proceedings pursuant to this section have not been used by the Attorney General in the past and the effect on the use of these proceedings after the enactment of the U.S.A. PATRIOT Act of 2001.''

Mr. GRAHAM. Madam President, as I indicated in my preliminary remarks, this amendment calls upon the Attorney General, within 3 months of the enactment of this legislation, to report to the Congress on the 1996 Alien Act—that is the act that provides the procedure that the Senator from New Hampshire has outlined for the deportation of aliens—and within that report to indicate what recommendations the Attorney General would make to the Congress relative to any changes in the law.

It draws particular attention to the fact that we have just enacted a major antiterrorism act, which contains modifications of the definition of ''alien terrorists'' which have in the past been cited as a reason why this 1996 statute has not been utilized.

I offer this amendment on behalf of myself and the vice chairman of the committee, Senator SHELBY, and ask for its immediate consideration. The Senator from New Hampshire has remarks he would like to make.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Madam President, I thank the chairman for his cooperation. I will not take more than a minute or two and will not ask for any recorded vote.

I also thank the chairman of the Judiciary Committee for making a commitment to me that we can have a hearing on this, if the Attorney General chooses to come and talk about the issue after the report comes back.

To summarize, the amendment I offered dealt with this terrorist removal court which is not being used because of the fact that it would compromise intelligence if we did use it.

I had hoped we could pass it to change that court, but given the fact that there is some information coming in on different views as to who believes what way about this and the issue as to how this court would or should work, I am prepared to and will accept the second-degree language offered by the Senator from Florida.

I hope we can get this done. It is a 3-month report. I am a little concerned about the length of time, but realizing it takes time to do a report, I am also worried about the fact that something else could happen. Given the circumstances, it is good that we now have the attention of not only the Senate and the Congress but also the Justice Department, and I hope we can hear from the intelligence community as well on this issue, which we will do in the hearings when we have them.

I thank my colleagues for their cooperation and look forward to passage of the amendment and yield the floor.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to amendment No. 2115.

The amendment (No. 2115) was agreed to.

Mr. GRAHAM. Madam President, I ask now for a vote on the underlying Smith amendment, as amended.

The PRESIDING OFFICER. The question is on agreeing to the Smith amendment No. 2114, as amended.

The amendment (No. 2114), as amended, was agreed to.

Mr. GRAHAM. Madam President, I move to reconsider the vote on the Smith amendment.

Mr. SMITH of New Hampshire. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2116

Mr. GRAHAM. Madam President, I am not aware of any other amendments to be offered to the bill. I have a managers' amendment I offer at this time.

The PRESIDING OFFICER. The clerk will report.

The senior assistant bill clerk read as follows:

The Senator from Florida (Mr. GRAHAM) proposes an amendment numbered 2116.

The amendment is as follows:

Insert at the appropriate place in the bill:

The DCI shall provide, prior to conference, any technical modifications to existing legal authorities needed to facilitate Intelligence Community counterterrorism efforts.

Mr. GRAHAM. Madam President, the purpose of this amendment, which has been suggested by Senator KYL, is to assure that if, in light of the rapidly changing world in which we are living, there are other proposals that need to be considered during the course of the conference, the conference committee will have the liberty to do so. I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

The question is on agreeing to the amendment.

The amendment (No. 2116) was agreed to.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Senator GRAHAM has mentioned there are no further amendments to the bill. I ask that the bill be read a third time.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H.R. 2883, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2883) to authorize appropriations for fiscal year 2002 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

The PRESIDING OFFICER. Under the previous order, all after the enacting clause of H.R. 2883 is stricken, the text of the Senate bill S. 1428, as amended, is inserted in lieu thereof, and the bill is deemed read the third time.

Mr. REID. I know the House bill has been read a third time. I ask for the yeas and nays on H.R. 2883, as amended.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. REID. I further ask unanimous consent that the vote on passage of the

bill occur at 2 p.m. today, with rule XII, paragraph 4, being waived.

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

MORNING BUSINESS

Mr. REID. Madam President, if the manager of the bill has nothing further, I ask unanimous consent that the Senate be in a period of morning business until 2 p.m. with Senators permitted to speak therein for a period of up to 10 minutes each.

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

THERE IS A NEED FOR IMPROVED AIRLINE SECURITY

Mr. NELSON of Florida. Madam President, as we are locked in this deadlock with the House of Representatives over the question of airport passenger screening security, basically the deadlock is the Senate has passed a bill 100–0 that would provide for federalizing the screening process of passengers; that is, attaches to the Justice Department that these would be Federal employees who have specific training in law enforcement so we can heighten the feeling of confidence of the American flying public that they will be safe when they get in an airliner to take their travel.

Why is this important? It is obvious the airline industry is one of the important economic components of our national economic engine, and as long as people are scared to get into a plane and fly, then we are not going to rev up that economic engine and get it functioning on all cylinders as is so necessary.

There are parts of this country that are certainly more affected than others by the diminution of airline travel. Clearly, the city of New York, the State of the Presiding Officer, is drastically affected; clearly, cities in my State, such as Miami, or Orlando, the No. 1 tourist destination in the world. I have talked to the owners of hotels—not the business hotels; the business hotels are doing OK, not good but OK—and the tourist-oriented hotels now have an occupancy rate in the range of 40 to 45 percent.

I talked to the owner of one hotel with 800 rooms; they shut down 600 rooms. It does not take a rocket scientist to recognize with that diminished revenue they will not be able to pay mortgage payments, taxes. They have already laid off a significant portion of their staff.

We understand what happens as the ripples run through the economy. What do we do? We want to give a feeling of confidence, of safety, to the American flying public. What better way to do that than for the public to know, when they go through that passenger screening process, in fact, if there are people trying to do dastardly things to them by sneaking through implements of destruction, they will get caught.

The fact is, recently they have not been caught. We heard this rather astounding story a couple of days ago about in the Chicago area a person had two knives, got on the plane, and had in their carryon luggage other implements of destruction. This is several weeks now, after September 11.

We read the story last week about the fellow sitting on the airplane, in flight, horrified to suddenly realize someone had given him a pistol as a present, and he forgot it was in his carry-on luggage. He had the presence of mind to call over the flight attendant in the midst of the flight to say what happened. The fact is, airline passenger security had failed again.

Does this engender confidence in the American flying public? Of course, it doesn't. We are undercutting the very thing we need to be doing for those desperately needing the airlines back in robust business again—the hotel operators, the service personnel, the gift stores in the hotels, the restaurants, the tourist destinations, and the multiplicity of industries and businesses, both large and small, that spawn from this wonderful, robust transportation network we have had in the skies.

Why am I saying this? It took 4 weeks in the Senate to pass this bill because people in this Chamber were filibustering it because they wanted that passenger security screening operation to continue as it is, privately contracted out. That is not going to cut it. Yet we were held up 4 weeks. By the time it got around to the final passage, there was no Senator who was going to vote against it. It was 100–0 in this Chamber. Now we are at loggerheads with the House of Representatives, which by a very narrow margin of one or two votes passed a highly partisan bill that says it is still going to be contracted out. They say: Don't worry; we will federally oversee the contracting. But if the whole Nation's economy hinges on getting the public to believe it is safe to get back into an airliner and fly, are we not wasting precious minutes every day we are at loggerheads with the House of Representatives? We have a 100–0 vote here; they have virtually a split vote of 215 each. Why not look at what is best for the country?

How many more newspaper stories do we have to read, as we have in the last couple of days, about the stun guns, the knives, and the box cutters getting through security. How much more do we have to read before it convinces us and convinces the body at the other end of this United States Capitol that it is time to put aside their philosophical positions, their partisan positions, and pass something into law so we can restore the confidence of the American people.

I share these thoughts after considering this very important intelligence legislation, all of which is very necessary to the security of this country, as is the airline security bill important to the security of this country, both economically and as we take on the terrorists.

I yield the floor.

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

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

The senior assistant bill clerk proceeded to call the roll.

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

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

UNANIMOUS CONSENT AGREEMENT

Mr. REID. Mr. President, I ask unanimous consent that the previous order entered setting the vote at 2 p.m. be modified to allow the vote to occur at 1:55 p.m.

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 legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. 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. MURKOWSKI. Mr. President, I ask unanimous consent that I may be allowed to speak as in morning business for about 20 minutes.

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

ENERGY POLICY

Mr. MURKOWSKI. Mr. President, I do not think there is any question about the condition of this country. We are clearly a nation at war. As we look at the instability, the uncertainty of regions of the world, regions where many of the nations that want to destroy Israel and the U.S. reside, the reality is these particular areas of the world are ones on which we are growing more dependent all the time.

It is no secret to the occupant of the chair that we are now 57 percent dependent on imported oil. However, during the 1970s, we were about 34 percent dependent on oil. Some remember the inconvenience of the gas lines around the block. This was at a time of conflict in the Mideast, the Yom Kippur War. Americans were outraged. They were indignant. How could it possibly happen in our Nation that we should be so inconvenienced?

So there we were, in the 1970s, 33 percent dependent; today we 57 percent dependent, and the Department of Energy indicates by the year 2010 we are going to be somewhere in the area of 66 percent dependent.

We are, in my opinion, held hostage by the same interests that seek to destroy and uproot Israel. Through our energy policies of dependence, we have

tipped the scales and given tremendous power to extremists in the Mideast. We are only making Iran, Iraq, and Libya, perhaps, stronger. Is that our wish?

What happens if the Kingdom of Saudi Arabia fails? There is almost a parallel occurring in that country between what happened in Iran 30 years ago with the fall of the Shah. When it occurred, the Shah was one of America's greatest allies. What happened was his regime came down as a consequence of corruption, a concentration of too much wealth in too few hands. That situation is very much evident in Saudi Arabia today.

I might add, if we look to bin Laden followers, a number of them have come from Saudi Arabia. As we examine the background of those responsible for the aircraft that went into the Pentagon and the Trade Centers, we find they have connections. Some are actually from Saudi Arabia.

Now, I am not condemning Saudi Arabia by any means. I am simply drawing a comparison. As our dependence on imported oil increases, we focus more on Saudi Arabia because that is where the significant supply of petroleum in the world exists. We are becoming more vulnerable as their regime becomes more unstable.

Furthermore, we are importing a million barrels of oil a day from Iraq. Now, what is the uniqueness of Iraq? We happen to enforce a no-fly zone over Iraq. We are putting our men's and women's lives at stake to ensure that Iraq stays within the constraints of the U.N. sanctions. Yet we know they have moved beyond those constraints, that they are selling oil outside the U.N. oversight, illegally in that sense.

So here we are, we are taking their oil and we are enforcing a no-fly zone over Iraq. We put the oil in our aircraft and then we go and enforce that no-fly zone by taking out some of their targets. We almost had one of our intercepter aircraft shot down a few weeks ago. What does Saddam Hussein do with the money? He pays his Republican Guards to keep him alive and develops missile capability with biological warheads aimed at our ally, Israel.

Is this part of our foreign policy or is it because we have no other choice than to depend on Iraq for a certain amount of our imported oil? I am not suggesting we might funnel some of the money for terrorist attacks to keep Saddam Hussein in charge, but one has to wonder what his future holds. We must address this dependence with a new sense of urgency, a new sense of purpose. To ensure our energy security, we must put in place solutions that begin and end at home. In my opinion, the sooner the better.

There are tremendous resources and ingenuity in this country. Our balanced, bipartisan energy plan puts them to work. It adjusts fuel economy standards; encourages conservation, provides incentives for the development of advanced newer, cleaner alternative fuels, and encourages the use of our own energy supplies.

I know the occupant of the chair would be disappointed if I didn't bring up the issue of ANWR and what kind of a contribution this can make. Clearly, we can open this area safely, effectively, and quickly. What does it hold? Somewhere between 5.6 and 16 billion barrels—enough oil to replace what we would import from Saudi Arabia in a 30-year period of time. All the economic benefits are there. When I say ''employment,'' perhaps 200,000 jobs.

There is the potential of revenue to the Federal Government from lease sales amounting to about $2.6 billion. This is a stimulus. It would not cost the Federal Government one red cent.

Our President has said energy is one of our two key components to a strong stimulus package necessary to get this economy growing again, somewhat like the old Lee Iacocca ad. If you can find a better economic stimulus that adds jobs to our economy, billions to our gross national product, and will not cost the taxpayer one red cent, go buy it.

The problem is reluctance in this body. The House has done its job and passed H.R. 4. The Democratic leader has not seen fit to bring this bill or schedule this bill before this body. Apparently, there is no indication from him as to his intentions. It appears he shut the door on the Energy Committee actions. I happen to be ranking member. We have not had markup on any bill or any action, with the exception of reporting out a nomination or two, for well over a month. The Democratic leader has basically shut down the Energy Committee and the process associated with the authorization which is the duty of the authorizing committees.

Evidently, the writing of the bill is underway, independently, with very little input, if any, from the other side. Republican interests will not be heard. We cannot share with our Democratic colleagues our input.

The President has said the Senate must act. As I indicated, the House has done its job. It is certainly not in the national interest to treat this issue for what it is, a critical component of national security. Our Achilles' heel in this war is our dependence on foreign oil. Bin Laden knows it; Saddam Hussein knows it. But the United States does not seem to know it is, to our immense discredit. How could we not know? Didn't we recognize on September 11 the significance that much of the terrorist activity is funded by oil? If we do not recognize it soon, God help us.

In my few remaining minutes I want to enlighten my colleagues on the significance of what has occurred over an extended period of time relative to public opinion on this matter. We have heard from our President on four occasions, specifically saying this country must have an energy plan that encourages conservation and encourages exploration.

He says: I want the Congress to know there is more to helping our economy grow than tax relief. One of the major components is an energy plan.

He goes on to say on another occasion when the bill has passed the House of Representatives: They have done their job. He wants the Senate to do its job.

On October 17, he asked Congress to act on an energy bill the House of Representatives passed in August. On October 14, there are two other aspects to a good, strong stimulus package. One is an energy bill. October 31, our Nation needs an energy plan.

I don't know who is listening around here. I am certainly listening. It is unfortunate that the Democratic leader evidently is not listening to the President. I don't understand this political momentum. Why can't we do as the House and have an open discussion on the merits of this energy bill as proposed? Where is the energy bill? We introduced a bill in February, about 304 pages. The only thing on which anybody seemed to want to focus was the two or three pages of ANWR, opening up this area.

This has become a cash cow for the extreme environmental community. Make no mistake; they are milking it for all it is worth. It is an issue that is thousands of miles away from the American people. It is an issue filled with emotion. They say the polar bear is endangered, but they will not say you cannot take the polar bear—they are marine mammals—from the United States, and that includes from my State of Alaska. They are protected. You can go to Canada and take them for trophies, or go to Russia, but you cannot in the United States.

They say somehow the Gwich' in people, in their dependence on the caribou, are somehow in jeopardy. I will read for the RECORD from the Patroleum News: ''Gwich' in, Ensign link up in new McKenzie Delta Drilling Company,'' September 30:

> 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 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 22,242 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.

About 80 percent of the Gwich'in people live in Canada. Why is it OK for the Gwich'in people in Canada to go ahead and develop their land and somehow the Gwich'ins who live in Alaska and are funded by the Sierra Club and various other environmental groups in opposition are opposed? Obviously, there is some skulduggery associated with this.

The other issue is relative to the base of support. We have seen the President's statements in favor of opening ANWR. Secretary of Interior Gale Norton, Secretary of Energy Spencer Abraham, Secretary of Labor Chao, and Secretary of Veterans Affairs Principi have all spoken at more than one event. Yet we have had press conferences with the American Legion, all the veterans organizations, including the Veterans of Foreign Wars. The AMVETS, Catholic War Veterans, and Vietnam veterans have all spoken in favor. It is interesting to hear their point of view. It is enlightening. They say they have fought wars on foreign soil. They have fought wars over oil in the Persian Gulf conflict where, obviously, we stopped Saddam Hussein from going into Kuwait, and his objective was to go into Saudi Arabia and take over the oil.

I am reminded of remarks made in this Chamber by Senator Mark Hatfield from Oregon. He indicated on more than one occasion he would vote for opening up ANWR any day rather than send other American men and women over on foreign soil to fight a war over oil.

This is the theme of America's veterans. They say the national security of this Nation is at risk because of our increased dependence on oil. What can we do about it? What we can do about it is increase domestic production. We are not going to relieve our dependence totally, but we will reduce it substantially.

The intent of the Senate, if it votes to authorize the opening of this area, is to send a message to the Mideast that we mean business about reducing our dependence. You are going to see a change in the OPEC structure, where they are going to be more sensitive to the significance of what the United States states when we say we are going to reduce our dependence on imports.

I suggest they are going to increase production. When they increase production, what does that mean? It means the price goes down. We know, as a consequence of terrorist activities, people are not flying, we do not have the same utilization of gasoline, and we have a temporary decline in price. But that is only temporary because what we saw OPEC do the other day was cut production another 1.5 million barrels. They know we are addicted to their oil. As a consequence, they are playing it for all it is worth.

As to organized labor, we have the Teamsters, maritime unions, seafarers unions, operating engineers, plumbers, pipefitters, carpenters and joiners—I could go on with this list—because this is a jobs issue.

Mr. President, as you know very well, we have a very soft economy. We are in a recession. This is a jobs issue—several hundred thousand jobs in every State.

What are we going to do? We are going to build more ships. We will build them in U.S. yards because those ships that move Alaskan oil, under law, have to be U.S. flagged vessels, built in U.S. yards with U.S. crews. This is shipbuilding, gulf shipbuilding and west coast. It is a big jobs issue.

As we debate the stimulus package, I challenge any Member of this body to tell me a better stimulus than opening up ANWR. Why do I say that? Because it is a jobs issue. It is going to create a couple of hundred thousand jobs. It is going to create about $2.6 billion in Federal lease sales when the Federal Government puts up those leases. Where will that go? Into the Treasury. It will help offset some of the costs associated with security and terrorism activities. And it is not going to cost the taxpayer one red cent. You tell me anything else in that stimulus package that fits that category. There isn't any. That is why organized labor is for it.

We have senior citizens; 60-Plus held a press conference the day before yesterday. The Hispanic community, the Latin-American Management Association and Latino coalition, the United States-Mexico Chamber of Commerce, they had a press conference this morning. American business groups: The National Association of Manufacturers, the U.S. Chamber of Commerce, National Black Chamber of Commerce, U.S. Pan Asian Chamber of Commerce, the American Women's Economic Development, the Alliance For Energy—it goes on and on and on.

Why is that message not coming through to this body? I can only assume there are several Members on the other side who do not want to vote on this issue. Why don't they want to vote on the issue? Perhaps they made commitments to extreme environmental groups. I don't know.

In any event, we are here at a stage where we are late in the session. The House has taken on its responsibility totally, passing H.R. 4. We have implored the Democratic leader to bring this matter up, let us vote on it, let us debate it, and let us offer amendments. We do not even get an answer.

I am putting this body on notice. If we do not get an answer from the Democratic leader—this is not a threat, this is a reality—we will put this on the stimulus bill and we will vote on it. I want everybody to understand there is going to be a vote on this floor, on this issue, on an energy bill that will contain ANWR, before we get out of here.

Some Members have threatened a filibuster. I cannot understand—while it is everybody's right to do as they see fit—why anybody would consider filibustering an issue as important as this, in the national security interests of our Nation. I don't think we have ever had that, traditionally, in this body. We should address this issue on its merits, not proceed to activities associated with the threat of a filibuster.

I encourage Members to reflect a little bit about just what the folks back home will read into that kind of a vote. They will read the filibuster has been on a procedural motion, not on the merits of the issue. They will read it is in defiance of the veterans who have spoken time and time again, in defiance of the position of organized labor, in defiance of the position of our President.

I don't know whether there is an effort to ensure the President does not win on this issue. Is that what we are talking about? I hope that is not the case.

But to have this matter ignored, to have this matter taken away from the committee of jurisdiction by the Democratic leader at least warrants an explanation, and we cannot seem to get an explanation. The Democratic leader is a good friend of mine. We have had some conversations. He has been very responsive to hearing me out. But now it is time we had an opportunity to hear him out because he has simply ignored this. I want to tell the Democratic leader the pressure is going to become more intense. There is no reason this issue should not be addressed in an expeditious manner.

I noted in the Boston Herald an article. I ask unanimous consent it be printed in the RECORD.

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

[From the Boston Herald, Nov. 6, 2001]

ENERGY A SECURITY ISSUE

President Bush urged Congress to get an energy bill on his desk before it adjourns for the year, making the case that a sound energy policy is vital to national security.

Speaking to business leaders recently, the president observed, ''It's in our national interest that we develop more energy supplies at home.'' And Interior Secretary Gale Norton added, ''Every day the United States imports 700,000 barrels of oil from Saddam Hussein.''

The House has passed an energy bill which would allow drilling in portions of Alaska's Arctic National Wildlife Refuge. But Senate Democrats have promised the environmental lobby that they will block ANWR development, and Massachusetts Sen. John Kerry has threatened to lead a filibuster.

That made little sense before Sept. 11, and even less since then. In the past 30 years, America has become dangerously dependent on foreign oil. It's estimated ANWR contains between 5.7 billion and 16 billion barrels of oil. Roughly 11 billion barrels would be the equivalent of 20 years of imports from Saudi Arabia. And only a miniscule part of ANWR's 19 million acres would be used.

America will never again be energy self-sufficient. But every barrel this nation doesn't have to import from the Middle East enhances national security. Planes and tanks don't run on recycled environmentalist cliches.

Mr. MURKOWSKI. The article it supports the opening of ANWR and suggests if there wasn't a reason before September 11, there is certainly an even better reason afterward. It mentioned Senator KERRY, who is opposed to this legislation. It indicates in general terms it should be supported because it is in the national interests of the country.

Lest there be any mistaken innuendoes, saying we don't need, really, to open up the ANWR area because there are other areas, that we can look to our friends in Canada—let's just reflect on what Prime Minister Jean Chretien said on November 6. He took a swing at the United States in an interesting way, over soft wood policies. He told the House of Commons:

> If the Americans want free trade in oil and natural gas, they should also have free trade in lumber.

He further says:

> If they were not to have oil and gas from Canada, then they will need wood to heat their homes.

This is the Prime Minister saying, in effect, don't just rely on an unlimited supply of resources from Canada, there has to be two-way trade.

I will close by outlining the significance of the economic stimulus associated with this single issue. The Department of Labor Massachusetts Survey indicates jobs, direct, 250,000; the Wharton Econometrics Institute at the University of Pennsylvania lists the total employment, indirect, at 735,000 jobs associated with the development of ANWR; jobs in 50 States, 80,000 in California, 48,000 in New York.

We do not make valves. We do not make pipe or welding rod. These things are all going to be made in the United States. Labor is going to come up. We are looking at 200,000 jobs at a minimum, direct.

Federal benefits of opening up ANWR will add up to $3.2 billion. That is another estimate, in lease sales to the Federal Treasury, and if the oil is produced we are talking about billions more in royalties. It is estimated that ANWR oil has a potential value upwards of $300 billion. That is from the Energy Information Administration. That is $300 billion we do not have to spend overseas. That is $300 billion that will travel through the economy, being taxed here in America. As I indicated, the Jones Act mandates the oil move in U.S.-flag vessels.

Nineteen new supertankers will be needed at a cost of about $200 million. What will that do for American shipbuilding? Construction alone will generate 5,000 new jobs in American shipbuilding during the next 10 to 15 years.

Finally, each day we write a $12 million check to the Iraqi Government for their oil. That is more than $4.4 billion a year. I think it is time to put that money in our backyard instead of in the backyard and into pocket indirectly of Bin Laden.

I thank the Chair for his attention.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

DISASTER VICTIMS RELIEF FUNDS

Mrs. CLINTON. Mr. President, one of the greatest comforts to me personally in the terrible aftermath of September 11 has been the immediate and overwhelming generosity of the American people in providing relief to the thousands who have been directly and indirectly affected. Our first priority must be to ensure that the victims and the families of the victims of the September 11 attack receive the financial relief they have been promised.

There is a tremendous amount of work going on in New York to ensure that families get their assistance. Many families have expressed their gratitude to me, to my staff, to FEMA, to the city, and the centralized support that was established at Pier 94. The fund that the mayor created to aid families, the Twin Towers Fund, has announced that it will get aid to families prior to Thanksgiving.

I am particularly grateful to the attorney general, Eliot Spitzer, who has led in trying to eliminate the bureaucratic redtape that can delay or prevent families from receiving the help they need in a timely manner. Working with the attorney general as he tries to create centralized databases of charitable organizations and families in need of services, I have joined him in calling for all charities to establish a uniform application that will help achieve the goal of simplifying the process of applying for necessary assistance.

I am sure many in this Chamber have seen the reports or perhaps seen on television some of the victims' family members who have been overwhelmed trying to work their way through the myriad of services available and who have to spend hours going from one place to the next until they could get some kind of answer, who say that not only have they be victimized but they have been made to feel like beggars. That is just unacceptable.

Like so many New Yorkers, we are concerned about those families who may not have the time to go stand in line and fill out endless application forms, who may not have the experience to permit them to navigate this maze, who do not have the stamina, and who, frankly, are sill suffering.

I have met and talked with a number of people who lost loved ones, particularly widows who are having a very difficult time being able to do what is required to take care of their children and go about their daily business. They need help going through this charitable and governmental process.

Recently, the senior Senator from Massachusetts, Mr. KENNEDY, called to my attention the work he is doing in Massachusetts.

The PRESIDING OFFICER. The Senator is advised that we are under an order to vote at this time.

Mrs. CLINTON. Then we should vote, Mr. President.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2002—Continued

The PRESIDING OFFICER. Under the previous order, the hour of 1:55 p.m. having arrived, the question is, Shall the bill, H.R. 2883, as amended, pass? The yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

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

[Rollcall Vote No. 332 Leg.]

YEAS—100

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

The bill (H.R. 2883), as amended, was passed, as follows:

Resolved, That the bill from the House of Representatives (H.R. 2883) entitled ''An Act to authorize appropriations for fiscal year 2002 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.'', do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Intelligence Authorization Act for Fiscal Year 2002''.

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

Sec. 1. Short title; table of contents.

TITLE I—INTELLIGENCE ACTIVITIES

Sec. 101. Authorization of appropriations.
Sec. 102. Classified schedule of authorizations.
Sec. 103. Personnel ceiling adjustments.
Sec. 104. Community Management Account.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Sec. 201. Authorization of appropriations.

TITLE III—GENERAL PROVISIONS

Sec. 301. Increase in employee compensation and benefits authorized by law.
Sec. 302. Restriction on conduct of intelligence activities.
Sec. 303. Judicial review under Foreign Narcotics Kingpin Designation Act.
Sec. 304. Modification of positions requiring consultation with Director of Central Intelligence in appointments.
Sec. 305. Modification of reporting requirements for significant anticipated intelligence activities and significant intelligence failures.
Sec. 306. Modification of authorities for protection of intelligence community employees who report urgent concerns to Congress.
Sec. 307. Review of protections against the unauthorized disclosure of classified information.
Sec. 308. Modification of authorities relating to official immunity in interdiction of aircraft engaged in illicit drug trafficking.
Sec. 309. One-year suspension of reorganization of Diplomatic Telecommunications Service Program Office.
Sec. 310. Presidential approval and submission to Congress of National Counterintelligence Strategy and National Threat Identification and Prioritization Assessments.
Sec. 311. Preparation and submittal of reports, reviews, studies, and plans relating to Department of Defense intelligence activities.
Sec. 312. Alien Terrorist Removal proceedings.
Sec. 313. Technical modifications.

TITLE IV—CENTRAL INTELLIGENCE AGENCY

Sec. 401. One-year extension of Central Intelligence Agency Voluntary Separation Pay Act.
Sec. 402. Modifications of central services program.

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2002 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Central Intelligence Agency.
(2) The Department of Defense.
(3) The Defense Intelligence Agency.
(4) The National Security Agency.
(5) The Department of the Army, the Department of the Navy, and the Department of the Air Force.
(6) The Department of State.
(7) The Department of the Treasury.
(8) The Department of Energy.
(9) The Federal Bureau of Investigation.
(10) The National Reconnaissance Office.
(11) The National Imagery and Mapping Agency.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL CEILINGS.—The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 2002, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared to accompany the conference report on the bill H.R. 2883 of the One Hundred Seventh Congress.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—The Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch.

SEC. 103. PERSONNEL CEILING ADJUSTMENTS.

(a) AUTHORITY FOR ADJUSTMENTS.—With the approval of the Director of the Office of Management and Budget, the Director of Central Intelligence may authorize employment of civilian personnel in excess of the number authorized for fiscal year 2002 under section 102 when the Director of Central Intelligence determines that such action is necessary to the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed 2 percent of the number of civilian personnel authorized under such section for such element.

(b) NOTICE TO INTELLIGENCE COMMITTEES.—The Director of Central Intelligence shall notify promptly the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate whenever the Director exercises the authority granted by this section.

SEC. 104. COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Community Management Account of the Director of Central Intelligence for fiscal year 2002 the sum of $238,496,000. Within such amount, funds identified in the classified Schedule of Authorizations referred to in section 102(a) for the advanced research and development committee shall remain available until September 30, 2003.

(b) AUTHORIZED PERSONNEL LEVELS.—The elements within the Community Management Account of the Director of Central Intelligence are authorized 343 full-time personnel as of September 30, 2002. Personnel serving in such elements may be permanent employees of the Community Management Account or personnel detailed from other elements of the United States Government.

(c) CLASSIFIED AUTHORIZATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated for the Community Management Account by subsection (a), there are also authorized to be appropriated for the Community Management Account for fiscal year 2002 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a). Such additional amounts shall remain available until September 30, 2003.

(2) AUTHORIZATION OF PERSONNEL.—In addition to the personnel authorized by subsection (b) for elements of the Community Management Account as of September 30, 2002, there are hereby authorized such additional personnel for such elements as of that date as are specified in the classified Schedule of Authorizations.

(d) REIMBURSEMENT.—Except as provided in section 113 of the National Security Act of 1947 (50 U.S.C. 404h), during fiscal year 2002 any officer or employee of the United States or a member of the Armed Forces who is detailed to the staff of the Community Management Account from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee, or member may be detailed on a nonreimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of Central Intelligence.

(e) NATIONAL DRUG INTELLIGENCE CENTER.—

(1) IN GENERAL.—Of the amount authorized to be appropriated in subsection (a), $27,000,000 shall be available for the National Drug Intelligence Center. Within such amount, funds provided for research, development, testing, and evaluation purposes shall remain available until September 30, 2003, and funds provided for procurement purposes shall remain available until September 30, 2004.

(2) TRANSFER OF FUNDS.—The Director of Central Intelligence shall transfer to the Attorney General funds available for the National Drug Intelligence Center under paragraph (1). The Attorney General shall utilize funds so transferred for the activities of the National Drug Intelligence Center.

(3) LIMITATION.—Amounts available for the National Drug Intelligence Center may not be used in contravention of the provisions of section 103(d)(1) of the National Security Act of 1947 (50 U.S.C. 403–3(d)(1)).

(4) AUTHORITY.—Notwithstanding any other provision of law, the Attorney General shall retain full authority over the operations of the National Drug Intelligence Center.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 2002 the sum of $212,000,000.

TITLE III—GENERAL PROVISIONS

SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

SEC. 303. JUDICIAL REVIEW UNDER FOREIGN NARCOTICS KINGPIN DESIGNATION ACT.

Section 805 of the Foreign Narcotics Kingpin Designation Act (title VIII of Public Law 106–120; 113 Stat. 1629; 21 U.S.C. 1904) is amended by striking subsection (f).

SEC. 304. MODIFICATION OF POSITIONS REQUIRING CONSULTATION WITH DIRECTOR OF CENTRAL INTELLIGENCE IN APPOINTMENTS.

Section 106(b)(2) of the National Security Act of 1947 (50 U.S.C. 403–6(b)(2)) is amended by striking subparagraph (C) and inserting the following new subparagraphs:

''(C) The Director of the Office of Intelligence of the Department of Energy.

''(D) The Director of the Office of Counterintelligence of the Department of Energy''.

SEC. 305. MODIFICATION OF REPORTING REQUIREMENTS FOR SIGNIFICANT ANTICIPATED INTELLIGENCE ACTIVITIES AND SIGNIFICANT INTELLIGENCE FAILURES.

Section 502 of the National Security Act of 1947 (50 U.S.C. 413a) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''To the extent''; and

(2) by adding at the end the following new subsections:

''(b) FORM AND CONTENTS OF CERTAIN REPORTS.—Any report relating to a significant anticipated intelligence activity or a significant intelligence failure that is submitted to the intelligence committees for purposes of subsection (a)(1) shall be in writing, and shall contain the following:

''(1) A concise statement of any facts pertinent to such report.

''(2) An explanation of the significance of the intelligence activity or intelligence failure covered by such report.

''(c) STANDARDS AND PROCEDURES FOR CERTAIN REPORTS.—The Director of Central Intelligence, in consultation with the heads of the

departments, agencies, and entities referred to in subsection (a), shall establish standards and procedures applicable to reports covered by subsection (b).''.

SEC. 306. MODIFICATION OF AUTHORITIES FOR PROTECTION OF INTELLIGENCE COMMUNITY EMPLOYEES WHO REPORT URGENT CONCERNS TO CONGRESS.

(a) AUTHORITY OF INSPECTOR GENERAL OF CENTRAL INTELLIGENCE AGENCY.—Section 17(d)(5) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q(d)(5)) is amended—

(1) in subparagraph (B), by striking the second sentence and inserting the following new sentence: ''Upon making the determination, the Inspector General shall transmit to the Director notice of the determination, together with the complaint or information.''; and

(2) in subparagraph (D)(i), by striking ''does not transmit,'' and all that follows through ''subparagraph (B),'' and inserting ''does not find credible under subparagraph (B) a complaint or information submitted under subparagraph (A), or does not transmit the complaint or information to the Director in accurate form under subparagraph (B),''.

(b) AUTHORITIES OF INSPECTORS GENERAL OF THE INTELLIGENCE COMMUNITY.—Section 8H of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in subsection (b), by striking the second sentence and inserting the following new sentence: ''Upon making the determination, the Inspector General shall transmit to the head of the establishment notice of the determination, together with the complaint or information.''; and

(2) in subsection (d)(1), by striking ''does not transmit,'' and all that follows through ''subsection (b),'' and inserting ''does not find credible under subsection (b) a complaint or information submitted to the Inspector General under subsection (a), or does not transmit the complaint or information to the head of the establishment in accurate form under subsection (b),''.

SEC. 307. REVIEW OF PROTECTIONS AGAINST THE UNAUTHORIZED DISCLOSURE OF CLASSIFIED INFORMATION.

(a) REQUIREMENT.—The Attorney General shall, in consultation with the Secretary of Defense, Secretary of State, Secretary of Energy, Director of Central Intelligence, and heads of such other departments, agencies, and entities of the United States Government as the Attorney General considers appropriate, carry out a comprehensive review of current protections against the unauthorized disclosure of classified information, including—

(1) any mechanisms available under civil or criminal law, or under regulation, to detect the unauthorized disclosure of such information; and

(2) any sanctions available under civil or criminal law, or under regulation, to deter and punish the unauthorized disclosure of such information.

(b) PARTICULAR CONSIDERATIONS.—In carrying out the review required by subsection (a), the Attorney General shall consider, in particular—

(1) whether the administrative regulations and practices of the intelligence community are adequate, in light of the particular requirements of the intelligence community, to protect against the unauthorized disclosure of classified information; and

(2) whether recent developments in technology, and anticipated developments in technology, necessitate particular modifications of current protections against the unauthorized disclosure of classified information in order to further protect against the unauthorized disclosure of such information.

(c) REPORT.—(1) Not later than May 1, 2002, the Attorney General shall submit to Congress a report on the review carried out under subsection (a). The report shall include the following:

(A) A comprehensive description of the review, including the findings of the Attorney General as a result of the review.

(B) An assessment of the efficacy and adequacy of current laws and regulations against the unauthorized disclosure of classified information, including whether or not modifications of such laws or regulations, or additional laws or regulations, are advisable in order to further protect against the unauthorized disclosure of such information.

(C) Any recommendations for legislative or administrative action that the Attorney General considers appropriate, including a proposed draft for any such action, and a comprehensive analysis of the Constitutional and legal ramifications of any such action.

(2) The report shall be submitted in unclassified form, but may include a classified annex.

SEC. 308. MODIFICATION OF AUTHORITIES RELATING TO OFFICIAL IMMUNITY IN INTERDICTION OF AIRCRAFT ENGAGED IN ILLICIT DRUG TRAFFICKING.

(a) CERTIFICATION REQUIRED FOR IMMUNITY.—Subsection (a)(2) of section 1012 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2837; 22 U.S.C. 2291–4) is amended by striking '', before the interdiction occurs, has determined'' and inserting ''has, during the 12-month period ending on the date of the interdiction, certified to Congress''.

(b) ANNUAL REPORTS.—That section is further amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

''(c) ANNUAL REPORTS.—(1) Not later than February 1 each year, the President shall submit to Congress a report on the assistance provided under subsection (b) during the preceding calendar year. Each report shall include for the calendar year covered by such report the following:

''(A) A list specifying each country for which a certification referred to in subsection (a)(2) was in effect for purposes of that subsection during any portion of such calendar year, including the nature of the illicit drug trafficking threat to each such country.

''(B) A detailed explanation of the procedures referred to in subsection (a)(2)(B) in effect for each country listed under subparagraph (A), including any training and other mechanisms in place to ensure adherence to such procedures.

''(C) A complete description of any assistance provided under subsection (b).

''(D) A summary description of the aircraft interception activity for which the United States Government provided any form of assistance under subsection (b).

''(2) Each report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.''.

SEC. 309. ONE-YEAR SUSPENSION OF REORGANIZATION OF DIPLOMATIC TELECOMMUNICATIONS SERVICE PROGRAM OFFICE.

Notwithstanding any provision of subtitle B of title III of the Intelligence Authorization Act for Fiscal Year 2001 (Public Law 106–567; 114 Stat. 2843; 22 U.S.C. 7301 et seq.), relating to the reorganization of the Diplomatic Telecommunications Service Program Office, no provision of that subtitle shall be effective during the period beginning on the date of the enactment of this Act and ending on October 1, 2002.

SEC. 310. PRESIDENTIAL APPROVAL AND SUBMISSION TO CONGRESS OF NATIONAL COUNTERINTELLIGENCE STRATEGY AND NATIONAL THREAT IDENTIFICATION AND PRIORITIZATION ASSESSMENTS.

The National Counterintelligence Strategy, and each National Threat Identification and Prioritization Assessment, produced under Presidential Decision Directive 75, dated December 28, 2000, entitled ''U.S. Counterintelligence Effectiveness—Counterintelligence for the 21st Century'', including any modification of the Strategy or any such Assessment, shall be approved by the President, and shall be submitted to the appropriate committees of Congress.

SEC. 311. PREPARATION AND SUBMITTAL OF REPORTS, REVIEWS, STUDIES, AND PLANS RELATING TO DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES.

(a) CONSULTATION IN PREPARATION.—The Director of Central Intelligence shall ensure that any report, review, study, or plan required to be prepared or conducted by a provision of this Act, including a provision of the classified Schedule of Authorizations or a classified annex to this Act, that involves the intelligence or intelligence-related activities of the Department of Defense shall be prepared or conducted in consultation with the Secretary of Defense or an appropriate official of the Department designated by the Secretary for that purpose.

(b) SUBMITTAL.—Any report, review, study, or plan referred to in subsection (a) shall be submitted, in addition to any other committee of Congress specified for submittal in the provision concerned, to the following committees of Congress:

(1) The Committees on Armed Services and Appropriations and the Select Committee on Intelligence of the Senate.

(2) The Committees on Armed Services and Appropriations and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 312. ALIEN TERRORIST REMOVAL PROCEEDINGS.

Section 504 of the Immigration and Nationality Act (8 U.S.C. 1534) is amended by adding the following subsection after subsection (k)—

''(l) No later than 3 months from the date of enactment of this Act, the Attorney General shall submit a report to Congress concerning the effect and efficacy of Alien Terrorist Removal proceedings, including the reasons why proceedings pursuant to this section have not been used by the Attorney General in the past, and the effect on the use of these proceedings after the enactment of the U.S.A. Patriot Act of 2001.''.

SEC. 313. TECHNICAL MODIFICATIONS.

The Director of Central Intelligence shall provide, prior to conference, any technical modifications to existing legal authorities needed to facilitate Intelligence Community counterterrorism efforts.

TITLE IV—CENTRAL INTELLIGENCE AGENCY

SEC. 401. ONE-YEAR EXTENSION OF CENTRAL INTELLIGENCE AGENCY VOLUNTARY SEPARATION PAY ACT.

Section 2 of the Central Intelligence Agency Voluntary Separation Pay Act (50 U.S.C. 403–4 note) is amended—

(1) in subsection (f), by striking ''September 30, 2002'' and inserting ''September 30, 2003''; and

(2) in subsection (i), by striking ''or 2002'' and inserting ''2002, or 2003''.

SEC. 402. MODIFICATIONS OF CENTRAL SERVICES PROGRAM.

(a) ANNUAL AUDITS.—Subsection (g)(1) of section 21 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403u) is amended—

(1) by striking ''December 31'' and inserting ''January 31''; and

(2) by striking ''conduct'' and inserting ''complete''.

(b) PERMANENT AUTHORITY.—Subsection (h) of that section is amended—

(1) by striking paragraph (1);

(2) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively;

(3) in paragraph (1), as so redesignated, by striking ''paragraph (3)'' and inserting ''paragraph (2)''; and

(4) in paragraph (2), as so redesignated, by striking ''paragraph (2)'' and inserting ''paragraph (1)''.

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

The motion to lay on the table was agreed to.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent, as in executive session, that on Tuesday, November 13, at 2:15 p.m. the Senate proceed to executive session to consider Calendar No. 511, that the Senate vote immediately on confirmation of the nomination, that the President be immediately notified of the Senate's actions, and the Senate return to legislative session.

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

Mr. REID. Mr. President, I ask unanimous consent that request be modified—that the chairman and ranking member of the Judiciary Committee be given 15 minutes equally divided, and the vote occur at 2:30 rather than at 2:15.

The PRESIDING OFFICER. Is there objection?

Mr. MCCAIN. Reserving the right to object, and I will not object, I have a question for the majority whip. I was told that it might be the intention to take up the Internet tax issue; is that correct or incorrect?

Mr. REID. That decision has not been made as yet.

Mr. MCCAIN. I have no objection.

The PRESIDING OFFICER (Mr. BAYH). Without objection, it is so ordered.

The Senator from Nevada.

EXECUTIVE SESSION

NOMINATION OF TERRY L. WOOTEN TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF SOUTH CAROLINA

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the nomination of Terry Wooten to be U.S. District Judge, that the Senate vote immediately on his confirmation, that the President be immediately notified of the Senate's action, and the Senate return to legislative session.

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

Mr. THURMOND. Mr. President, I rise to express my strong support for the nomination of Terry Wooten to be a judge on the District Court for the District of South Carolina. I was pleased to recommend him to President Bush for this esteemed position.

Just hours ago, Judge Wooten was favorably reported to the floor by the Judiciary Committee in an 19–0 vote. The Committee's unanimous vote and the Senate's speed in considering him today is a testament to his qualifications, character, and ability.

Judge Wooten has spent almost all of his professional life in public service. He has served ably and diligently as a U.S. Magistrate Judge since 1999. Prior to that, he worked as a federal prosecutor for seven years. In the U.S. Attorney's office, he served as the lead Task Force attorney for major drug and violent crime prosecutions.

Morever, he was the Republican chief counsel on the Judiciary Committee while I was Ranking Member, and did an exceptional job in that capacity.

It is unfortunate that some allegations were raised during the committee's consideration of his nomination. However, once the investigation of this matter was complete, it was clear that there was no merit to them whatsoever.

During the Judiciary executive business meeting earlier today, Chairman LEAHY and Senator BIDEN, who was chairman of the committee at the time Judge Wooten was a staff member, both spoke favorably of his nomination. I appreciated their remarks. I was also very pleased that all members of the committee supported his candidacy.

Judge Wooten is a man of honesty and integrity, and this process has simply reaffirmed that fact. I am confident that he will make an excellent addition to the District Court.

Mr. HOLLINGS. Mr. President, I rise today to congratulate my fellow South Carolinian, Terry Wooten, who will be confirmed today to the U.S. District Court for South Carolina.

Terry Wooten graduated Phi Beta Kappa from the University of South Carolina in 1976 where he continued on to law school. Following law school, he worked in a private two-man firm that focused on criminal defense and personal injury cases. Two years later, he served as Assistant Solicitor for Richland County where he handled hundreds of cases including murders, criminal sexual conduct, robberies, drug offenses, burglaries, and many other local offenses for 4 years. As a result of his notable service as a local prosecutor, Senator THURMOND invited him to move to Washington and work as the chief counsel of the U.S. Senate Judiciary Committee minority staff for 5 years. He then served with distinction as Assistant U.S. Attorney for South Carolina for 7 years. In this challenging position, he was assigned to the major drug and violent crime section. Judge Wooten excelled in this role and also served as the chief liaison between the relevant Federal agencies and the U.S. Attorney's office on drug and violent crime cases in the state. He is well known and respected by all local law enforcement agencies for his hard work with violent crime and drug offenders. In 1999, this humble, yet very capable man was chosen to be a magistrate judge where he did a marvelous job.

Terry Wooten comes to the U.S. District Court for the District of South Carolina judgeship with extensive experience as a State prosecutor in Richland County, as the Assistant U.S. Attorney, and as a Magistrate Judge. He was chosen for the position of Magistrate Judge by the judges of the Federal District Court for the District of South Carolina. I can think of no better testament to his character and qualifications and am pleased he will be joining their ranks. He will serve our judicial system well.

Mr. LEAHY. Mr. President, I congratulate the nominee and his family on his nomination and on what is soon to be his confirmation by the Senate and appointment by the President to the United States District Court for South Carolina. I thank all members of the Judiciary Committee for their attention to this nomination and thank the majority leader for his help in scheduling this vote.

Since July 2001, when the Senate was allowed to reorganize and the committee membership was set, we have maintained a strong effort to consider judicial and executive nominees. With the confirmation of Judge Wooten, we reach additional milestones. Judge Wooten is the 17th judicial nominee we have confirmed since July. That is more total judges this year than were confirmed in 1989, the first year of the first Bush administration, and as many as were confirmed in all of the 1996 session. Of course, in 1996, the Senate majority at that time did not proceed on a single nominee to a Court of Appeals and limited itself to confirming only 17 judges to the District Courts. We have this year already confirmed four nominees to the Courts of Appeals.

Thus, despite all the upheavals we have experienced this year with the shifts in chairmanship and, more importantly, the need to focus our attention on responsible action in the fight against international terrorism, we have matched or beaten the number of confirmations of judges during the first year of first Bush administration and the last year of the first Clinton term.

As a judge on the United States District Court, Judge Wooten will have a vital role to play in protecting and preserving our civil liberties in the days ahead. Our system of checks and balances requires that the judicial branch review the acts of the political branches.

Judge Wooten served as the Republican Chief Counsel of the Judiciary Committee when he worked for Senator THURMOND. Senator THURMOND has been an advocate for this nominee from the beginning. Earlier today the Judiciary Committee considered the Wooten nomination and voted without objection to report it to the Senate. Our bipartisanship in these matters was amply demonstrated by our moving as soon as possible in the wake of a serious allegation of wrongdoing to consider and report a former Republican staff member for the respected senior Republican in the Senate.

I held an expeditious hearing for Judge Wooten on August 27, during the

August recess of the Senate. On the morning of the hearing, we received serious allegations about him. These allegations raised questions about whether he had provided confidential materials to people outside the committee and the Senate with regard to the Clarence Thomas nomination. I asked Judge Wooten questions about the allegations and his actions, and he answered my questions.

Senator HATCH and I agreed that the best course of action would be to ask the FBI to investigate this situation fully. We had been awaiting the results of that investigation until just recently. Once members of the Judiciary Committee had a chance to review the FBI materials and all other materials surrounding this nomination, we brought it to a vote.

I believe that the allegations raised against Judge Wooten were serious and were worthy of inquiry. It appears to me from materials published in the aftermath of the confirmation battle that confidential committee materials were made available, contrary to our rules, to some outside the committee and the Senate. Having asked Judge Wooten about his involvement and having received his denials, I cannot say that there is a strong evidentiary basis on which to challenge his credibility or his denials with regard to his involvement in such matters.

I have taken Judge Wooten at his word and voted to report his nomination. This afternoon I will vote in favor of this nomination. This week we held our ninth hearing on judicial nominations since I became chairman, when the Senate was allowed to reorganize and this committee was assigned its membership on July 10, 2001. We held our fifth hearing on judicial nominations since September 11. Overall we have held hearings on 28 judicial nominees, including seven to the Courts of Appeals. Since September 11 we have held hearings on 21 judicial nominees, including four to the Courts of Appeals.

Within 2 days of the terrible events of September 11, I chaired a confirmation hearing for the two judicial nominees who drove to Washington while interstate air travel was still disrupted. Then on October 4, 2001 we held another confirmation hearing for five judicial nominees, which included a nominee from Nebraska who was unable to attend the earlier hearing because of the disruption in air travel.

On October 18, 2001, in spite of the closure of Senate office buildings in the wake of the receipt of a letter containing anthrax spores and Senate staff and employees were testing positive for anthrax exposure, the committee proceeded under extraordinary circumstances in the U.S. Capitol to hold a hearing for five more judicial nominees. The building housing the Judiciary Committee hearing room was closed, as were the buildings housing the offices of all the Senators on the committee. Still we persevered.

Two weeks ago, while the Senate Republicans were shutting down the Senate with a filibuster preventing action on the bill that funds our Nation's foreign policy initiatives and provides funds to help build the international coalition against terrorism, the Judiciary Committee nonetheless proceeded with yet another hearing for four more judicial nominees on October 25, 2001.

Yesterday we convened the fifth hearing for judicial nominees within eight extraordinary weeks—weeks not only interrupted by holidays, but by the aftermath of the terrorist attacks of September 11, the receipt of anthrax in the Senate, and the closure of Senate office buildings. Yesterday's hearing was delayed by another unfortunate and unforseen event when one of the family members of one of the nominees grew faint and required medical attention. With patience and perseverance, the hearing was completed after attending to those medical needs.

In addition, during the time during which we held five hearings on judicial nominees, we devoted our attention and efforts to expedited consideration of anti-terrorism legislation. Far from taking a ''time out'' as some have suggested, this committee has been in overdrive since July and we redoubled our efforts after September 11, 2001.

With respect to law enforcement, I have noted that the Administration was quite slow in making U.S. Attorney nominations, although it had called for the resignations of U.S. Attorneys early in the year. Since we began receiving nominations just before the August recess, we have been able to report and the Senate has confirmed approximately 50 of these nominations. We have a few more with incomplete paperwork and we await approximately 35 nominations from the administration. These are the President's nominees based on the standards that he and the Attorney General have devised. I have asked for the standards and criteria they are using, but, as far as I am aware, have not received the courtesy of a reply.

I note, again, that it is most unfortunate that we still have not received even a single nomination for any of the U.S. Marshal positions. U.S. Marshals are often the top Federal law enforcement officer in their district. They are an important frontline component in homeland security efforts across the country. It now appears that we will end the year without a single nomination for these 94 critical law enforcement positions.

In the wake of the terrorist attacks on September 11, many of us have been disdaining partisanship to join together in a bipartisan effort in the best interests of the country. There were reports within 10 days of September 11 that some Republicans were disappointed because they would not be able to filibuster appropriations bills and contend that the Senate was treating Bush judicial nominees as badly as they had treated the Clinton nominees. Their initial disappointment apparently dissipated within days because they did initiate a 3-week filibuster of the foreign operations appropriations bill. That is the bill that contains funding for our international antiterrorism coalition building activities as well as other essential military and humanitarian programs. Fortunately, cooler heads prevailed and that filibuster ultimately faded.

There have been other press accounts that some Republican operatives are trying to engage the White House and, even more unfortunately, the Department of Justice in a partisan effort to try to take political advantage of the aftermath of the September 11 attacks. Were those efforts to go forward, that would be disappointing. The bipartisan effort against terrorism is not something that Republicans should try to manipulate in such a way. Had the Senate moved more efficiently on nominations over the last 6 or 7 years, we would not have had so many vacancies perpetuated under their previous Senate majority. And finally, as the facts establish and as our actions today again demonstrate, we are moving ahead to fill judicial vacancies with nominees who have strong bipartisan support. These include a number of very conservative nominees. We have proceeded on nominees with mixed ABA peer reviews, including an Arizona nominee who was included in the hearing just yesterday. As I have noted, we have already confirmed more District Court judges since July of this year than were confirmed in the entire first year of the first Bush administration. Had the administration not changed the confirmation process from the precedents that had served us for more than 50 years, we might have been able to confirm a few more.

The President has yet even to nominate to 46 District Court vacancies. I hope that he will work with the Senate to make sure those nominations will be consensus nominees and that they can be considered promptly. Because the White House was slow to name District Court nominees this year, the bulk of those who have not had hearings do not even have ABA peer review ratings. When this administration unilaterally changed the process from that followed by all prior Presidents beginning with Eisenhower, it backloaded the process. There are still nine nominees, received since September 10, who do not have ABA peer reviews.

Several others have received mixed reviews that require additional time and study. I have noted that at our most recent hearing we included a District Court nominee from Arizona with a review that includes a minority of the peer review declaring the candidate ''not qualified'' to be a District Court judge. In addition, there are at least two more with those mixed ratings and at least one District Court nominee with a ''not qualified'' rating. Those ratings caution against rushing people through the confirmation process.

With this confirmation today, the Senate will have confirmed another

five District Court judges just this week. We held a hearing for five more District Court nominees yesterday. We have an additional three District Court nominees who could be considered as soon as they finish their paperwork and answer questions about their criminal histories.

Thus, having confirmed 13 District Court judges in record time, we could confirm an additional eight with cooperation from the White House, nominees and our Republican colleagues.

The PRESIDING OFFICER. The clerk will report the nomination.

The assistant legislative clerk read the nomination of Terry L. Wooten, of South Carolina, to be U.S. District Judge for the District of South Carolina.

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Terry L. Wooten, of South Carolina, to be United States District Judge for the District of South Carolina? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Georgia (Mr. CLELAND) and the Senator from Georgia (Mr. MILLER) are necessarily absent.

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

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 333 Ex.]

YEAS—98

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

NOT VOTING—2

Cleland	Miller

The nomination was confirmed.

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

The motion to lay on the table was agreed to.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

APPOINTMENT OF CONFEREES—H.R. 2833

The PRESIDING OFFICER. With regard to H.R. 2883, 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 Mr. GRAHAM of Florida, Mr. LEVIN, Mr. ROCKEFELLER, Mrs. FEINSTEIN, Mr. WYDEN, Mr. DURBIN, Mr. BAYH, Mr. EDWARDS, Ms. MIKULSKI, Mr. SHELBY, Mr. KYL, Mr. INHOFE, Mr. HATCH, Mr. ROBERTS, Mr. DEWINE, Mr. THOMPSON, Mr. LUGAR; from the Committee on Armed Services, Mr. REED and Mr. WARNER, conferees on the part of the Senate.

Mr. ALLEN. 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.

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

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

Ms. COLLINS. Mr. President, I ask unanimous consent I be permitted to proceed as in morning business for up to 15 minutes.

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

FOOD SAFETY

Ms. COLLINS. Mr. President, earlier this week I introduced the Imported Food Safety Act of 2001. Food safety has long been a serious public health concern in America, but awareness of the vulnerability of our food supply has heightened since September 11.

I have long been concerned about the adequacy of our system for screening and ensuring the safety of imported food. In 1998, in my capacity of chairing the Permanent Subcommittee on Investigations, I began a 16-month investigation of the safety of imported foods. This investigation revealed much about the Government's flawed food safety net. Regrettably, in the intervening years little has changed, and now we must acknowledge that the systemic shortcomings can also be exploited by bioterrorists.

As part of the investigation, I asked the General Accounting Office to evaluate the Federal Government's efforts to ensure the safety of imported food. In its April 1998 report, the General Accounting Office concluded that ''Federal efforts to ensure the safety of imported foods are inconsistent and unreliable.'' Just last month, the GAO reiterated that conclusion in testimony before the Subcommittee on Oversight of Government Management.

During the 5 days of subcommittee hearings that I chaired, we heard testimony from 29 witnesses, including scientists, industry and consumer groups, government officials, the General Accounting Office, and two individuals with firsthand knowledge of the seamier side of the imported food industry—a convicted customs broker and a convicted former FDA inspector.

Let me briefly recount some of the subcommittee's findings which make clear why the legislation I have introduced is so urgently needed.

First, weaknesses in the FDA's import controls—specifically, the ability of importers to control food shipments from the port to the point of distribution—make the system very vulnerable to fraud and deception, and clearly vulnerable to a concerted bioterrorist attack.

Second, the bonds required to be posted by importers who violate food safety laws are so low that they are simply considered by some unscrupulous importers to be a cost of doing business.

Third, maintaining the food safety net for imported food is an increasingly complicated and complex task, made more complicated by previously unknown food pathogens, such as Cyclospora, that are difficult to detect. Our recent experience with anthrax has taught us there is much that public health officials still need to know when dealing with such pathogens and bacteria.

Fourth, because some imported food can be contaminated by substances that cannot be detected by visual inspections, grant programs are needed to encourage the development of food safety monitoring devices and sensors that are capable of detecting chemical and biological contaminants.

Fifth, since contamination of imported food can occur at many different places from the farm to the table, the ability to trace outbreaks of foodborne illnesses back to the source of contamination requires more coordinated effort among Federal, State, and local agencies responsible for ensuring food safety, as well as improved education for health care providers so that they can better recognize and treat foodborne illnesses. Again, our recent experience with anthrax underscores the need for better coordination and education.

Since the terrorist attacks that occurred just weeks ago, we have been living in a changed world. We are battling enemies who show no regard for the value of human life, and whose twisted minds seek to destroy those who embody democracy and freedom. It has never been as important as it is now to ensure that our food supplies are adequately protected against contamination, both inadvertent and intentional.

President Bush and his administration are acting swiftly and decisively on all fronts. Among the responsibilities of the Office of Homeland Security is the protection of our livestock and agricultural systems from terrorist attack. The administration has requested additional funding to beef up security at our borders and to add more inspectors to evaluate the safety of food imports. And the Secretary of Health and Human Services, Tommy Thompson, has been working tirelessly to obtain the additional tools necessary to combat bioterrorism.

On October 17, 2001, Secretary Thompson appeared before the Senate's Governmental Affairs Committee, and testified about the Federal Government's efforts to ensure that the country is adequately prepared to respond to bioterrorist threats. He identified food safety and, in particular, imported foods, as vulnerable areas that require further strengthening. Similarly, at a recent hearing before the Health, Education, Labor, and Pensions Committee, every single public health expert who testified before us expressed concern about the vulnerability of our food supplies.

Weak import controls make our system all too easy to circumvent. After all, FDA only inspects fewer than 1 percent of all imported food shipments that arrive in our country. Those shipments are sent from countries around the world, most of whom wish us no harm. Yet, because of the hard lessons we have had to learn since September 11, we must be more vigilant about protecting ourselves. It is vital that we take the necessary steps to close the loopholes that unscrupulous shippers have used in the past and that bioterrorists could exploit now.

I first became concerned about the safety of the U.S. food supply in 1998 when I learned that fruit from Mexico and Guatemala was associated with three multi-state outbreaks of foodborne illnesses that sickened thousands of Americans. Regrettably, those type of outbreaks are far too common. The Centers for Disease Control and Prevention estimate that 76 million cases of foodborne illnesses occur each year. Fortunately, the majority of these incidents are mild and cause symptoms for only a day or two. Less fortunately, the CDC also estimates that over 325,000 hospitalizations and 5,000 deaths result from those 76 million cases. And as astonishingly high as those numbers are, they are estimates, and the truth may be even more deadly.

It was because of my concern that I began the subcommittee's investigation of the adequacy of our country's imported food safety system. The testimony I heard was troubling. The U.S. Customs Service told us of one particularly egregious case. It involved contaminated fish and illustrated the challenges facing federal regulators who are charged with ensuring the safety of our Nation's food supply.

In 1996, Federal inspectors along our border with Mexico opened a shipment of seafood destined for sales to restaurants in Los Angeles. The shipment was dangerously tainted with life-threatening contaminants, including botulism, *Salmonella*, and just plain filth. Much to the surprise of the inspectors, this shipment of frozen fish had been inspected before by Federal authorities. Alarmingly, in fact, it had arrived at our border 2 years before, and had been rejected by the FDA as unfit for consumption. Its importers then held this rotten shipment for 2 years before attempting to bring it into the country again, by a different route, and a different port in the hope of shipping this seafood through the inspection system.

The inspectors only narrowly prevented this poisoned fish from reaching American plates. And what happened to the importer who tried to sell this deadly food to American consumers? In effect, nothing. He was placed on probation and asked to perform 50 hours of community service.

I suppose, given how few shipments are inspected by FDA inspectors, we should count ourselves lucky that these perpetrators were caught at all since, as I mentioned earlier, fewer than 1 percent of all shipments of imported food under the jurisdiction of FDA are actually inspected. Unsafe food might have escaped detection and reached our tables. But it worries me that the importer essentially received a slap on the wrist. I believe that forfeiting the small amount of money currently required for the Customs' bond, which some importers now consider no more than a ''cost of doing business,'' does little to deter unscrupulous importers from trying to slip tainted fish that is 2 years old past overworked Customs agents.

It is imperative that Congress provide our Federal agencies with the direction, resources, and authority necessary to protect our food supply from acts of bioterrorism and to keep unsafe, unsanitary food out of the United States.

I have worked with the FDA, the Customs Service, and the CDC to ensure that my legislation corrects many of the vulnerabilities that have been identified in our imported food safety system. Let me describe what this bill is designed to accomplish.

My legislation would fill the existing gaps in the food import system and provide the FDA with stronger authority to protect American consumers against tainted food imports. First and foremost, this bill gives the FDA the authority to stop such food from entering our country. My bill would authorize FDA to deny the entry of imported food that has caused repeated outbreaks of foodborne illnesses, presents a reasonable probability of causing serious adverse health consequences or is likely without systemic changes to cause disease again.

Second, this legislation would enable the FDA to require secure storage of shipments offered by repeat offenders prior to their release into commerce. Unscrupulous shippers who have demonstrated a willingness to knowingly send tainted food to our country cannot be overlooked as potential sources of bioterrorist acts. My bill would also prohibit the practice of ''port-shopping,'' and would require that boxes containing violative foods that have been refused entry into our country be clearly marked. This latter authority is currently used with success by the U.S. Department of Agriculture. My bill also would require the destruction of certain imported foods that cannot be adequately reconditioned to ensure safety.

What happens now is that when the food is ordered to be reexported and denied entrance into this country, it is not destroyed, even if it is completely unfit for human consumption and cannot be made safe.

Third, the legislation would direct the FDA to develop criteria for use by private laboratories to collect and analyze samples of food offered for import. This will help ensure the integrity of the testing process.

What happens now is that it is often the very same shipper who tried to slip the tainted food into our country who is responsible for taking it to a lab and getting it tested. Obviously, that is like putting the fox in charge of the hen house and offers very little protection to consumers.

Fourth, the legislation would give ''teeth'' to the current food import system by establishing two strong deterrents—the threats of higher bonds and of debarment—for unscrupulous importers who repeatedly violate U.S. law. No longer will the industry's ''bad actors'' be able to profit from endangering the health of American consumers. In other words, if the shipper is found to be repeatedly violating Federal laws regarding food safety, we could ban that shipper from importing anything into the United States. We will just kick them out of the business altogether.

Finally, my legislation would authorize the CDC to award grants to State and local public health agencies to strengthen the public health infrastructure by updating essential items, such as laboratory and electronic reporting equipment. Grants would also be available for universities, nonprofit corporations, and industrial partners to develop new and improved sensors and tests to detect pathogens, and for professional schools and societies to develop programs to increase the awareness of foodborne illness among health care providers and the general public.

We are truly fortunate that the American food supply is the safest in the world. But our system for safeguarding our citizens from imported food that has been tainted, either intentionally or inadvertently, is fundamentally flawed. We need to work together to correct this problem.

In that regard, I am pleased to report that I am working with my colleagues on bipartisan bioterrorism legislation that targets problems posed by bioterrorist threats to our Nation's food supply. I believe that the measures provided for in my Imported Food Safety Act of 2001, as well as the bipartisan bioterrorism bill we are drafting, will significantly reduce this potential threat to our country. It is my hope that parts of my bill will be incorporated into the comprehensive bioterrorism bill that we are working on now and that we will pass it this year.

Mr. President, we need to take action now. We have identified a threat to our food supply. We know what we need to do to put in place the safeguards that are needed.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

UNANIMOUS CONSENT AGREEMENT—H.R. 2620 CONFERENCE REPORT

Mr. REID. Mr. President, I ask unanimous consent that when the Senate considers the conference report to accompany H.R. 2620, the VA–HUD appropriations bill, that there be 45 minutes for debate with respect to the report, with the time equally divided and controlled among the chairperson and ranking member of the subcommittee and Senator MCCAIN or their designees; that upon the use or yielding back of all time, without further intervening action, the Senate proceed to vote on adoption of the conference report.

Mr. President, this would mean Senator MIKULSKI, Senator BOND, and Senator MCCAIN would each have 15 minutes if they choose to use that time.

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

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

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

UNANIMOUS CONSENT REQUEST—S. 739

Mr. WELLSTONE. Mr. President, I see Senator MIKULSKI here; I assume Senator BOND will be here. I will just take but a moment.

For the fifth or sixth time in the last 2 weeks, I ask unanimous consent the Senate proceed to Calendar No. 191, S. 739, the Homeless Veterans Program Improvement Act; 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 ACTING PRESIDENT pro tempore. Is there objection?

Mr. CRAIG. Mr. President, reserving the right to object, I know how committed the Senator is to this issue, and much of that issue I agree with. I hope sometime in the future we can deal with it. It is important, certainly to those who meet the standards and the qualifications which the Senator has proposed.

At this time I believe it necessary to object, and I do object.

The ACTING PRESIDENT pro tempore. Objection is heard.

The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I have spoken about this before. The Senator from Idaho was objecting on behalf of someone else. He said: I hope this legislation passes soon because we all support this, or because it is important, something to that effect.

This legislation passed the veterans committee on a 21–0 vote. It is the kind of legislation you massage—LANE EVANS has done this in the House—so you get everybody agreeing. It is really important. I have gone through all the details before.

It is there in terms of making sure you have the job training, the services for people, and the health care for people struggling with addiction or struggling with posttraumatic stress syndrome, transition to other housing. It is really important to do.

Veterans Day is coming in just a few days.

My last point is that even though my colleague from Idaho says we all think it is a good thing to do, for 2 weeks I have come out here and I have asked: Who is the Senator who has an anonymous hold on this bill? If he or she opposes it, come out and debate it. This is no way to proceed. As a result, I have put a hold on every bill introduced by my colleagues from the other side, all of them that are unanimous consent and have a great deal of merit. I am not giving up any of my leverage.

It is unconscionable that this piece of legislation has been blocked through an anonymous hold. It is no way to say thanks to veterans. The veterans in the military say: We don't leave our wounded behind. We have a lot of wounded left behind on the streets of our country who are homeless.

If I got started on this issue, I could spend about 10 hours expressing my indignation at what has happened. Out of deference to Senator MIKULSKI, I will not.

Again, there aren't going to be any bills beyond appropriations and judicial appointments that are going to go through until this bill goes through. This should be a priority.

I make a plea to my colleagues from the other side of the aisle, find out who it is, the Senator who is blocking this consideration. No one has ever even given me the slightest hint why. Let's get this work done.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2002—CONFERENCE REPORT

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I submit a report of the committee of conference on the bill, H.R. 2620, and ask for its immedidate consideration.

The ACTING PRESIDENT pro tempore.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2620) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commission, corporations, and offices for the fiscal year ending September 30, 2002, and for other purposes, having met have agreed that the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment, signed by all of the conferees on the part of both Houses.

The Senate proceeded to consider the conference report.

(The conference report is printed in the House proceedings of the RECORD of November 6, 2001, at page H7787.)

Ms. MIKULSKI. Mr. President, it is with a great deal of pride that I bring this conference report to the Senate. I take this opportunity to thank my Republican colleague, the ranking member, Senator BOND of Missouri. This has been a year of tumultuous change in our country.

On Tuesday a year ago, we thought we had elected the President. It went on for 35 days—unprecedented. We were turned into a 50–50 Senate—again unprecedented.

Senator BOND chaired the committee in January and then, after Senator JEFFORDS' decision, the reins passed to me.

I say publicly, I thank Senator BOND for the graciousness in the way he transited the gavel and the chairmanship to me. He did it with graciousness and efficiency. His staff could not have been more cooperative or collegial. Because of that, our subcommittee didn't miss a beat, and we didn't miss a buck. We went to work on behalf of veterans, housing, the environment, investments in space, science, technology, as well as other agencies. I thank him for that.

I bring to the Senate's attention a summary of the bill. This act provides for a total of $112.7 billion for all the programs within the bill, which is $4.8 billion or 4 percent over the fiscal year

2001 level. This includes $27.3 billion in mandatory funding, an increase of $1.8 billion over the fiscal year 2001 level, and $85.4 billion in discretionary spending, which is an increase of $3 billion over last year.

What this bill essentially does is meet compelling human need. It meets compelling human need in terms of our veterans, in terms of the poor, meeting the day-to-day needs of the working poor. It helps rebuild our neighborhoods and communities. Through its funding for FEMA, it protects our homeland security. And it invests in science and technology through NASA and the National Science Foundation.

For our veterans, we have increased veterans health care by over $1 billion from last year, bringing it to a total of $21.3 billion. This would allow the VA healthcare system to serve 4 million patients through 2002. This conference agreement also provides the VA the ability to open 33 new outpatient clinics. It would also continue to allow research and treatment of chronic disease; diagnosis and treatment for Alzheimer's, Parkinson's; look at the issues again of special populations, such as stroke and spinal cord injury; and continue its groundbreaking research in the area of prostate cancer.

In terms of our veterans, we also make a substantial effort to reduce the claim time for how long a veteran has to wait in order to get their disability benefit. They had to often stand in line when they were in the U.S. military. But after the way they serve their country, they should not have to stand in line for almost a year in order to see if their disability claim can be processed. We are working on a bipartisan basis to shorten that.

As to the Department of Housing and Urban Development, we had three goals: Expand housing opportunity for the poor, rebuild our neighborhoods, and help special-need populations. To do that, we have renewed all the section 8 housing vouchers. We have funded this program at $15.6 billion. This is $1.7 billion over last year.

At the same time, we restored cuts proposed by the President to the critical public housing capital program by funding it at $2.8 billion. We have increased funding for the public housing operating cost by $250 million over last year for a total of $3.5 billion.

Knowing that many of our colleagues believe the decisions are best made locally, we wanted to keep our commitment to the community development block grant money, and we have increased that by over $200 million. This year CDBG will be funded at $5 billion.

For other HUD programs, we have continued at last year's level the funding for brownfields, housing for the elderly, and housing for the disabled. But we have, in order to create home ownership, included language to raise the FHA loan limit for multifamily housing by 25 percent this year. This came from the private sector, home builders, as well as the AFL–CIO. I believe this will mean more rental property will be available. We cannot voucher our way out of our housing crisis. We need a new production program. This has long been a position held by my colleague, Senator BOND. I look forward to the recommendation of the Millennial Housing Commission and the Commission on Senior Housing. We look to those in the private sector and the nonprofit sector to give us guidance on what a 21st century HUD should look like, which will create real hope and opportunity. We provided the inspector general with no less than $5 million, and this will also be going after predatory lending.

Let's move on now to EPA. For EPA, the conference agreement provides $7.9 billion, an increase of $587 million above the budget level. This is $75 million above what we funded last year. What do we get for our money? First of all, we get EPA enforcement. This is funded at last year's level of $465 million. We can keep the current level of enforcement.

The conference agreement also keeps our commitment to clean and safe water by fully funding the Clean Water State Revolving Loan Fund at $1.35 billion, which is an increase over the President's budget request. We also fully fund the Drinking Water SRF at $850 million, an increase of $27 million over the President's budget request.

This country is facing an enormous backlog of funding for water infrastructure projects. Every single one of my colleagues talks to me about sewer or water infrastructure projects, failing septic tanks, how to comply with the new arsenic requirement; we have aging systems in my own region, as do New Orleans and Chicago. I could give every single Senator a billion dollars to take back to their State, and it would be just a drop in the bucket for this need.

I hope, as we look at the stimulus package, we look at how we can fund clean water and safe drinking water projects because, at the end of the day, I believe we will stimulate the local economy and create jobs but have value for our dollar.

We also kept our commitment to cleanup. We provided $1.27 billion for the cleanup of Superfund sites. This also includes $95 million for brownfields. We have included $22.6 million for the National Estuary Program. Again, we have worked closely with the administrator.

For FEMA, we maintain our commitment to protecting our homeland by providing FEMA with $3 billion. We provide $2.1 billion for disaster relief to ensure that we are ready to respond to any future disaster. We have also worked very closely with Joe Allbaugh, the FEMA Director, to be sure we respond to the needs of New York and local communities and, at the same time, are ready for those natural disasters like hurricanes and tornadoes that could affect us.

We also wanted to support America's heroes, our firefighters, and in this bill we fund the Fire Grant Program at $150 million in order to be able to fund the firefighters' need of protective gear and equipment. This program is authorizing $3 billion. We would prefer to do more and look forward to doing more in the stimulus package. We understand Senator BYRD is going to work closely with us to do this.

In order to be protected by the firefighters, we need to protect them and make sure they have the protective gear, respiratory gear, and the technological tools to go into horrific situations. In order to be able to protect us, they need to have the right equipment. Many firefighters in America are volunteers; we ask them to do it on their own time and on their own dime. We can't protect our firefighters and give them the equipment they need based on bingo and fish fries at the local level—although, I sure like those bingo games and fish fries. They are fun things to do, but they are not a reliable funding stream. We have to back them.

Let's go to NASA. We provide $14.8 billion for NASA programs, which is $500 million over last year. Our top priority remains the safety of our astronauts. We made a significant investment in shuttle upgrades, including $207 million allocated for safety upgrades to the space shuttle. By improving the safety of the shuttle, we reduce the risks to our astronauts.

We fully fund the rest of the shuttle program at over $3 billion for fiscal year 2002. For the space station, we redirected $75 million to other pressing needs such as safety upgrades to the shuttle and other science and aeronautics programs. We know that former astronaut Tom Young is taking a look at our space station. We like it; we think it is very important to our country and to the world. But we also believe that the management of the space station has had a fiscal permissiveness that has allowed unacceptable cost overruns. They had over $4 billion in overruns. We can't let that stand.

This independent review team, chaired by former astronaut Tom Young, has given us a new roadmap for the station. I can assure the Senate and our taxpayers that we will be holding hearings and meetings to be able to ensure that we keep our commitment to the space station, do our research, keep our astronauts safe, but at the same time have fiscal responsibility.

For the National Science Foundation, the conference agreement provides $4.8 billion, an increase of 8.4 percent over last year. This represents a downpayment on an effort initiated by Senator BOND and myself to double the NSF budget. We want to do that in 5 years. I think we might have to wait 6 years to do it, but we are convinced it is in the Nation's long-term interest that funding for basic research in all science and engineering disciplines must increase substantially.

We have increased the funding in several areas for research, such as information technology and nanotechnology

and, of course, in agricultural biotech, on which, of course, the ranking member has been a leader. But also, at the same time, we really try to back our young researchers so that young Americans will choose science and scientific research as a career.

We have also maintained the Corporation for National Service. Voluntarism is our national trademark, and this agreement maintains our commitment to AmeriCorps and other agencies within it.

There are also 25 other agencies, but I am not going to go through all 25. We have kept our commitment to them. I thank the President for giving us the opportunity to work with very excellent Cabinet people. Again, we were under very difficult circumstances, with a late start, but there was an orderly transition.

I think we have met our charge to the compelling needs of our constituents, the long-range needs of our Nation and done it with fiscal stewardship, which I believe the taxpayers require from us.

Mr. President, that concludes my summary of the bill.

I thank Paul Carliner, Gabriel Batkin, and Joel Widder of my staff for giving me the support that I needed. I thank John Kamarck and Cheh Kim from Senator BOND's staff for their cooperation and collegiality.

Mr. President, I hope that at the conclusion of our debate, when we take the rollcall, the Senate will support this conference report. They can go back and talk to every single one of their constituents, whether it is a veteran from the ''greatest generation,'' or the firefighters, the warriors of this generation, or the scientists who are giving us the ideas to keep America strong and safe, or the poor who depend on us even at this time. We have a great bill and I hope that this bill will pass.

I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I thank the conferees of this bill for their hard work in completing this conference report for this legislation.

The report provides critical Federal funding for the Departments of Veterans Affairs, Housing and Urban Development, and Independent Agencies. The conference report spends at a level of 4.1 percent higher than the level enacted in fiscal year 2001.

In real dollars, this is $2.1 billion in additional spending above the amount requested by the President, and a $4.4 billion increase in spending from last year.

Once again I find myself in the unpleasant position of speaking before my colleagues about parochial projects in yet another conference report. I have identified over $1 billion in earmarks, which is greater than the cost of the earmarks in the conference report passed last year. Last year, it was $970 million. So far this year, the total of appropriations pork-barrel spending has already hit a staggering $9 billion.

Before I go into some specifics—and it will not be many on this bill—I would like to quote from an article by Deroy Murdoch of the Scripps Howard News Service that was published on October 14, 2001. He says:

> Each dollar spent on pork-barrel projects is one less dollar that can be devoted to the War on Terror. This inescapable fact somehow has escaped members of Congress. While senators and representatives swiftly and wisely approved $40 billion in recovery and defense funds after the Sept. 11 massacre, they quickly relapsed into old habits.
>
> Congress again is spending money as recklessly and foolishly as it did on Sept. 10. Even as U.S. warships steam toward the Persian Gulf, Citizens Against Government Waste, a Washington-based fiscal watchdog group, has calculated in military terms the opportunity cost of business as usual.
>
> Sidewinder missiles sell for $41,300 each. . . . Tomahawk Cruise missiles are $1 million apiece while one F–15 fighter jet costs $15 million. Pork projects chew right through cash that could purchase these and other weapons the Pentagon will need to crush the international terror network and its state sponsors.
>
> For instance, on Sept. 13, the Senate adopted the fiscal 2002 Commerce, Justice, State, and Judiciary Appropriations Bill. Consider just several items the Senate approved while the Pentagon and Ground Zero still smoldered:
>
> —$2 million for the Oregon Groundfish Outreach Program and $850,000 for Chesapeake Bay Oyster Research.
>
> Cost: 69 sidewinders.
>
> —$6 million for the National Infrastructure Institute in Portsmouth, New Hampshire.
>
> Cost: Six cruise missiles.
>
> —$204 million for the Advanced Technology Program, a quintessential corporate welfare boondoggle, for which the Bush administration requested only $13 million.
>
> Cost: Thirteen F–15 fighters.
>
> Even more maddening is a brand-new bill to expand farm subsidies one year before the existing spending plan expires. The Farm Security Act would increase agricultural pork by $73.1 billion over the next 10 years. Added to the $96.9 billion budget baseline, Uncle Sam would plow $170 billion into the ground through the year 2011.
>
> This bill authorizes $101 million for honey producers. The once-terminated wool and mohair program rises again, $202 million strong. Peanut farmers can expect $3.48 billion. This bill would also revive a $37.1 billion in ''counter-cyclical assistance'' which was scrapped in 1996.

I talked about this at another time.

> The U.S. Agriculture Department released a study last month that describes these subsidies as spectacularly wasteful and fundamentally unfair. Forty-seven percent of agricultural payments go to commercial farms with average household incomes of $135,397, more than 2½ times the average American household's $51,855 in earnings.
>
> According to the Associated Press, just 10 percent of farm owners shared 63 percent of last year's $27 billion in federal agriculture payments.
>
> Media tycoon Ted Turner received farm aid, as did Portland Trail Blazer Scottie Pippen. Modestly paid waitresses and school bus drivers pay twice for largesse—first through taxes, then again as agricultural price supports hike their grocery bills. . . .
>
> These legislative hijinks are bad enough in peacetime. America is at war. Soldiers, sailors, airmen, and Marines are kissing their loved ones goodbye and shipping out to face a vicious and bloodthirsty enemy lurking in foreign shadows. Right now, Congress should grow up and stop treating the domestic budget as a political Toys R Us. Americans already are making huge sacrifices. Weak tourist revenues have lowered the curtains on five Broadway shows. Hotel beds have gone empty as conferences have been canceled, and weddings have been scaled back or postponed. Major U.S. airlines have fired 87,000 employees since terror struck.
>
> Amid such national belt-tightening, it is beyond ugly to watch public servants loosen their belts as their pork-laden bellies swell. If the American people must live with less, so must their representatives.

I would like to read the words of OMB Director Mitch Daniels who said that in time of war:

> Everything ought to be held up to scrutiny. . . . Situations like this can have a clarifying benefit. People who could not identify a low priority or lousy program before may now see the need.

Mr. President, we obviously have not seen the need in this conference report, and I intend to clarify some items stuffed in the bill. Let us take a look at this year's porkbarrel spending projects in the VA–HUD conference report before us.

No. 10: $1 million for Spring Hill College in Mobile, AL, for construction of the Regional Library Resource Center;

No. 9: $175,000 for the Fine Arts Museum of San Francisco, CA, for construction needs of the M.H. de Young Memorial Museum;

No. 8: $1 million for Dubuque, IA, for the development of an American River Museum;

No. 7: $300,000 for the Central Missouri Lake of the Ozarks Convention and Visitor Bureau Community Center;

No. 6: $750,000 for the Center for Agricultural and Rural Development at Iowa State University;

No. 5: $1 million for the Mid-Atlantic Aerospace Complex in West Virginia.

You will notice, Mr. President, each one of those is earmarked to a specific location. For example, in my State of Arizona, we just voted a bond issue to expand our convention facilities. They are not going to have to do that in the Central Missouri Lake of the Ozarks because they are going to build a convention center, and we are going to give them $300,000 to do so.

Again, No. 5, $1 million for the State of West Virginia, which seems to pop up quite a bit.

There is an additional $250,000 to Maui for the control of nuisance seaweed accumulations on the beaches of Kihei, Maui, HI;

$100,000 for the Memphis Zoo in Memphis, TN, for the Northwest Passage Campaign;

$140,000 for the city of El Reno, OK, for development of a trolley system;

And $190,000 for the city of Spartanburg, SC, for the Motor Racing Museum of the South.

Mr. President, we are in a war. Isn't this really unconscionable? Isn't it

really unacceptable? Isn't it really quite a commentary that the earmarks in this year's bill are higher than last year's bill? Isn't it interesting that each one of these is earmarked for a specific place? Perhaps the Presiding Officer's home State would like to compete for money for a Motor Racing Museum of the Midwest since we are giving money to Spartanburg, SC, for the Motor Racing Museum of the South.

We are now about to have a big fight with the President and my colleagues on the other side of the aisle about increased spending. How can my colleagues on this side of the aisle go into that battle with clean hands when we continue to add porkbarrel project after porkbarrel project—$9 billion so far of unrequested, unauthorized items that are specifically earmarked for certain powerful members of the Appropriations Committee. That is not right, Mr. President.

Sooner or later, we are going to educate the American people about this, and it is going to come to a halt. I am afraid it may be later rather than sooner. It continues to lurch out of control, and no one believes we have enough money for defense spending. No one believes that. That is why we are spending extra money on defense, and yet these projects continue to be added both in conference as well as in the bills themselves, and it is not acceptable.

It is not acceptable. If the average American knew more about this, they would reject it.

I intend to do as I have done in the past to make sure as many Americans understand where their tax dollars are spent.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I am proud to rise in strong support of a conference report on H.R. 2620, the VA-HUD fiscal year 2002 appropriations bill. The chair of the committee, Senator MIKULSKI, has done an excellent job in crafting this measure. I am deeply grateful for her leadership.

She was kind enough to talk about the smooth transition. It was not something we desired, but it was something that worked extremely well because we have had the good fortune of being able to work closely on this measure for a number of years. In fact, it was a seamless transition.

I believe the legitimate wishes and concerns of Members of this body, the needs of the veterans, those who depend upon housing for Federal Government assistance, those who depend upon the Environmental Protection Agency to clean up our rivers and our waters and our air, are well served by this measure.

I add my compliments to Congressman WALSH, the chair of the House VA–HUD Committee, and Congressman MOLLOHAN, the ranking member. This bill has been a very tough one because of the limitation on funding, but I believe it strikes the right balance. We have met many of the administration's funding priorities, and I compliment the administration for not looking to create a series of new programs but instead focusing on some exceptions, maintaining existing program levels and reforming program implementation to ensure that agencies can deliver assistance under existing program requirements.

The Senator from New Mexico has asked for a few minutes out of my time, so I ask the Presiding Officer to notify me when I have used 9 minutes of time. I do wish to reserve some time for Senator DOMENICI for a very pressing issue he must address.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, the respective leaders have asked the vote be held at 4:30, so we are going to have some extra time. We can accommodate the Senator for as much time as he or the distinguished Senator from New Mexico would like to have.

Mr. BOND. Mr. President, I thank my chairman. I will try to be reasonably brief, but there are some important things I wish to include.

To return to the analysis of the bill, the VA and veterans needs remain the highest priority of the bill. The funding decisions in this bill are designed to ensure the best quality of medical care for our veterans and to keep the best doctors in the VA system. Furthermore, Senator MIKULSKI and I are committed deeply to meeting the medical needs of veterans, and we are working with the VA and the administration to ensure the successful implementation of the new CARES process, which is designed to assure that VA has the facilities it needs, that targets the services and the medical care throughout the country, and gets rid of unneeded facilities that drain money away from needed care for veterans.

In addition, the VA–HUD bill appropriates some $30.2 billion for the Department of Housing and Urban Development, an increase of $1.7 billion. This includes funding to renew all expiring section 8 contracts and provides for 18,000 incremental vouchers. I do remain deeply concerned that vouchers do not work well in many housing markets. We do, as the chairman of the subcommittee mentioned, need to develop new production programs that assist extremely low-income families in particular. This is a need that we must address, and we look forward to working with the authorizing committees, the Millennium Housing Commission, and others, to ensure it is addressed.

The bill also reflects our continuing support for CDBG, the HOME Program, homeless assistance, FHA mortgage insurance, and assistance for abatement of lead hazards in housing.

As for the Environmental Protection Agency, the bill includes a $587 million increase to $7.9 billion, $74 million over the fiscal year 2001 level. The bill maintains funding of the clean water State revolving fund at $1.35 billion and drinking water at $850 million. I cannot emphasize enough the importance of continuing to maintain funding for these State revolving funds.

The clean water infrastructure financing alone, there is a need in this country for some $200 billion over the next 20 years, excluding replacement costs and operation and maintenance.

I want to address some comments made about spending characterized in this bill as porkbarrel. The Members of this body know this bill funds monies that go through to State and local governments. This is a measure that includes funds for the Community Development Block Grant Program. Under that program, we take Federal dollars and send it back to the local communities so Governors, mayors, and city council members can allocate the needs in their community.

Is that porkbarrel? I happen to think that providing money for needed community improvements is not porkbarrel spending. This measure also sends, as I just said, $1.35 billion for the clean water state revolving funds to clean up sewers, and $850 million for safe drinking water. Is that porkbarrel? I do not think so.

The greatest need for many of our communities, whether they be large or small communities, is to have the money they need to develop projects that will make them strong communities and to assure that the water systems are healthy. We provide that money.

Now my colleague was addressing the fact that out of that money, we send back for community development block grants some 6.8 percent. Less than 10 percent has been designated by Members of the House or the Senate for particular high need activities and investments in communities in their State.

Do Members of Congress somehow know less about the needs of their communities for community development? Do Members of Congress somehow know less about the need for critical improvements to water and sewer supply systems? I think not.

This money goes to those communities that have needs for tremendous efforts to improve community life, whether it be facilities that will bring in more business or whether it be money to go to drinking water or cleaning up sewer water in the States. This is one of the areas where those legislators in Congress who are concerned and who pay attention to the needs of their State can find areas where there are pressing needs. I believe, by and large, they do an excellent job, and we do a good job.

One may quarrel with some of the decisions made by local officials on community development block grants. One may quarrel with some of the decisions made on clean water in State revolving funds for drinking water, but the fact

remains there are tremendous needs in all of these areas. So I am very proud of the fact we are able to assist States, communities, and localities in taking care of their needs.

Mr. President, I do not see the Senator from New Mexico. I believe we have additional time remaining so I will continue and intend to address the subject he was going to address because I know he feels very strongly about it. One of the major controversial areas we have addressed in this bill concerns the level of arsenic in drinking water. In this case, the bill supports the current regulation of 10 parts per billion for arsenic levels in drinking water, and while this level is supported by a number of scientific studies, the requirement that the communities must meet these new requirements by 2006 is very troubling because there are communities in the United States, especially communities in the West, communities in New Mexico and Idaho and other States, where there are high levels of naturally occurring arsenic in the water.

Unfortunately, for communities which are small and do not have the financial ability to meet these requirements, the possibility is some very unwanted consequences of forcing through a regulation on all communities. We provide some relief in these communities through a temporary waiver. Our colleagues on the authorizing committees objected to this approach even though the leaders of the committee on both the House and Senate sides believed it was warranted. The conference report defers to those committees and suggests the authorizing committees pay attention to an evaluation to be done by EPA on the affordability of these projects and how a small system variance and exemption programs should be implemented for arson. This is a serious issue. Congress will have to address and balance this need over the next few years, both the financial burdens and health concerns faced by the small communities on the new arsenic standards.

To be blunt, the last thing we need is to push these communities, with high arsenic levels in their drinking water, to abandon local municipal water systems which are reducing the levels of arsenic and force residents to go back to untreated and unregulated wells where they would be getting potentially higher levels of arsenic and potentially being exposed to greater health risks, not only from arsenic but from other sources of water pollution that would be treated in the municipal water systems.

For FEMA, the conference report includes $1.5 billion in emergency disaster assistance, funding for firefighters, and flood mapping and mitigation. I join with my colleague from Maryland in expressing my gratitude for the way FEMA moved in. They have our highest appreciation. They stepped up to the plate and assisted the citizens of our Nation during this time of need.

I will address for my colleagues the fact, at the request of Representatives and Senators from New York, that we took special note of the economic needs of the people and businesses in New York that have been devastated by the tragic terrorist attack of September 11. The President allocated $700 million for New York for the VA/HUD community development block grant. In this bill we included authority for HUD to meet these needs through existing programs, including broad authority to waive a part of the statute—except for labor standards, environmental standards, fair housing, and antidiscrimination—to meet these truly pressing needs. I understand a community economic development corporation has been established to allocate these funds.

I believe the Governor and the mayor set up a Lower Manhattan Redevelopment Corporation that will hand out the funds. I raise this point because today the Environment and Public Works Committee passed out of committee a new measure setting up a different form of allocating these funds. I caution members of that committee, on which I happen to serve, that we not set up a competing structure. We need to do the job well. We need to do it right. We need to do it one time and not have two different structures stumbling all over each other. We have, we think, dealt with the concerns, and we will be happy to work with friends and colleagues from New York to make sure we do it effectively.

Finally, I mention in addition to funding NASA at $14.78 billion, we have expressed grave concerns about the serious cost overruns. The costs of the International Space Station have continued to grow, over $4 billion above more recently; it is probably now $5 or $6 billion. There seems to be a total loss of management control by NASA with regard to the space station. We have received a report from the Young commission to study the International Space Station. I believe it is a top priority for the administration to find a new Administrator as soon as possible to review the extensive analysis and major recommendations of the Young commission and make whatever program and management reforms are necessary to ensure the ISS and other NASA programs meet our expectations and not rob the funding for NASA.

I express my strong feeling, as the chair of our subcommittee has, for the need to double the National Science Foundation budget. We have to meet pressing human priorities. But for the long run, the pressing human needs of this country are going to be met to the extent that we fund the scientific exploration that goes on in the National Science Foundation. We should not be shorting the basic scientific research. I hope we can have the support of our colleagues to get the money to increase it next year to put us on the path of doubling.

In addition to thanking Senator MIKULSKI, I express my sincere thanks to the members of the subcommittee and my staff, Jon Kamarck, Cheh Kim, and Isaac Green, who worked long and hard. They have become very good friends and worked closely, particularly in the new setting with limited space, with our good friends, Paul Carliner, Gabrielle Batkin and Joel Widder, for their quality work and commitment to the process. They have done an excellent job, and we are very proud of the work they do.

I, too, commend this bill to my colleagues and urge unanimous support.

I yield the floor.

Mr. SARBANES. Mr. President, I come to the floor today to voice my support for the fiscal year 2002 HUD–VA conference report. I congratulate Chairwoman MIKULSKI and Senator BOND for the outstanding job they have done to provide HUD with the resources it needs, while working within a very tight allocation for all of the agencies within their jurisdiction.

The conference report before us today is a great improvement over the administration's budget request. The budget request for HUD, the agency that provides housing assistance to this Nation's poorest families, was sorely inadequate. Their proposal would not even have provided the funding necessary to maintain HUD programs at current levels.

The appropriators recognized the great need for housing assistance in this country by providing more funding than the administration requested in almost every program area.

The increases included in this bill are clearly needed. We have a severe housing crisis in this country, and the need for housing assistance continues to grow. In addition to the 5 million very low-income households in this country who have worst case housing needs, which means they are either paying more than half of their income towards rent or living in severely substandard housing, another 2 million people will experience homelessness this year. These families face greater challenges today, as the Nation's low-income housing stock continues to shrink. In the past decade, the number of units available to extremely low-income renters has dropped by 14 percent, a loss of almost a million units.

These statistics make clear that programs to aid low-income families must not be cut, but must be expanded to meet the growing need. Unfortunately, the overall funding level requested by the administration put Congress in the untenable position of choosing between maintaining the current affordable housing stock or funding additional needed housing units. The appropriators were forced to forego expanding housing opportunities so that scarce Federal resources could be used to maintain existing housing, a choice that is both cost-effective and necessary. While we need to expand Federal housing programs, we have an obligation to ensure that the affordable housing that exists is habitable and safe.

For this reason, I am pleased that the conference report increases funding for public housing, a program that houses over 1.3 million of this Nation's poorest families. This bill provides $2.84 billion for the Public Housing Capital Fund, the fund used to repair and modernize public housing—$550 million above the administration's request. There is a significant need for Public Housing Capital Funds as HUD estimates that there is currently a $22 billion backlog in needed capital repairs in public housing. A cut of the magnitude proposed by the administration would have led to further deterioration of this Nation's public housing stock. Fortunately, the bill before us today provides additional funding, helping us to maintain a much needed resource and to ensure that the Federal investment in public housing is protected.

Recognizing the importance of public housing, the conference report funds the Public Housing Operating Fund at $3.5 billion, $110 million above the administration's request. I am disappointed that this bill does not separately fund the Public Housing Drug Elimination Fund. The administration requested no funding for this critical program which helps to fight drugs and crime in our public housing communities. The conference report provides $250 million more for the Operating Fund than provided in fiscal year 2001 to ensure that PHAs will not have to cut all of their anticrime activities. While this increase will assist PHAs in continuing after-school programs, mentoring activities, and safety patrols, I am concerned that PHAs may be forced to use the increased funding to pay for rising utility costs, leading to a reduction in activities normally funded by the Drug Elimination Fund.

In addition to ensuring that public housing is maintained, this bill fully funds the Homeless Assistance Programs. I am pleased that the bill provides $100 million to fund Shelter Plus Care renewals. Shelter Plus Care provides permanent housing to formerly homeless people, and this $100 million will maintain all of these housing units, while allowing communities to continue to meet the demand for additional homeless services.

The conference report continues to expand the section 8 voucher program. I am concerned that we are only providing an additional 17,000 incremental vouchers, as compared to 79,000 vouchers provided last year. While I had hoped we would be able to provide as many vouchers as last year, I appreciate the effort of the appropriators to continue expanding the voucher program even with such a tight budget allocation.

One area of concern in this bill is the cut in section 8 reserves from 2 months to 1 month. These reserves are used in the event of higher program costs so that the section 8 program can continue to serve the same number of families. According to the Congressional Budget Office, this cut could result in a decrease of almost 25,000 vouchers being used this year. This would be an unfortunate, and devastating consequence. Fortunately, the appropriators included report language directing HUD to ensure that PHAs can fund all of their vouchers, and I expect HUD to implement these changes so that the number of families receiving vouchers is not decreased.

Housing assistance for elderly people and those with disabilities is also increased in this bill. Housing for the elderly is funded at $783 million, an increase of $4 million over the fiscal year 2001 level, and housing for people with disabilities is funded at $240 million, an increase of $23 million. In addition, I am pleased that the conference report provides $277 million for Housing for Persons with AIDS, an increase of $20 million over last year's funding level. This $20 million will ensure that additional communities in need of housing assistance for people with HIV and AIDs will receive Federal funding. These increases will go a long way in providing needed housing to this nation's most vulnerable citizens.

At this time of economic uncertainly, it is imperative that we not turn our backs on low-income families in need of housing assistance. Though it is unfortunate that the administration's budget request forced us to forgo expanding affordable housing opportunities further, the bill fully funds the HOME program, which is a primary vehicle for building affordable rental housing. The need for new affordable rental housing is growing, and I hope that we can work over the next year to secure additional funding for housing construction.

Hard choices had to be made in hammering out a final version of this bill, and I understand that all of our priorities could not be funded at the desired levels. As a whole, I support this bill, and commend Chairwoman MIKULSKI and the other members of the Appropriations Committee for negotiating a bill that greatly improves on the inadequate budget request, and affirms our commitment to housing this Nation's poor.

Mr. CONRAD. Mr. President, I rise to offer for the record the Budget Committee's official scoring for the conference report to H.R. 2620, the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act for Fiscal Year 2002.

Including an advance appropriation into 2002 of $4.2 billion, the conference report provides $85.434 billion in discretionary budget authority, of which $143 million is for defense spending. The conference report will result in new outlays in 2002 of $40,489 billion. When outlays from prior-year budget authority are taken into account, discretionary outlays for the conference report total $88.463 billion in 2002. The conference report is within its section 302(b) allocation for both budget authority and outlays.

Included within the $85.434 billion in budget authority for 2002 is $1.5 billion in emergency-designated sending authority for the Federal Emergency Management Agency for disaster relief activities. The emergency funding, which is not estimated to result in any outlays in 2002, is consistent with the revised 2002 budget reached between President Bush and Congressional leaders last month. Per section 314 of the Congressional Budget Act, I have adjusted the Appropriations Committee's allocation for 2002 by the amount of the emergency funding. In addition, the conference report provides an advance appropriation for section 8 renewals of $4.2 billion for 2003. That advance is allowed under the budget resolution adopted for 2002. Finally, the report would reduce federal revenues by $32 million in 2002. By law, the revenue loss, which results from changes made to certain HUD and EPA fees, will be placed on the PAYGO scorecard.

Mr. President, I ask for unanimous consent that a table displaying the budget committee scoring of this bill be inserted in the RECORD at this point.

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

H.R. 2620, CONFERENCE REPORT TO THE DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2002, SPENDING COMPARISONS—CONFERENCE REPORT

[In millions of dollars]

	General purpose [1]	Defense [1]	Mandatory	Total
Conference report: [2]				
Budget Authority	85,291	143	26,898	112,332
Outlays	88,326	137	26,662	115,125
Senate 302(b) allocation: [3]				
Budget Authority	85,415	138	26,898	112,451
Outlays	88,463	0	26,662	115,125
President's request:				
Budget Authority	83,221	138	26,898	110,257
Outlays	87,827	136	26,662	114,625
House-passed:				
Budget Authority	85,296	138	26,898	112,332
Outlays	87,909	136	26,662	114,707

H.R. 2620, CONFERENCE REPORT TO THE DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2002, SPENDING COMPARISONS—CONFERENCE REPORT—Continued

[In millions of dollars]

	General purpose [1]	Defense [1]	Mandatory	Total
Senate-passed:				
Budget Authority	85,905	138	26,898	112,941
Outlays	88,320	136	26,662	115,118
CONFERENCE REPORT COMPARED TO:				
Senate 302(b) allocation: [3]				
Budget Authority	−124	5	0	−119
Outlays	0	0	0	0
President's request:				
Budget Authority	2,070	5	0	2,075
Outlays	499	1	0	500
House-passed:				
Budget Authority	−5	5	0	0
Outlays	417	1	0	418
Senate-passed:				
Budget Authority	−614	5	0	−609
Outlays	6	1	0	7

[1] The split between general purpose and defense spending is for illustrative (i.e., nonenforceable) purposes only. The 2002 budget resolution includes a ''firewall'' between defense and nondefense spending, contingent on an increase in the discretionary caps. That contingency has not been met.

[2] The conference report includes $1.5 billion in general purpose emergency spending authority for FEMA disaster assistance.

[3] For enforcement purposes, the budget committee compares the conference report to the Senate 302(b) allocation. In addition to the amounts shown, the conference report also would reduce federal revenues by $32 million in 2002. By law, the revenue loss, which will result from changes made to HUD manufactured housing and EPA registration fees, will be placed on the PAYGO scorecard.

Notes.—Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

Mr. JEFFORDS. Mr. President, I rise today in support of the VA–HUD conference report, H.R. 2620. I appreciate the conferee's recognition of the importance of the Environmental Protection Agency's enforcement budget, as well as full funding for state revolving loan funds. These are priorities for the Committee on Environment and Public Works.

Another priority for the Committee is ensuring the American public that when they turn on their faucets in their homes and businesses, day care centers and hospitals, they will fill their cups with clean, safe water. The new standard for arsenic in drinking water is a welcome measure to improve the quality of drinking water nationwide. Earlier this year, I was concerned when this Administration announced its intention to review the new, lower arsenic standard issued by the last Administration. Last week, I was relieved when EPA Administrator Whitman announced her intention to abide by the 10 parts per billion standard as well as the 2006 compliance date.

As Administrator Whitman stated in her letter to me on October 31st, the science clearly supports an arsenic standard no higher than 10 parts per billion. Over the past several months, three new independent scientific studies have been conducted by the National Academy of Sciences, the National Drinking Water Advisory Council and EPA's Science Advisory Board. These studies tell us that arsenic in drinking water is a public health concern, and that the levels allowed by current law are much too high. In fact, these studies support a standard lower than 10 parts per billion. EPA tells me they have received more than 55,000 comments from the public on this subject. Clearly, this new, lower standard confers an important protection, supported by many of our citizens.

I am aware of the concerns that some of my colleagues have expressed about the ability of small communities to comply with the new arsenic standard. I have read the conference report language directing EPA to study this issue, and I look forward to receiving EPA's report. Indeed, with the significant public health concern associated with arsenic in drinking water, we care greatly that all communities are able to comply. Although current law contains affordability criteria as well as waiver and variance provisions, I would hope that we can provide financial assistance to these communities, if they need it, so that they can comply with the new standard in accordance with the compliance deadline and without having to avail themselves of these mechanisms. With such a pressing health issue at stake, what the public needs is timely compliance, not delay.

I also thank the conferees for their attention to a hazardous waste issue known as the ''mixture and derived from rule.'' While EPA will continue to pursue exemptions for certain low-risk wastes, the conferees' commitment to supporting exemptions only where sound science applies will ensure protection of human health and the environment.

I urge my colleagues to support the conference report.

Mrs. BOXER. Mr. President, I am pleased that the conference report on the VA–HUD Appropriations bill includes a provision requiring the Bush administration to end its delay of the Clinton rule establishing a tougher standard on arsenic in drinking water.

The statutory language is similar to the amendment I offered to this bill, which passed the Senate 97–1. This language will result in a 10 parts per billion standard for arsenic and will ensure the community's right to know when unhealthy levels of arsenic are present in the drinking water

I am concerned, however, about language in the conference report. It says that the Administrator should focus on developing procedures that would result in extensions of time for small systems to comply with the arsenic standard. Clearly, those extensions would have to be consistent with the Safe Drinking Water Act requirements. But they would only result in further delay.

In addition, the Administrator is asked to report to Congress on legislative proposals that address further extensions of time for compliance by small systems. The focus of EPA's limited resources should be on helping these systems to accelerate compliance—by providing technical and financial assistance—not on how to further delay compliance.

As a member of the Environment and Public Works Committee, that will be my focus. I will be working to provide funding for small communities to meet the 10 parts per billion standard, and I will not support legislative proposals that provide additional extensions and delay even more the time when all Americans have safer drinking water.

Mr. KERRY. Mr. President, while I will support the fiscal year 2002 VA–HUD and Independent Agencies conference report, I must express my strong disappointment in the funding level included in the bill for YouthBuild. I strongly believe that YouthBuild proves that the Federal Government, working in cooperation with community-based non-profits, can make a real difference in the lives of young people, the young people that most Americans have given up on. During Senate consideration of the VA-HUD appropriations bill, I successfully included an amendment to provide a $10 million increase in funding for YouthBuild. A similar amendment was included in the House, so the amount allocated to YouthBuild was approximately $70 million in each bill.

While I understand the difficult allocation which the Subcommittee operates, I am nevertheless very disappointed that in the Conference Report included only $65 million for YouthBuild. With strong support for YouthBuild in both the House and the Senate, I believe this program deserved $70 million in fiscal year 2002. These additional funds would have assisted YouthBuild in expanding its programs across the nation and assisted more at-risk youths.

YouthBuild is designed to serve those that, too often, have proven to be the

hardest to serve. In return, they serve us, by getting job training, learning a skill, completing their educations, and working in communities across the country rebuilding housing, providing desperately needed affordable housing to other needy families.

Many low-income young adults are having great difficulty achieving success in our society. YouthBuild attracts low-income young adults who have dropped out of school. Many participants have been adjudicated, are from welfare families, have children already and live in public housing projects. The premise of YouthBuild is that these young adults need and deserve a second chance, that they are eager to live productive, constructive lives, and we cannot afford not to provide them with that second chance. Skills, education, inspiration and support provided by YouthBuild help them make the transition to the jobs or higher education.

YouthBuild is the only national program that provides young adults an immediately productive role in the community while at the same time providing all of the following benefits to participants: basic education toward a diploma; skills training toward a decent paying job; leadership development toward civic engagement; adult mentoring to help overcome personal problems; and participation in a supportive mini-community with a positive set of values.

Of those that enter YouthBuild, 67 percent complete the program. 85 percent of YouthBuild graduates are placed in college, or get a job with an average wage of $7.53 per hour. Many become leaders in their communities, both while they are in the program and thereafter.

YouthBuild receives bipartisan support for one simple reason—it works. The program fills a major gap in public policy by addressing the needs of at-risk, out of school young adults in a more comprehensive way than any other existing national program. That is why I circulated a letter with Senator MIKE DEWINE, which was cosigned by 63 Senators, in support of increasing funding for YouthBuild to $90 million.

YouthBuild program has grown from 15 sites which served 600 at-risk youth in 1993, to 145 sites serving approximately 5,800 youth in 40 States today. The engine of this growth has been the HUD appropriation. The fuel has been the highly motivated local leaders whose commitment keeps the program on the cutting edge of community needs. They have raised State, local, and private funds to supplement Federal funds and extend the reach of this important program. Major support from the Ford Foundation, the Charles Stewart Mott Foundation, The DeWitt Wallace-Reader's Digest Fund, local Rotary Clubs, The Home Depot, US Bancorp, and Metropolitan Life Insurance Company demonstrates that the network is highly regarded by leaders in the private sector. YouthBuild attracts, motivates, educates, and trains precisely the young people who have fared least well in virtually all other existing systems.

The demand and need for YouthBuild programs far exceeds the resources allocated to it. Successful YouthBuild programs have 6 to 10 times more applicants each year than they can accept. In this period, with the economy in need of qualified workers and the number of at-risk adults is increasing, it is excellent public policy to invest in a proven national model that can bring these young adults into employment, post-secondary education, and constructive civic engagement.

The best way for me to explain to you the importance of YouthBuild is to tell you about one the YouthBuild programs. YouthBuild Springfield, MA, has received more than 250 applications for its services since it opened in 1999, and has been able to serve 80 young people in a comprehensive, year round programs which includes education and employment training, as well as community and leadership development. Over half of the participants are young women, many with dependent children. All of the participants commit to being drug free, participate in weekly drug education workshops, and agree to random drug testing. They provide four therapy groups each week and access private therapy as needed. They have maintained a 77 percent retention rate, 86 percent attendance rate, and 82 percent placement rate at an average wage of $8.10 per hour. Another 10 percent have gone on to further training or college.

With the strong bipartisan support for YouthBuild, I am hopeful that we will be able to increase the appropriation for this important program in fiscal year 2003.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. I ask unanimous consent the vote on adoption of this conference report to accompany H.R. 2620, the VA/HUD appropriations bill, occur at 4:30 p.m. today and that if all time for debate has expired, the time until 4:30 p.m. be equally divided and controlled by the two managers.

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

Ms. MIKULSKI. Mr. President, I am happy to yield to the Senator from Texas such time as she may consume.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I rise to talk about the VA/HUD bill which has a number of good parts to it. I know the managers have worked very hard to divide up the dollars. It is always hard when there are not as many dollars as projects.

I specifically want to talk about the issue of NASA. I know of the great concerns, because it is very obvious from the bill, and, frankly, they are valid concerns, about the management of the space station and the cost overruns. I also understand there are concerns about the overruns hurting other programs within NASA.

When you are doing something new, when you are pushing the envelope of technology, you cannot always be precise. This is not to say some of the overruns have been invalid, incomprehensible in some ways, and I don't understand some of them myself. I do not think you can set an exact budget when you are experimenting. We all know you have to have some freedom in science in order to be able to make a mistake, learn from the mistake, and do something else.

I appreciate the $150 million cut in the original Senate bill was halved to $75 million in the conference. I hope NASA can work within that $75 million and the rest of the budget for the space station to continue to move ahead. I am told by the people at NASA it will delay the space station, but it will certainly not kill it.

But I think the overriding issue is the one that was mentioned by the Senator from Missouri, and that is we need to have a new administrator appointed for NASA right away. Dan Goldin has done a terrific job, but he is leaving at the middle of this month. So we need to have that leadership.

I urge that the new leader of NASA look at what NASA can do. Let's decide, what is the science that we want to create? What is the goal of NASA? NASA has given us so much in the past, in new technologies that create new industries and new jobs. It has been part of the revitalization of our economy. We want to continue to push ahead. We want to continue to be the leader of the world in technology. To do that, we are going to have to have a clear vision for NASA and new leadership.

I thank the Senator from Maryland and the Senator from Missouri for working with me to make sure we do have the expenses that must be paid for NASA to stay in place. I think their concerns are valid, but let's not throw out the baby with the bath water. We cannot starve NASA if we are going to stay in the forefront of technology.

I look forward to working with the Senators from Maryland and Missouri during the next year, hopefully with a new Administrator from NASA, so we can have a clear vision and we can continue America's lead in technology that will have a major impact, not only on our future defense and our future programs, but also for our economy for the future.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I know the Senator from New Mexico wishes to speak. We have guaranteed him this time. I say to the Senator from Texas, she has been a longstanding advocate of the space program. I have traveled with her to Texas to see the first-class, world-class research that is going on there.

I, too, look forward to working with the new Administrator of NASA. We

should also recognize the current one because I think he has tried his best. But we have to have a NASA for the 21st century. I look forward to working with her to be able to do that.

Mrs. HUTCHISON. I thank the Senator from Maryland.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. I thank my colleagues for their important discussion. I am now pleased to yield 5 minutes to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I thank Senator MIKULSKI and Senator BOND for their sensitivity to the issue of the new arsenic standards in water and its impact on thousands of communities throughout America.

Let me say, I have given up on attempting to challenge the 10-parts-per-billion standard the administration has now found to be the standard that is necessary in drinking water in America for the water to be healthy and safe. Saying that I cannot fight it any longer does not mean I agree with it, nor that I think the Congress can ignore the consequences of this new standard on many communities across this land.

More than 140 communities in my home State of New Mexico face this new burden at an estimated cost of more than $440 million, from the smallest of water supply systems to the very largest in the city of Albuquerque.

Why would one be concerned enough about this to bring it to the floor of the Senate? It is a highly controversial issue as to whether the exact same standards on arsenic should apply in every community across the breadth and width of America because if you come from a State such as New Mexico, Nevada, West Virginia, Utah, Idaho, and many more, whatever human beings have lived in those parts of America, from the earliest arrival of men to the modern American living in these communities, there has been arsenic in the water that did not come from anything that human beings did by their actions or nonactions. Arsenic was in the water for all the time that humans have lived and found this water and drank of it. The arsenic was there because of the rock formations, that geology, over which the rainwater, after it rippled down, ran and percolated into lakes and reservoirs and areas underground which were then used for drinking water.

Many hundreds of thousands of people drank of that water with no ill effects. I know it is almost the wrong thing to say scientifically, but it seems as if it is factual that the citizens in those areas to which I have alluded, including my State of New Mexico, are healthier, whatever is allegedly the damage that arsenic in the water produces.

In other words, the diseases that are attributable to having more arsenic in the water are present less frequently in States such as mine than they are in other States that have not, for all this period of time, had drinking water which had naturally flowing arsenic as a component of the compound.

Since I believe that, it doesn't mean I am advising that we not follow the law. But what I am suggesting is that soon small, medium-sized, and large communities in all of these States, including Nevada, including West Virginia, including New Mexico, including Arizona and many others, are going to start getting the estimates as to how they make these small water systems, these medium-sized ones, and these large ones—how do you get them down to 10 parts per billion of arsenic. They are going to get these big estimates.

They are going to get estimates of rebuilding whole waterworks for this purpose. Then the citizens are going to be asking, after seeing the headlines: What is this all about?

What I think we should have done in this conference is we should have let the Department—the Environmental Protection Agency—which adopted the new standard, deal with it in a normal manner. Actually, they would have 6 years before the implementation date. But they could at least work with cities. They could perhaps work on waivers attributable to good research which said if they are given 2 more years, they are going to come out with new science and it is going to be much less costly to Las Vegas, NV, and Reno, NV.

I see my friend, the junior Senator from Nevada is here.

But we went one step further in this bill and we prohibited the Environmental Protection Agency from doing anything other than enforcing this standard, literally, specifically, no exemptions, no waivers.

I say to the two Senators who are managing this bill, the Chair and Senator BOND have been most understanding. They have both pledged if we can find a way to help with this, by either partial financing or in some reasonable way, they are going to do that.

I want to tell the Senate there is some exciting research going on. That is getting funded, too. So we might make a breakthrough where we don't have to clean the arsenic out of the water in the manner expected of us today. There will be a newer way, cheaper, more reasonable, and perhaps we can get something done.

To reiterate, I thank Senator MIKULSKI and Senator BOND for their sensitivity to the issue of the new arsenic standard and its impact on thousands of communities throughout the nation. I am not arguing against the new standard of 10 parts per billion, since the administration has announced that it will support this level of arsenic in our water. But, we all know that achieving this new level will cost literally billions of dollars for communities, most of which will never be able to afford the equipment to meet this standard by the year 2006.

I wish that we in the conference on VA–HUD could have addressed this issue in a substantive fashion, perhaps by establishing direct funding to help these communities. We were not able to do so, but I am assured by the many Senators who agreed with me that this issue is critical. We must establish a new program to help through grants and loans the communities that face virtual ruin if they try to fund this new equipment themselves. More than 140 communities in my home state alone face this new burden, at an estimated cost of more than $440 million.

I hope that my colleagues will join with me, and with others, like Senator REID of Nevada, as we try to forge a program as soon as possible, perhaps even later this session of Congress.

The PRESIDING OFFICER. Who yields time?

Ms. MIKULSKI. Mr. President, how much time is left?

The PRESIDING OFFICER. The Senator has 1 minute.

Ms. MIKULSKI. Let me conclude by thanking the Senator from Missouri for all his help and cooperation, and his staff—all of whom were working on it. I take this opportunity to thank the people who worked directly with the bill, worked directly in the Senate.

There are a lot of people who work in this institution.

We are coming up on the second month anniversary of the aerial attack on the United States of America. I thank all the people here at the Capitol who continue to show up every day and every way to support us so we can keep democracy's doors open.

First, I thank our young pages. They are high school students. They could have gone back home and been prom queens and football heroes, but instead they chose to serve their country by being right here in this Chamber. We thank them for their support for us and the confidence their families showed in us.

All of the people who run the food service, who run the elevators, and who are trying to clean up the Hart Building need to be acknowledged. By supporting us, they really support democracy. As we pass this bill that honors America's veterans and protects our homeland security, I thank all the people from the pages to the elevator operators, to the carpenters, and so on, who just show up every day and help us keep democracy's door open and functioning.

I bring you the VA–HUD bill and say God bless the U.S. Senate and God bless America. Let's vote and pass this bill.

Mr. BOND. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the conference report.

The clerk will call the roll.

The senior assistant bill clerk called the roll.

Mr. REID. I announce that the Senator from California (Mrs. BOXER), the

Senator from Georgia (Mr. CLELAND), the Senator from Vermont (Mr. LEAHY), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

I further announce that, if present and voting, the Senator from Vermont (Mr. LEAHY) would vote ''aye.''

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

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

The yeas and nays resulted—yeas 87, nays 7, as follows:

[Rollcall Vote No. 334 Leg.]

YEAS—87

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

NAYS—7

Bayh	Gramm	McCain
Ensign	Helms	
Feingold	Kyl	

NOT VOTING—6

Boxer	Enzi	Miller
Cleland	Leahy	Voinovich

The conference report was agreed to.

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

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business with Senators permitted to speak therein for a period of up to 10 minutes each.

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

TRIBUTE TO MIKE MANSFIELD

Mr. KENNEDY. Madam President, all of us who knew and loved our former great Senate Majority Leader Mike Mansfield were saddened by his death last month. He was truly one of the all-time giants of the Senate, and he went on to serve with high distinction for many years as our Nation's Ambassador to Japan. His wisdom, his intelligence, his insights, his friendship, his fundamental fairness, and his extraordinary humility combined to make him a leader of uncommon vision and ability during his long and brilliant and historic service to the Senate, to the people of Montana, and to the entire country.

On October 10, at a beautiful service for Senator Mansfield at Fort Myer Memorial Chapel, his former Senate assistant, Charles Ferris, delivered an eloquent eulogy that touched us all and reminded us again of the many reasons why we loved and admired Mike Mansfield so deeply. I know that the eulogy will be of interest to all of us, and I ask unanimous consent that the eulogy be printed in the RECORD.

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

EULOGY DELIVERED AT THE FUNERAL OF MIKE MANSFIELD

(By Charles D. Ferris, October 10, 2001)

Thank you one and all for being here. A quiet giant is gone. And in the spirit in which he lived, Mike Mansfield would be embarrassed by inconveniencing so many but privately very grateful to each of you. And a special thanks to Father Monan, the Chancellor of Boston College. Mike received an honorary degree decades ago from Boston College and was the first recipient of their Thomas P. O'Neill Distinguished Citizen Award in 1996. He had a soft spot for Boston—he referred to Boston as the Butte of the East—an expression of great affection—for Butte had a hold on his heart. It was where he met Maureen.

And during 67 years of marriage, Maureen was to him what Abigail was to John Adams—a loving partner in a marriage of equals based on respect for each other's judgment and intelligence, with equal participation in all decisions, professional as well as personal.

How does one talk about the life of such a great man who was so reluctant to talk about himself? Any of the hundreds of experiences he shared with me and with so many of you would be a story worth telling. But most of the stories must be for another time, for the Irish wake we will conduct for him in our memories and hearts will never end.

He left the world as he lived in it, with the least possible fuss and absolutely no nonsense. His hospitalization was blessedly short, his mental capacity and condition unimpaired until the last three days when he gracefully slipped deeper into the last sleep. He gave his daughter Anne and granddaughter Caroline and others of us who loved him time to prepare ourselves and say goodbye. Till the end, he conducted himself with character and class, a sense of dignity and a lifelong sensitivity to others.

My sadness today is overwhelmed by the surge of gratitude for the things we shared that will be a part of me and my family forever. Thirty-eight years ago, he plucked me from the Justice Department where I was a happy and content trial lawyer. I don't know to this day how I got the job. I had never met him before that day. He was anxious about the Civil Rights legislation coming over from the House—the Senate Judiciary Committee for decades being a graveyard for civil rights bills. As he talked, I wondered how I could ever connect my specialty in Admiralty law with the challenge he was describing. Thankfully, I didn't try. I just told him that I didn't know exactly how I could be helpful but, if he wanted me, I would do my best. After we spoke for about 25 minutes—which I would soon learn for him was a filibuster—he asked me to start the following Monday. Mike Mansfield was a ''yep, nope, don't know, can't say'' type of guy. My winning argument must have been admitting I didn't know. Over the years, I learned how clearly he detected and how strongly he reacted to any and all variations of the snow job. For whatever reason, his decision changed my life as he changed the lives of all who shared time with him. I look back and wonder if he hadn't taken that leap of faith, I would today be a GS18 step 32 at the Justice Department.

But, by my good fortune and his hasty judgment, I was graced with the opportunity to observe him—and learn from him, as I never could from any book, the meaning of decency, integrity, humility, of perspective, patience, and honor. Mike Mansfield exhibited all these rare qualities in full measure—and with it all, he was also the wisest man I have ever met.

His mother died when he was 7 and he had a rocky childhood until he finally joined the Navy at age 14, committing probably the only deceptive act in his life—presenting a document that declared he was 18. After the Navy, it was the Army and, after the Army, it was the Marines (he obviously got all his indecision out early in life). The Marines sent him to the Philippines and China. Thus began his lifetime interest and study of East Asia. But he had no formal education so he returned to work in the copper mines in Butte. Then, at the urging of his new found love Maureen, he enrolled at the Montana School of Mines as a special student, concurrently taking courses to earn his high school diploma; transferring a year later to the University of Montana, where he won his BA and high school diploma simultaneously in 1933. A Masters Degree followed, then a teaching position at the University, which was his calling until elected to Congress in the Fall of '42, then the Senate in the Fall of '52, Majority Whip in 1957 and Majority Leader in 1961.

Mike Mansfield was a distinctly different Leader than his predecessor. He never twisted an arm but he touched the conscience of his colleagues. He won them over by his openness, his character and his reason. He transformed a Senate of power brokers into a Senate of equals. His was a leadership rooted in clarity of motive, honesty of purpose and respect of his fellow Senators.

And he led it to shape an America of greater equality. He was a shaping force of the New Frontier and the Great Society. He was at the helm of the Senate at the height of fundamental achievement—the Nuclear Test Ban Treaty, the Civil Rights Act of 1964, the Voting Rights Act of 1965, the passage of Medicare, federal aid to education, the 18-year-old vote—all deeply controversial at the time, many requiring the then-dreaded two-thirds cloture vote. All this and more was written in American life and law—and, in each instance, he made sure a different Senator received the lion's share of the accolades. Mike Mansfield always gave the credit to others; his satisfaction came from within; his approbation from Maureen. Yet, each time, Mike Mansfield's leadership was the hinge of history: he was the man without

whom the achievements might well have been different—in all likelihood, at least greatly lessened. He was the strong gentle wind that set the climate of the Senate. He was the essential chemistry of that Body. I say that as one who observed the entire process closely from the wings.

During the months of daily backroom negotiations on the Voting Rights Act in 1965, a disgruntled Chief of Staff for a Midwestern Democrat complained about holding the daily meetings in Everett Dirksen's office, with the press conference right outside every day at 4 p.m. Everett Dirksen was given center stage by the Boss, who was content to simply stand there and second Dirksen's loquacious progress report. The Chief of Staff pleaded to have at least half the meetings in the Majority Leader's office and hold the press conferences there so the office nameplate of the Majority Leader would stamp the photos and TV coverage of the day. I thought this a perfectly reasonable request and brought it to the Boss, whose response was ''Charlie, last year the Republican Party drifted far from the mainstream during the Presidential election. If the public can see the Republican Leader each day reporting on the progress of what will hopefully be the most significant civil rights legislation ever, it will be very beneficial for the country to grasp that this bill was being drafted by both parties, even in an overwhelmingly Democratic Congress.'' And so it was; and for me, another lesson in perspective, in wisdom.

Mike Mansfield's fairness was never questioned on either side of the aisle. I recall a freshman Senator with an important amendment—important to him politically and to his state almost exclusively—that he had already announced he would offer to a pending bill. But with some swift parliamentary gymnastics, the managers raced the bill to final passage. The freshman Senator had been left high and dry and certain to be embarrassed back home. Mike was not on the Senate Floor for the parliamentary sleight of hand but, once summoned, he exhibited with few words and mostly by a stern look his sense of outrage at the unfairness of what had happened. He rescinded by unanimous consent the passage of the bill and the freshman Senator had his day. I don't remember the outcome, but it didn't matter; the opportunity was the victory. That freshman Senator, incidentally, was a Republican—he is still a Member of the Senate and he is here today.

He was our Ambassador to Japan during both the Carter and the Reagan Administrations, a post where he became in another great country what he was in our own—the most respected of leaders. Again he remained himself and redefined diplomacy. Early in his years as Ambassador, the American nuclear submarine George Washington violated the law of the seas. It surfaced and sank a Japanese vessel in Japanese waters, tragically causing loss of life, a most embarrassing and politically explosive incident. In a world where debate over words like regret, sorrow, excuse or apology can take weeks and months to be decided, at his own instigation and insistence, Ambassador Mansfield delivered a note of apology to the Japanese Foreign Minister. He asked, however, most uncharacteristically, that the TV cameras be permitted to remain in the room while he submitted the written apology. Again in character, actions over words, he bowed deeply below the waistline in presenting the official government position. As he knew, this symbol in the Japanese culture has great significance. The sincerity and depth of the apology was visually conveyed. That five seconds was played and replayed on Japan's TV stations many times over—obviously seen by everyone in Japan with a television. The political issue ceased to exist. Again, few words—great action—achieved goal. I don't doubt that his 12 years in Tokyo were characterized with other telling examples.

In the last decade of his life, after he returned from Tokyo, I was blessed with the good fortune of becoming Mike Mansfield's good friend. We shared wonderful moments together and our almost daily visits were a ritual we both became addicted to. When the end came on Friday morning, I was filled with sadness for an irreplaceable loss, but full of gratitude for the friendship and love and the lessons on how to live.

At the hospital three days before he died, he was resting comfortably, his eyes closed. He had been informed the day before that he was on his final lap. I went to his bedside, and took his hand and quietly asked how he was doing. He opened his eyes, strained to focus, and said, ''Oh, Charlie, how are you? A moment later, ''What day is it?'' Monday, I said. A short pause, and then, ''How did our little giant do yesterday?'' Knowing, of course, he was talking about Doug Flutie, I said he won. They're now 3–0. He smiled and said, ''If they go 4–0, he should own the team.''

It was as if this were a normal day, another visit, nothing unusual. In looking back, this final chat I believe was much more. He was not a man of idle gestures or wasted words. He knew the wheels were about to touch down. But like remaining in the background at joint press conferences, or bowing below the waist to the Foreign Minister or with a stern look repairing a parliamentary abuse, I believe he was conveying a message. That he was mentally comfortable and spiritually content; that he had no fear about what lay beyond the horizon. In effect, he remained a mentor to the very end—still more interested in giving comfort than seeking it—teaching again by example the final lesson of dying with serene dignity.

Now what we have left are indelible memories and his shining example. But how much more that is than most people, not just politicians, ever give. He left a deep imprint on the history he once taught and every person he ever met.

Mike has gone to Maureen. Together again with the love of his life. But he will always be with all of us who knew him—who were directed by his example, honored by his friendship—blessed by his life and appreciative of his love.

In the world where politics is so often so self-regarding and so many so self-absorbed, Boss, you set a different, higher standard. You tapped er light but left the deepest imprint.

There will never be another like you.

You will always be a part of my life.

VETERANS DAY

Mr. SPECTER. Madam President, Sunday is Veterans Day, a day dedicated to honoring the brave men and women who have served in the armed forces of this great Nation. Over 26 million men and women living today have answered their Nation's call to defend the ideals, values, and liberties we Americans hold dear.

This Sunday will mark the 63rd anniversary of the creation of the first official holiday honoring veterans who, like my father, Harry Specter, served in World War I. Unfortunately, it will also mark the 3-month anniversary of the horrific attacks of September 11, attacks which were directed at the same ideals, values, and liberties millions of Americans have fought so bravely to defend. As ranking member of the Committee on Veterans' Affairs, I wish to express my deepest gratitude and appreciation to the veterans of wars past—and to those who are engaged today in fighting this new war against terrorism.

I am proud of what has been accomplished in Congress in recent years to honor America's veterans. We have expanded educational benefits, improved life insurance coverage, and opened new national cemeteries. And we have worked hard to increase funding for VA medical care. We intend to build on these accomplishments with further improvements in VA services and benefits. I thank my colleagues for their past support, and I urge them to continue in their steadfast support for veterans. Very few things we do here are more important.

Whereas Memorial Day is dedicated to remembering those who made the ultimate sacrifice for their country, Veterans Day is dedicated to acknowledging the commitment and devotion to duty millions of former soldiers, sailors, airmen, and marines made to this great Nation. Veterans are the best of America—people who, through sacrifice, dedication, and love of country, protected our freedoms, liberties, and way of life. This Sunday I ask every American to join me in honoring them. I also ask that we take a moment to acknowledge and thank the warriors of today who are the veterans of tomorow.

ENHANCING SECURITY OF U.S. BORDERS

Mr. DEWINE. Madam President, as a member of the Judiciary Committee Subcommittee on Immigration; the Select Committee on Intelligence; and the Judiciary Committee Subcommittee on Technology, Terrorism, and Government Information, I am committed to improving the integrity of our immigration system. My positions on these committees also have given me an understanding of the unique interrelationship between immigration, national security, and law enforcement.

I am especially interested in border security issues. The tragic September 11 bombings have made it clear that we must improve our law enforcement and intelligence systems to enhance public safety and national security, particularly at our borders. I am pleased that two bills have been introduced to revise our immigration and visa system to enhance our border security. The chair and ranking member of the Immigration Subcommittee, Senators KENNEDY and BROWNBACK, introduced S. 1618, the ''Enhanced Border Security Act.'' The chair and ranking member of the Technology and Terrorism Subcommittee, Senators FEINSTEIN and KYL, introduced S. 1627, the ''Visa Entry Reform Act.''

The Kennedy-Brownback bill emphasizes an immigration approach, while the Feinstein-Kyl bill reflects a keen understanding of the needs of law enforcement. While there are a few overlapping, even conflicting, provisions in these bills, I think that the sponsors have some excellent ideas and are clearly headed in the right direction. Both bills seek to improve data sharing between agencies that are responsible for protecting our borders.

At the same time, I think it is very important that we do not ''reinvent the wheel.'' In the recently passed counter-terrorism law, ''Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001'', USA PATRIOT ACT, Congress passed a provision of mine to demonstrate how we can expand the Integrated Automated Identification System to help secure our borders. We already have the technology available to pre-screen, identify, verify individuals, and share information through the FBI's fingerprint database. We ought to leverage our previous investment in this system.

Specifically, if someone is on an international ''watch list'' or ''wanted'' in connection with a criminal or intelligence investigation in the United States, we need to know this information. I believe our decisions as to whom we allow to enter and stay in our country are only as good as the information upon which we base our decisions. My provision in our new counter-terrorism law requires the FBI to report to Congress on how its fingerprint database and other systems can be used to address this problem.

Again, I anticipate that these bills will be reconciled into a comprehensive border security bill. I hope to work with the sponsors of both bills and help bridge the gaps.

DOMESTIC TRAVEL AND TOURISM INDUSTRY

Mr. KYL. Madam President, as my colleagues know, Senator ZELL MILLER and I have introduced bipartisan legislation to help our domestic travel and tourism industry recover from the devastating effects of September 11. I believe that we must focus an emergency economic stimulus package on the sector that has been most harmed: our travel and tourism industry. If we are to prevent thousands of bankruptcies, hundreds of thousands of lost jobs, and a host of indirect consequences to the rest of the economy, it is essential that we provide some immediate help to the travel and tourism industry.

The most important element of the legislation would provide a temporary $500 tax credit per person, $1,000 for a couple filing jointly, for personal travel expenses incurred by the end of the year. This temporary measure will help encourage Americans to resume their normal travel habits. Unlike general rebate checks to taxpayers, a tax credit conditioned on travel expenses ensures that the money is spent on a specific activity, in this case an activity that will generate positive economic ripples throughout the entire American economy. It will also help create confidence and encourage Americans to get back on airplanes.

Since business-travel expenses are already deductible, temporarily restoring full deductibility for all business-entertainment expenses, including meals, that are now subject to a 50 percent limitation, also would help restore the mainstay of the travel industry: the business traveler.

In a recent letter to the President, the members of the Travel Industry Recovery Coalition endorsed the travel credit as well as elimination of the current 50 percent penalty on business meals and entertainment. I ask unanimous consent that the letter be printed in the RECORD.

I hope my colleagues will cosponsor S. 1500 and join in our bipartisan effort to preserve jobs and revive this vital sector of the economy by getting travelers traveling again.

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

NOVEMBER 2, 2001.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: On behalf of the twenty-six member organizations comprising the Travel Industry Recovery Coalition representing all segments of our nations $582 billion travel and tourism industry and listed in detail on the enclosed sheet, I write to thank you for encouraging Americans to travel again and for your Administration's ongoing efforts to make travel safe and secure. Working with your Administration, our industry has made progress ensuring that travel is safe and secure and in restoring consumer confidence in travel.

We are grateful for your leadership in expanding the low interest SBA Economic Injury Disaster Loan program to small business across the entire country. We also appreciate the congressional leaders who have expressed their strong support for an expansion of the net operating loss carry-back that will be of real benefit to our industry. Unfortunately, these important efforts have not been sufficient to encourage enough travelers to travel and thus to keep workers working. The state of our travel and tourism industry thus remains precarious.

We write to urge your Administration to support bipartisan legislation introduced in both the Senate and the House that would provide a $500 per person ($1,000 per couple) tax credit for travel booked by the end of the year. The proposed tax credit meets your Administration's central condition for inclusion in the economic stimulus package in that it would have an immediate and significant impact on the entire economy, and would not require a permanent change to the tax code (and thus would not affect future interest rates). We believe its enactment would generate $50 billion in economic activity and 590,000 jobs over the course of the next year. We urge you to support this temporary travel tax credit to stimulate the economy, to preserve jobs, and to bring families together this year at Thanksgiving and during the December holidays.

We urge your Administration to support short-term measures that would eliminate the current 50% penalty on business meals and entertainment expenses and to work with our industry on a comprehensive promotional campaign to encourage travel to and within the United States. We also ask your Administration to work with us in providing assistance to the valuable employees in our industry who have lost their jobs, face reduced hours, or face the imminent loss of their jobs if travel does not rebound quickly.

Thank you again for leading our country at this difficult time and for your Administration working with us to achieve our twin objectives to ensure safe traveling and restoring confidence in travel to and within America.

Sincerely,

WILLIAM S. NORMAN,
President and CEO.

TRAVEL INDUSTRY RECOVERY, COALITION

Coalition Member and Key Contact:

Air Transport Association, Carol Hallett, President and Chief Executive Officer; American Association of Museums, Edward Able, Jr., President and Chief Executive Officer; American Bus Association, Peter Pantuso, President and Chief Executive Officer; American Recreation Coalition, Derrick Crandall, President, and Association of Retail Travel Agents, John Hawks, President.

American Society of Travel Agents, William Maloney, Executive Vice President and Chief Operating Officer; Association of Travel Marketing Executives, Kristin Zern, Executive Director; Carlson Companies, Marilyn Carlson Nelson, Chairman and Chief Executive Officer; Cruise Lines International Association, Jim Godsman, President, and Hospitality Sales and Marketing Association International, Ilsa Whittemore, Associate Executive Director.

International Association of Amusement Parks and Attractions, Brett Lovejoy, President; International Association of Convention and Visitors Bureaus, Michael Gehrisch, President and Chief Executive Officer; International Council of Cruise Lines, Michael Crye, President; National Association of RV Parks and Campgrounds, David Gorin, President, and National Business Travel Association, Marianne McInerney, Executive Director.

National Council of Attractions, Randy Fluharty, Senior Vice President, The Biltmore Company; National Council of Destination Organizations, Joe D'Alessandro, President and Chief Executive Officer, Portland Oregon Visitors Association; National Council of State Tourism Directors, Patty Van Gerpen, Cabinet Secretary, South Dakota Department of Tourism; National Tour Association, Hank Phillips, President, and Receptive Services Association, Michele Biordi, Executive Director.

Recreational Vehicle Industry Association, David Humphreys, President; Society of Government Travel Professionals, Duncan Farrell, General Manager; Student Youth Travel Association of North America, Michael Palmer, Executive Director, Travel Goods Association, Anne DeCicco, President; Travel Industry Association of America, William S. Norman, President and Chief Executive Officer, and United States Tour Operators Association, Bob Whitley, President.

2001 CONFERENCE OF THE NATIONAL TRUST FOR HISTORIC PRESERVATION

Mr. CHAFEE. Madam President, recently the National Trust for Historic Preservation held its annual National Preservation Conference in Providence, Rhode Island. In tribute of my father, the late Senator John H. Chafee, the

theme of the conference was ''Preserving the Spirit of Place'' which honored one of the last speeches he gave before his death.

Particularly during this time of national turmoil, we recognize the importance of our sense of place as we move about our daily lives. Liberty and freedom unite all Americans, form our common heritage, and permit us to cherish our sense of place in the world.

The preservation of our Nation's historic buildings and districts is a way for us to acknowledge the events of America's rich past and immortal legacy. The restoration of a downtown square in Spokane, WA; the revitalization of an old fort in Salt Lake City, UT; and the renovation of historic homes in Providence, RI; these projects represent how American ingenuity and perseverance form the building blocks of our architectural and cultural heritage.

I would like to recognize the work of the National Trust for Historic Preservation and its dedication to revitalizing historic buildings across the Nation in order to preserve our spirit of place. I ask that President Richard Moe's speech at the 2001 Conference of the National Trust for Historic Preservation be printed in the RECORD.

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

2001 PRESIDENT'S REPORT—NATIONAL PRESERVATION CONFERENCE

(By Richard Moe)

I'm very glad you're all here.

We've spoken and heard those words often in recent weeks, as we've sought comfort and reassurance in the presence of family, friends and colleagues. It's a sentiment that's totally appropriate here, because we are a family. That is really why I'm so glad you're here, so grateful that we can gather together, can strengthen and support each another as we try to make sense out of what has happened and try to figure out where we fit in the new world into which we've been thrust.

We've heard it said over and over: ''Things will never be the same again.'' Thousands of lives have been changed forever. The skyline of our biggest city has been changed. It's probably no exaggeration to say that the very shape of our future has changed too—in some ways that we can already see and in others that aren't yet clear and we cannot yet see.

But some things remain intact—and maybe even stronger than before: our appreciation of the traditions and values that have shaped our country and that still shape our lives; the bravery, compassion and generosity that we demonstrate when our fellow citizens are in need; the sense of common purpose that unites us.

So much has changed since the morning of September 11—but one thing, above all, remains true and constant: The American spirit endures.

September 14—just 3 days after these terrible events—was the anniversary of the firing on Fort McHenry. That was in 1814. One hundred eighty-seven years later, we have all taken comfort from the same sight that inspired Francis Scott Key. On the tops of skyscrapers, in front of government buildings, on police cars and firetrucks and taxis, on the front porches of thousands of homes, on millions of shirts and blouses and coats, draped on the blackened wall of the Pentagon, we all saw it: Our flag was still there.

That's proof that the American spirit endures—and you can find it on just about every block in every community in this country. This simple, reassuring fact provides a firm foundation, I believe, for the work we have to do.

In times like this, our first thoughts naturally are for the well-being of our families and our fellow citizens. But beyond these immediate personal concerns, I believe we have a specific and critically important responsibility as preservationists. We're all aware of the importance of healing the nation's physical wounds, of strengthening the nation's defenses—but we can't lose sight of the importance of nurturing the nation's soul.

In the context of this pressing need to heal and move on, our work as preservationists has an importance—a relevance—that is greater than ever before.

Think for a moment about where the blows fell on September 11. Not on missile bases or factories or power plants or shipyards. No, the targets were people and buildings that symbolize America's military and economic strength. Did the terrorists really believe that an attack on the Pentagon would bring our military to its knees? Or that destroying the World Trade Center would shatter America's financial structure? Probably not—but they recognized the enormous importance of symbols.

As preservationists, we recognize their importance too. We know that place has power.

We know that we can read about our history in books, but we also know that facts on paper are no more or less important than truth on the ground—truth made tangible in place.

History says, ''This is what happened.'' Preservation says, ''Right here''—and that simple addition gives our knowledge of history an immediacy that is absolutely essential if we hope to make an understanding of the past a springboard to a better future.

Similarly, we can learn about shared values from mentors at home, in a school or a house of worship, but those values take on a new and amplified reality when we can see them embodied in a place. Back in 1966, the visionaries who sought to define the work of preservation in the groundbreaking report With Heritage So Rich encapsulated this concept when they wrote that our movement's ultimate success would be determined by its ability to ''give a sense of orientation to our society, using structures and objects of the past to establish values of time and place.''

The places we cherish—the places that we, as preservationists, work to save—are symbols, but they are not abstractions. They are real and tangible. They surround, support and illuminate almost every aspect of our daily lives. And they embody our most fundamental values.

The nation's schools symbolize the value of education, the importance of good citizenship. Our courthouses embody our commitment to the rule of law. State capitols and city halls are monumental representations of the grandeur and stability of democratic government. Shrines like the Lincoln Memorial and the Statue of Liberty refresh the wells of patriotism that lie deep within all of us. Churches and synagogues and mosques symbolize our freedom to worship as we please. Barns and fields and farmhouses remind us of our strong ties to the land and summon images of the restless, adventurous spirit that pushed us across a continent. Main Streets from coast to coast are a bricks-and-mortar textbook on the virtues of hard work and free enterprise. Residential neighborhoods everywhere speak eloquently about the things that we cherish most: community, family, home.

They are buildings, certainly. But they are much more than that. They are the places we depend on as anchors in a restless, uncertain world. They are the wellsprings of the sense of continuity that one historian has called ''part of the very backbone of human dignity.'' They are the magnets that pull us together to commemorate, to celebrate, to mourn, to mark the major passages in our national life. They are, in effect, the story of us as a nation and a people—a powerful story written in wood and stone and steel.

We need them. Preservationists have been saying that for a long time, and now—probably more than ever before—people understand what we mean. A part of what makes us human is our need to belong to a specific place with a history, a geography and a set of values.

A nation at war needs these places more than ever. Arthur Schlesinger has written that the recent history of America is a story of ''too much pluribus and not enough unum.''

In times like these, unity is essential. An understanding of the history and values that we share is part of the cultural ''glue'' that binds us together, that keeps our society from cracking apart into dozens of separate pieces. If we're to meet the challenge of living in a changed world, it is imperative that we pledge our best efforts to recognizing and safeguarding the places that help give us a sense of community—and a sense of continuity.

We need these places—but we can lose them. We've always known they are fragile, but last month, in images that will stay with us for the rest of our lives, we were reminded of just how quickly and stunningly our symbols can be taken from us. For some time now, we've been saying that the National Trust's mission is to protect the irreplaceable. In the aftermath of September 11 we realize anew, with a terrible clarity, how important this mission is.

More than 150 years ago, the English artist and critic John Ruskin wrote, ''Architecture is to be regarded by us with the most serious thought. We may live without her, we may worship without her, but we cannot remember without her.'' In times like these, we need to remember who we are. It's essential to remember the long process that made us Americans, to remember the struggles, the crises, the triumphs that we've known in the past—and to be sustained and empowered by that memory. This means that more than ever before, we preservationists must work to ensure that the places that embody what America stands for are kept safe, firm and alive so that we can continue to learn from them, be enriched by them, draw strength and inspiration from them.

So what happens now? It's a complicated question, but it has, I think, a deceptively simple answer: We go on. As individual Americans, we'll go on with our lives. As preservationists, we'll go on with our job, strengthened by a renewed conviction that our job is essential to the unity and well-being of the nation we love.

There is plenty of work to be done right now. There is an entire sector of a city to be repaired or rebuilt. There are thousands of businesses, institutions and individuals to be housed. Perhaps most important, there is a wound in the nation's soul to be healed.

It's an enormous job—and I'm very pleased to report that the National Trust has already rolled up its sleeves and started to work. Here's a quick snapshot of what we're doing:

The Trust is participating in a working group of 10 public- and private-sector organizations that will undertake a comprehensive,

coordinated effort to assess damage to historic buildings in lower Manhattan and deal with other preservation issues stemming from the tremendous damage in that area.

As an outgrowth of this collaboration with our New York partners, the National Trust is one of 5 organizations that have established the Lower Manhattan Emergency Preservation Fund, which will make grants to help alleviate the impact of the disaster and to stabilize, renovate, and restore damaged historic sites in Lower Manhattan. We've already pledged $10,000 to this fund, and we're prepared to do more. The Lower East Side Tenement Museum, a National Trust historic site located within sight of Ground Zero, opened its doors to shelter those fleeing the financial district on September 11. Now, as part of its longstanding commitment to programs that promote cultural tolerance and understanding, the museum—with support from Trust employee contributions—is launching new initiatives focusing on understanding the Arab-American experience.

National Trust staff are also contributing to the Service Employees September 11th Relief Fund, established to provide assistance to the thousands of janitors, day porters, security guards, tour guides and other service employees working in the World Trade Center and the Pentagon who were either killed or injured in the attacks, or who are out of work indefinitely because of the damage to these buildings.

Anyone who wishes to contribute to these funds is certainly welcome to do so. Already we have collected more than $11,000. We'll continue to increase this amount with your help tonight—in the lobby as you leave there will be volunteers accepting your contributions to this effort. Thank you in advance for your help. For future and ongoing contributions, you can get information about them at the National Trust programs booth in the Resource Center.

These efforts mark the mere beginning of what will be a long process of recovery and rebuilding. I'm convinced that it will challenge this organization and the preservation movement as a whole. Fortunately we are positioned to meet the challenge effectively. As you'll hear in a few moments, our financial base is strong and getting stronger. And our programs to help Americans appreciate their heritage and strengthen efforts to save it are meeting unprecedented success.

My confidence in the National Trust's ability to meet this challenge extends to the preservation movement as a whole. We've never been stronger. Historic sites across the country are doing a better job than ever of linking us with our past and reminding us of its relevance to our daily lives. There are more—and more effective—statewide and local organizations than ever before. Together, we're making a real difference—a difference you can see in landmark buildings put to innovative uses; in traditional downtowns given new economic life; in historic neighborhood schools adapted to provide state-of-the-art learning environments for today's students; in farmland and open spaces protected from wasteful sprawl; in historic sites where interpretive programs bring our heritage alive; and in communities rescued from decades of disinvestment and deterioration.

Because of the great strides our movement has made in recent decades, it's hard to find a city or town where preservation's benefits aren't clearly and proudly—and even profitably—displayed. This widespread success is helping vast new audiences learn what you and I have always known for a long time: that preservation is not about buildings, it's about lives.

It's about saving historic places not just as isolated bits of architecture and landscape, not just as lifeless monuments, but as environments where we can connect with the lives of the generations that came before us, places where we can build and maintain safe, rich, meaningful lives for ourselves and the generations that will come after us.

Our strengths, our skills, our experience and our unique perspective will see us through this challenge. But I am convinced that it won't be easy—and what's more, it certainly won't be quick. In the altered context in which we now operate, many questions remain to be answered: How will the changing and uncertain state of the economy affect us? How will the events of September 11 affect the growing momentum of the back-to-the-city movement? Can we take steps to ensure that smart-growth issues such as improved passenger rail and mass-transit options and increased development density are included in the national recovery agenda?

Can we develop innovative, yet sensitive ways to address the very real concerns for public safety in historic buildings and gathering places? How can we best help the public understand the importance of a strong commitment to historic preservation as an essential component of building our national unity?

These are tough questions. There are dozens more, all equally challenging. We'll need time and perspective and lots of serious conversation before we find answers to them. This conference provides an excellent forum for starting those conversations. As Americans, one of our greatest strengths is our identity. Knowing who we are makes us strong. Knowing where we came from makes us confident. Knowing the legacy we have inherited makes us part of a powerful partnership between past, present, and future.

Passing on that knowledge—of who we are, where we came from and what is the legacy that shapes and enriches us —is what preservation is all about. It's what makes preservation such important—and yes, noble—work. The Talmud tells us, ''We do not see things as they are. We see them as we are.'' As preservationists, we have a unique way of seeing things. Our vision can help America find its way through the uncertainties of this new world. We will pass on that vision.

As preservationists, we understand the strength that comes from a shared sense of the rich heritage that is ours as Americans. We will pass on that heritage—and the strength that grows with it.

We know that our work is America's work. We know that the heritage we share is worthy of our best efforts to save it. We know that the skills and vision we offer have never been more important—or more needed. We have an enormous job to do—but it's the same job we've been doing for a long time, and we know how to do it well.

So let us go forward with a renewed sense of purpose. The heritage we preserve will sustain us in these very different and trying times. The heritage we pass on will enrich and inspire generations of Americans to come.

May God bless our work as preservationists. May God bless America.

Thank you.

ADDRESS TO THE NATIONAL PRESS CLUB BY WINSTON S. CHURCHILL

Mr. CLELAND. Madam President, I rise to day to pay tribute to a great friend of the United States and a man whose unique perspective on the current events of the world is worthy of our attention. Recently, I had the rare honor of spending some time with Winston S. Churchill. His grandfather, former Prime Minister Sir Winston Churchill is a hero to many Americans including myself. Sir Winston's leadership of the British people in their darkest hours are a source of inspiration for all of us in these uncertain times. His picture hangs on the wall of my office and a recording of his speeches remains ready to be played in my car should I need inspiration for the day ahead. In the face of adversity and as his country was faced with the most brutal of all enemies, Churchill steadfastly ''held the line.'' In October of 1941, just over 60 years ago, Churchill spoke these words to the young men of Harrow school:

> Never give in, never give in, never, never, never, never. In nothing, great or small, large or petty—never give in except to convictions of honor and good sense. Never yield to force; never yield to the apparently overwhelming might of the enemy.

Those words inspire me to keep fighting in the Senate for what is right and for what is good. Those words inspire me to keep working toward the righteous goal in the conflict in which the United States and the United Kingdom are fighting today. I have no doubt that, were Sir Winston alive today, he would be standing beside our country in this crisis, just as Prime Minister Blair has done.

Last month, at a dinner hosted by the Churchill Center, I had the honor of meeting with Winston S. Churchill. Just like his grandfather, Winston S. Churchill has led a remarkable life. His experience as a former war correspondent and Member of Parliament has, I believe, given him a unique insight into our current War on Terrorism. He has traveled the globe and has a deep understanding of the different peoples and cultures of our world. In particular, my colleagues may benefit from his interesting and thought provoking assessment of the current situation he made in an address to the National Press Club on October 11, 2001.

I ask unanimous consent this address be printed in the RECORD and, on behalf of the American people, I offer Winston S. Churchill my sincere appreciation for everything that he has done to further the ''special relationship'' between the United States and Great Britain.

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

CONFRONTING THE CHALLENGE OF TERRORISM

(Address to the National Press Club, Washington, DC, on Thursday, 11 October 2001, by Winston S. Churchill)

I find it a remarkable honour, as a former war correspondent of the 1960s and early 1970s, to be your guest here today. At the time I received your invitation back in May, it was my intention to speak to you on the theme of the Special Relationship, which it was fashionable—especially in media circles—to regard as finished. Though that remains an underlying theme, the subject of my address to you today is: Confronting the Challenge of Terrorism.

Precisely one month ago today, the vilest and most devastating terrorist attack was

perpetrated against innocent civilians. Let there be no doubt: in striking at New York's Twin Towers and at the Pentagon here in Washington, the terrorists were striking at us all, all that is who value freedom, decency and democratic government.

I happened to be in New York at the time and watched in disbelief as, one after the other, these two proud icons disappeared from New York's skyline. I saw the courage of the men and women of New York's Fire and Police Departments and the calm resolve of the ordinary citizens in the face of terror, which came without warning out of a clear blue sky.

It evoked for me memories of wartime London. I was a Blitz baby, born in 1940, and my earliest memories are of bombs falling on London, of blazing buildings, of anti-aircraft tracer crisscrossing the night sky and of many a night spent in public shelters beneath the streets of London.

Indeed I understand that Mayor Guiliani, who has been such a tower of strength to New Yorkers in their hour of crisis, has become so fond of quoting my Grandfather, that he has earned the accolade of ''Churchill in a ball cap''. The words of Winston Churchill, in a speech to the House of Commons—following Hitler's orders to the German Luftwaffe to begin terror-bombing the civilian population of Britain—are indeed most apposite. They apply every bit as much to New Yorkers and the people of America today:

''[Hitler] hopes by killing large numbers of civilians, and women and children, that he will terrorise and cow the people of this mighty imperial city. . . . Little does he know the spirit of the British nation, or the tough fibre of the Londoners. . . .

''This wicked man, the repository and embodiment of many forms of soul-destroying hatred, this monstrous product of former wrongs and shame, has now resolved to try to break our famous island race by a process of indiscriminate slaughter and destruction.

''What he has done is to kindle a fire in British hearts, here and all over the world, which . . . will burn with a steady and consuming flame until the last vestiges of Nazi tyranny have been burned out of Europe, and until the Old World—and the New—can join hands to rebuild the temples of man's freedom and man's honour, upon foundations which will not be soon or easily overthrown. . . .''

The reference to ''the temples of man's freedom'' has a haunting echo about it, and I could not help but notice the date of that 1940 speech: poignantly, it was 11th of September.

However much we may wish our lives to return to normality, things can never be the same again. What happened on Tuesday, 11 September 2001, is something that has changed the lives of us all. There is a new sense of vulnerability and a realisation of how tenuous a hold each one of us has on life when—with barely a split second's warning—death can come upon us out of a clear blue sky. It is not just New Yorkers, Washingtonians or Americans, who have been touched by this outrage, but all of us, wherever we may live.

Jogging round London's Hyde Park the other day I noticed—just as I had in Central Park a few days earlier—how much more friendly we have suddenly all become. There was a smile or ''good morning'' from total strangers who, previously, would just have gone about their business like planets spinning in their own orbits, heedless of the rest of the universe. All at once we have come to realise how much we depend upon each other. More than ever before, we are extending the hand of friendship to total strangers.

Even at national level, new friendships and alliances are being forged, while old ones are being put to the test. Suddenly President Putin is our friend and Russia has become our ally in encompassing the defeat of the Taliban in Afghanistan, giving its blessing to Uzbekistan providing a base for a major U.S. military build-up in what was a former Soviet republic. What we are witnessing is nothing less than a revolution in Russia's relations with the West. Even the People's Republic of China appears as an ally for, like Russia, she feels threatened by the spread of Islamic fundamentalism on her borders.

The 15 nations of the European Union have pledged their full support for America and the 19 NATO allies have vowed to stand right behind her. What this will mean in practical terms remains to be seen. As someone once very truly remarked: ''It is only at the height of the storm, by the lightning's flash, that you can turn round and see your friends''.

In recent years it has become fashionable among the chattering classes on both sides of the Atlantic to declare that the ''Special Relationship'' between the United States and Great Britain was something of the past, indeed effectively dead. Well, to paraphrase Mark Twain, events of the past month have only gone to show that reports of its death were ''greatly exaggerated''.

Today, as action continues against the Taliban regime of Afghanistan, United States and British forces stand shoulder to shoulder once again, united as never before. Britain has in place a military force of 24,000 Army, Navy and Air Force, deployed to southern Arabia. Our nuclear submarines, H.M.S. *Triumph* and *Trafalgar*, have already engaged the enemy with Tomahawk cruise-missiles, elements of our Special Air Service have undoubtedly, for some time now, been covertly on the ground inside Afghanistan, while our air and ground forces are standing by to attack.

Despite the brave words of support from other nations, it is likely, at the end of the day, that the bedrock for any military action in the prosecution of this war against terrorism—and of those states that harbour and support terrorists—will be the British/American alliance, just as it has been British and American pilots alone who, in the wake of the Gulf War and to this day, have risked their lives enforcing the ''No-Fly'' zones over Northern and Southern Iraq.

President Bush wasted no time in picking up the gauntlet cast down by the terrorists on 11 September, but perhaps not in the way that Bin Laden imagined. It was doubtless one of his prime aims to provoke the United States into a wild, furious reaction, which would—at a stroke—unite Islam and all Islamic states against America and, in the process, bring about the downfall of the West's friends in the Arab world, including the Saudi monarchy and the Gulf Sheikhdoms, and the pro-Western governments of Pakistan and Egypt.

But the President, while declaring war on terrorism and its supporters, has been meticulous and measured in his response. Thus far, the Administration has handled this unprecedented crisis with consummate skill. He has rightly—and repeatedly—gone out of his way to stress that this is a war against terror, not against Islam.

He has emphasized that the more than 6 million Moslems and Arabs living in America are, overwhelmingly loyal, patriotic Americans, who love their adoptive country and who are appalled by the actions of those extremist fanatics who, in a telling phrase of the President, are trying to ''hijack Islam'' for their own purposes. The President has set a fine example by extending the hand of friendship to members of America's Islamic community, as has Prime Minister Blair to the 2 million Moslems living in Britain.

It is clear that, if we are to win this war against Islamic fundamentalist terrorism—and, though we are told that such terminology is not politically correct, I use those words advisedly—it will only be if we can win and retain the support of moderate Islamic states, and the hearts and minds of the overwhelming majority of Moslems in our own countries and around the world.

It is essential that we persuade them to join with us in lancing this boil of fanatical extremism and to destroy the incubus of terror that poses such a mortal threat, not only to Western civilisation, but also to all moderate Arab and Islamic states who are, each and every one of them, our natural partners in this battle. This explains the trouble and effort the Administration has taken to build up a coalition of nations to fight the menace of terrorism. Their support is vital—and I believe it can be won.

But we must also realise the extent to which we are walking on eggshells. In my days as a war correspondent in the 1960s, I saw both sides of war. I have seen it from the cockpit of U.S. Air Force Phantom and Super Sabre fighter-bombers, while taking part in air strikes in Vietnam.

I have also, at the time of the Nigeria/Biafra civil war, been on the receiving end. I have seen the bomb-bay of an Iluyshin bomber opening up above my head and the bombs cascading down to land a few hundred yards down the street on a maternity clinic, killing dozens of nursing mothers and their babies.

Together with New York Times correspondent, Lloyd Garrison, I had the horrific task of reporting and photographing the consequences of a deliberate raid by another Iluyshin on a market place containing some 2,000 civilians, the great majority of them women and children. It was by far the most harrowing task I have ever undertaken in my life and one, which I shall never forget.

Those were, of course, the days before the omni-presence of CNN, and before such graphic scenes of horror could be transmitted to our homes in real time. Today it would take only one or two such outrages, in which a school or hospital was hit by accident, for Mr. Bush's elaborately constructed coalition of moderate Islamic states to fall apart and for support to start ebbing away in Europe and even on the home front.

It is impossible to guess how long it will take to apprehend Bin Laden and his henchmen, and bring them to justice. That it will be done in time, I have no doubt. Meanwhile the overthrow of the cruel, barbaric Taliban regime, which harbours him, is clearly the top priority. This is an alien regime, established only in the past five years, with funding and arms from Arab countries, by way of Pakistan, which acted as ''godfather'' to the Taliban.

Their rule has been so brutal and disastrous that an estimated one in four Afghans have fled as refugees to Iran or Pakistan, creating a massive humanitarian crisis in the region. Once the Taliban have been overthrown, a high priority must be to cut off the funding, not only for the terrorists, but also for the fundamentalist madrassas—the theological schools, established in numerous countries around the world, where the gospel of Islamic purity and anti-Western hatred is preached.

Unbelievable though it may seem, no country has been more responsible for this than Saudi Arabia—the West's principal ally in the Middle East. In order to appease and deflect criticism of their pro-Western leanings and opulent lifestyle, the Saudi ruling family—in an act of consummate folly—has poured vast resources into the establishment of these schools and religious universities, in their own country and overseas. They now

find that they are riding a tiger of extremist fundamentalism, entirely of their own creation, which threatens the very foundations of their hold on power. As a result, today almost half the young Saudi males coming onto the jobs market have only religious qualifications, making them not only unemployed, but unemployable. In consequence, barely one in four is able to find a job. The rest make a fertile field of disaffection, from which bin Laden is able to recruit new generations of suicide-bombers, hijackers and terrorists, and it is no coincidence that many of last month's hijackers were Saudis.

More horrifying yet, if estimates attributed to the CIA are to be believed, in recent years some 70,000 militants have passed through bin Laden's terrorist training camps in Afghanistan and are currently dispersed across no fewer than 55 countries around the world, including our own. New attacks are inevitable—and some, undoubtedly, will succeed—before this hydra-headed monster of international terrorism is destroyed.

While it will be difficult for the Saudi government to bring it's extremist theological schools under control and integrate them within the state education system, if it fails to do so, it is inevitable that the Saudi ruling family will, sooner or later, forfeit its hold on power, and be drowned by a tidal wave of fundamentalism.

Beyond that, intense international and economic pressure will have to be brought to bear on those powerful Islamic states that provide bases and backing for terrorism, especially Iraq, Iran, Syria and Sudan, some of which—such as Iraq—have been working for 30 years or more on obtaining or developing weapons of mass destruction.

Indeed, as long as twenty years ago, I was the first to report in the London Times that the French Government, in an act of breathtaking irresponsibility, had sold Saddam Hussein 72 kilograms—or some 160 lbs.—of weapons-grade uranium, sufficient for the manufacture of three nuclear bombs. It was this that, a few months later, prompted the long-range strike by Israeli Air Force jets that took out Saddam's Osirak reactor.

Some of these rogue states are already in a position to equip terrorists with weapons of mass-destruction, especially with agents of chemical and biological warfare. Meanwhile, they are themselves working on—or seeking to acquire from North Korea—intermediate or long-range missiles, with which to threaten their neighbours, including Israel and Saudi Arabia, as well as Western Europe.

It would be a mistake for the United States and her close allies to set out their full agenda but, where peaceful means prove inadequate to ensure the ending of these programmes that potentially menace millions of innocent civilians, we shall have no choice but to do so by military action.

There will be those, both in America and in Britain, who will not have the stomach for such a fight, and there will be many of our coalition partners, not only in the Middle East, but also in Europe, who will fall by the wayside as the campaign expands in scope. But, come what may, we must have the courage and resolve to see this through to victory.

Horrific though the attacks were, that were wrought against innocent civilians on 11 September, can anyone doubt that what we saw in New York and Washington a month ago was but a foretaste of far, far worse to come?

It is certain that if we do not have the courage to extirpate this cancer of terrorism once and for all, that our children and grandchildren will live to see whole cities consumed by fire and large numbers of their fellow-citizens struck down by devastating, and incurable, plagues. We shall not be talking of a few thousands or tens of thousands of civilians being blown away in an instant, but rather of millions. This has indeed been a wake-up call from hell and we have no option but to heed the warning.

At the same time it is vital that we appreciate exactly what we are up against and just how high are the stakes for which we are playing. In the 1930s it was fashionable to dismiss Hitler's declared aims as the ravings of a mad man. He was not a mad man. He was a deeply flawed genius, who came within a hair's breadth of victory.

By the same token, it would be a terrible mistake to dismiss Osama bin Laden as no more than a mad mullah hiding out in some cave in Afghanistan. He is a brilliant but evil man, with a limitless well of hatred for everything that constitutes the values of Western society, all that we hold dear: freedom, democracy, prosperity and tolerance.

His aim is to garner the resources that would enable him to inflict infinitely greater damage upon the United States and her allies, including especially Israel. Already bin Laden and the Taliban, which works hand-in-glove with him, control 70 percent of the world's opium production. By way of example, 90 percent of heroin sold on the streets of Britain today comes from Afghanistan and it is this that constitutes the primary source of funding for his campaign of terror against the West. But his ambition ranges far higher. Can anyone doubt but that he has his sights set on the nuclear arsenal of Pakistan and the oil wealth of Arabia?

The importance of seeing this war through to victory cannot be overstated. The price of failure would be terrible: far, far more terrible than stopping half way to Baghdad, as we did in the Gulf War. If, for example, faced with mounting casualties—to our forces in the field and to our civilian population at home, as a result of further terrorist outrages—we were to falter or fail, let no one doubt what would be the consequence.

Were we to withdraw leaving the job unfinished, bin Laden and his henchmen would be the heroes of Islam. America and her allies would be seen as no more than paper tigers. President Pervaiz Musharraf and the pro-Western elements in Pakistan's armed forces would be swept aside, while those who have long had close links with the Taliban would seize power. At a stroke, bin Laden would have secured control of Islam's one and only nuclear power, estimated to have some 30 tactical nuclear warheads each with the power of 2½ Hiroshima bombs.

Nor would that be the end of his ambition. He has avowed his determination to purge his native Saudi Arabia of the infidel American presence which, in his eyes, defiles the Holy Land of Islam. A crisis in the ruling Al Saud dynasty, could pave the way for their violent overthrow by fundamentalist forces linked to bin Laden.

Armed with the oil-wealth of Arabia—amounting to one quarter of the world's reserves—the drug-wealth of Afghanistan and the nuclear capability of Pakistan, in addition to a terrorist network with tentacles in 55 countries, bin Laden would constitute a desperately grave threat to the entire Western world. Now that battle is joined, we have no choice but to see it through to victory, however long the road, however great the cost.

Since the words and spirit of my Grandfather have been invoked already many times in the past month, I can do no better than to conclude with a quote from Winston Churchill's first address to the House of Commons on becoming Prime Minister in May 1940:

''You ask what is our policy? I will say: It is to wage war by sea, land and air, with all our might and with all the strength that God can give us: to wage war against a monstrous tyranny, never surpassed in the dark, lamentable catalogue of human crimes. That is our policy.

''You ask: What is our aim? I can answer in one word. It is victory. Victory at all costs, victory in spite of all terror. However long or hard the road may be; for without victory there is no survival.''

I say to our friends and allies in Europe and around the globe, this is not America's battle alone; it is a battle on behalf of the whole world, and on behalf of generations yet unborn. Together we have overcome far more powerful enemies than those that assail us today. I have every confidence that, in confronting this new challenge, America and Britain—together with our allies—can prevail and shall prevail, just as together we have triumphed in the past.

ADDITIONAL STATEMENTS

30TH ANNIVERSARY OF CENTER POINT

• Mrs. BOXER. Madam President, I would like to take this opportunity to bring to the Senate's attention the wonderful and necessary work of Center Point, Inc. in California. Center Point is preparing to celebrate its 30th anniversary of service to the community. This milestone is a testament to the success of its programs and the life affirming and life-changing nature of its mission. I could not be happier for Center Point CEO Sushma Taylor and the organization's dedicated staff and extended family.

Begun in 1971, in my home county of Marin, Center Point has since developed into a model community services provider, assisting at-risk families and individuals of all ages with issues ranging from drug and alcohol addiction, to homelessness, to HIV/AIDS, to job training. Each year it serves over 8,000 individuals through its residential, outpatient, housing and in-custody programs. These efforts not only serve to rescue individual lives, they have the power to heal families and ultimately transform whole communities.

I believe strongly in the work being done at Center Point and at similar facilities around California and the Nation. We need to encourage and enable these programs that are making a difference. I introduced my Treatment on Demand Assistance Act this year to do just that. My bill would double the Federal Government's funding for drug and alcohol treatment over 5 years, from the current $3 billion to $6 billion. It also provides for incentives to States that have instituted a policy of emphasizing treatment over incarceration for non-violent drug offenders.

Treatment works. When we invest in it and other programs proven to improve lives, we are investing in a safer, healthier future for us all. Center Point has been proving this for 30 years.•

TRIBUTE TO SERGEANT JEFFREY HOJNACKE

• Mr. SMITH of Oregon. Madam President, I would like to take this opportunity to pay tribute to Oregon native, Sergeant Jeffrey Hojnacke, a member of the 3rd United States Infantry, better known as ''The Old Guard.'' Sergeant Hojnacke's accomplishments while serving as a sentinel at the Tomb of the Unknowns personify the hallowed principles of duty, honor, and country. After joining ''The Old Guard'' in 1995, Sergeant Hojnacke performed his first ''walk'' at the Tomb of the Unknowns in Arlington National Cemetery in May 1996. Completely selfless and dedicated, Sergeant Hojnacke never missed a day of duty, and routinely filled in for others. On October 17, 2001, after over 5 years of duty standing watch over the most sacred of American shrines, Sergeant Jeffery Hojnacke completed his 1,500th and last ''walk'' at the Tomb of the Unknowns. To put this accomplishment into perspective, very few sentinels in the history of the Tomb of the Unknowns have reached the coveted ''1000 walk'' mark, and no one has come close to the 1,500 walks completed by Sergeant Hojnacke. This is a record that will undoubtedly stand for many years.

On behalf of a grateful nation, let the record show the Congress of the United States of America honors the selfless service and accomplishments of Sergeant Jeffrey Hojnacke, an American hero, patriot and ''Iron-Man'' of the Tomb of the Unknowns.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

CALENDAR YEAR 1999 REPORT ON ACTIVITIES UNDER THE NATIONAL TRAFFIC AND MOTOR VEHICLE SAFETY ACT OF 1966, THE HIGHWAY SAFETY ACT OF 1966, AND THE MOTOR VEHICLE INFORMATION AND COST SAVINGS ACT OF 1972—MESSAGE FROM THE PRESIDENT—PM 55

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation.

To the Congress of the United States:

I transmit herewith the Department of Transportation's Calendar Year 1999 reports on Activities Under the National Traffic and Motor Vehicle Safety Act of 1966, the Highway Safety Act of 1966, and the Motor Vehicle Information and Cost Savings Act of 1972.

GEORGE W. BUSH.

THE WHITE HOUSE, *November 8, 2001.*

MESSAGE FROM THE HOUSE

At 3:23 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House disagrees to the amendment of the Senate 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, 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. KNOLLENBERG, Mr. ISTOOK, Mr. CUNNINGHAM, Mr. DOOLITTLE, Mr. SWEENEY, Mr. VITTER, Mr. YOUNG of Florida, Mr. FATTAH, Mr. MOLLOHAN, Mr. OLVER, and Mr. OBEY.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H.R. 3061) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes, 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. REGULA, Mr. YOUNG of Florida, Mr. ISTOOK, Mr. DAN MILLER of Florida, Mr. WICKER, Mrs. NORTHUP, Mr. CUNNINGHAM, Ms. GRANGER, Mr. PETERSON of Pennsylvania, Mr. SHERWOOD, Mr. OBEY, Mr. HOYER, Ms. PELOSI, Mrs. LOWEY, Ms. DELAURO, Mr. JACKSON of Illinois, and Mr. KENNEDY of Rhode Island.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2620) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

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

EC–4536. A communication from the Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Blocked Persons, Specially Designated Nationals, Specially Designated Terrorist, Foreign Terrorist Organizations, and Specially Designated Narcotics Traffickers: Additional Designations of Terrorism-Related Blocked Persons'' received on November 6, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–4537. A communication from the Secretary of Transportation, transmitting, a draft of proposed legislation to authorize appropriations for hazardous material transportation safety, and for other purposes; to the Committee on Commerce, Science, and Transportation.

EC–4538. A communication from the Principal Deputy General Counsel, Department of Defense, transmitting, a draft of proposed legislation entitled ''Personnel Pay and Qualifications Authority for Department of Defense National Capital Region Civilian Law Enforcement and Security Force''; to the Committee on Armed Services.

EC–4539. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, a draft of proposed legislation entitled ''Money Laundering Act of 2001''; to the Committee on the Judiciary.

EC–4540. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or services sold commercially under a contract in the amount of $50,000,000 or more to Japan; to the Committee on Foreign Relations.

EC–4541. A communication from the Assistant Secretary of Legislative Affairs, Department of Defense, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or services sold commercially under a contract in the amount of $50,000,000 or more to Norway; to the Committee on Foreign Relations.

EC–4542. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or services sold commercially under a contract in the amount of $50,000,000 or more to Canada; to the Committee on Foreign Relations.

EC–4543. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, a draft of proposed legislation entitled ''Managerial Flexibility Act of 2001''; to the Committee on Governmental Affairs.

EC–4544. A communication from the Deputy Associate Administrator of the Office of Acquisition Policy, General Service Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Federal Acquisition Circular 2001–01'' (FAC 2001–01) received on November 6, 2001; to the Committee on Governmental Affairs.

EC–4545. A communication from the Secretary of Health and Human Services, transmitting, a draft of proposed legislation entitled ''HHS Bioterrorism Prevention and Emergency Response Act of 2001''; to the Committee on Health, Education, Labor, and Pensions.

EC–4546. A communication from the Administrator of the General Service Administration, transmitting, a report relative to a lease prospectus and a design prospectus; to the Committee on Environment and Public Works.

EC–4547. A communication from the Deputy Administrator of the General Service

Administration, transmitting, pursuant to law, the Report of Building Project Survey for Colorado Springs, CO; to the Committee on Environment and Public Works.

EC–4548. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–155 ''Advisory Neighborhood Commissions Annual Contribution Temporary Amendment Act of 2001''; to the Committee on Governmental Affairs.

EC–4549. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–154 ''Cooperative Purchasing Agreement Temporary Amendment Act of 2001''; to the Committee on Governmental Affairs.

EC–4550. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–156 ''Insurance Economic Development Temporary Amendment Act of 2001''; to the Committee on Governmental Affairs.

EC–4551. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–152 ''Closing of a Public Alley in Square 2140, S.O. 99–228, Act of 2001''; to the Committee on Governmental Affairs.

EC–4552. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–153 ''Closing of a Portion of a Public Alley in Square 209, S.O. 2000–48, Act of 2001''; to the Committee on Governmental Affairs.

EC–4553. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Prospective Payment System for Hospital Outpatient Services: Criteria for Establishing Additional Pass-Through Categories for Medical Devices'' (RIN0938–AK59) received on November 6, 2001; to the Committee on Finance.

EC–4554. A communication from the Regulations Coordinator, Center for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Announcement of the Calendar Year 2002 Conversion Factor for the Hospital Outpatient Prospective Payment System and a Pro Rata Reduction on Transitional Pass-Through Payments'' (RIN0938–AK54) received on November 6, 2001; to the Committee on Finance.

EC–4555. A communication from the Regulations Coordinator, Center for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Revisions to Payment Policies and Five-Year Review of and Adjustments to the Relative Value Units Under the Physician Fee Schedule for Calendar Year 2002'' (RIN0938–AK57) received on November 7, 2001; to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BYRD, from the Committee on Appropriations:

Special Report entitled ''Further Revised Allocation to Subcommittees of Budget Totals for Fiscal Year 2002'' (Rept. No. 107–95).

By Mr. LEAHY, from the Committee on the Judiciary:

Report to accompany S. 1319, a bill to authorize appropriations for the Department of Justice for fiscal year 2002, and for other purposes. (Rept. No. 107–96).

By Mr. LEAHY, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 23: A resolution expressing the sense of the Senate that the President should award the Presidential Medal of Freedom posthumously to Dr. Benjamin Elijah Mays in honor of his distinguished career as an educator, civil and human rights leader, and public theologian.

By Mr. KENNEDY, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 1094: A bill to amend the Public Health Service Act to provide for research, information, and education with respect to blood cancer.

By Mr. JEFFORDS, from the Committee on Environment and Public Works, without amendment:

S. 1459: A bill to designate the Federal building and United States courthouse located at 550 West Fort Street in Boise, Idaho, as the ''James A. McClure Federal Building and United States Courthouse''.

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. 1630: A bill to extend for 6 additional months the period for which chapter 12 of title 11, United States Code, is reenacted.

By Mr. CONRAD, from the Committee on the Budget, unfavorably, without amendment:

S.J. Res. 28: A joint resolution suspending certain provisions of law pursuant to section 258(a)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. LEVIN for the Committee on Armed Services.

*Marvin R. Sambur, of Indiana, to be an Assistant Secretary of the Air Force.

*Mary L. Walker, of California, to be General Counsel of the Department of the Air Force.

*Sandra L. Pack, of Maryland, to be an Assistant Secretary of the Army.

*Dale Klein, of Texas, to be Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs.

By Mr. WARNER for the Committee on Armed Services.

*R.L. Brownlee, of Virginia, to be Under Secretary of the Army.

By Mr. JEFFORDS for the Committee on Environment and Public Works.

*William Baxter, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority for the term expiring May 18, 2011.

*William Baxter, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority for the remainder of the term expiring May 18, 2002.

*Kimberly Terese Nelson, of Pennsylvania, to be an Assistant Administrator of the Environmental Protection Agency.

*Steven A. Williams, of Kansas, to be Director of the United States Fish and Wildlife Service.

By Mr. BIDEN for the Committee on Foreign Relations.

*Eric M. Javits, of New York, for the rank of Ambassador during his tenure of service as U.S. Representative to the Conference on Disarmament.

*Sichan Siv, of Texas, to be Representative of the United States of America on the Economic and Social Council of the United Nations, with the rank of Ambassador.

*Sichan Siv, of Texas, to be an Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations during his tenure of service as Representative of the United States of America on the Economic and Social Council of the United Nations.

*Richard S. Williamson, of Illinois, to be an Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations during his tenure of service as Alternate Representative of the United States of America for Special Political Affairs in the United Nations.

*Richard S. Williamson, of Illinois, to be Alternate Representative of the United States of America for Special Political Affairs in the United Nations, with the rank of Ambassador.

By Mr. ROCKEFELLER for the Committee on Veterans' Affairs.

Frederico Juarbe, Jr., of Virginia, to be Assistant Secretary of Labor for Veterans' Employment and Training.

By Mr. LEAHY for the Committee on the Judiciary.

Terry L. Wooten, of South Carolina, to be United States District Judge for the District of South Carolina.

John P. Walters, of Michigan, to be Director of National Drug Control Policy.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SCHUMER (for himself and Mrs. CLINTON):

S. 1653. A bill to provide loan forgiveness to the surviving spouses of the victims of the September 11, 2001, tragedies; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SESSIONS (for himself, Mr. SHELBY, and Mr. ENZI):

S. 1654. A bill to amend the Education of the Deaf Act of 1986 to authorize the Secretary of Education to establish the National Junior College for Deaf and Blind at the Alabama Institute for Deaf and Blind; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BIDEN:

S. 1655. A bill to amend title 18, United States Code, to prohibit certain interstate conduct relating to exotic animals; to the Committee on the Judiciary.

By Mr. FEINGOLD (for himself and Mr. HATCH):

S. 1656. A bill to provide for the improvement of the processing of claims for veterans compensation and pension, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. SNOWE:

S. 1657. A Bill to deauthorize the project for navigation, Tenants Harbor, Maine; to the Committee on Environment and Public Works.

By Mr. SCHUMER (for himself, Mr. DEWINE, and Mr. HATCH):

S. 1658. A bill to improve Federal criminal penalties on false information and terrorist hoaxes; to the Committee on the Judiciary.

By Mr. HUTCHINSON (for himself and Mr. SESSIONS):

S. 1659. A bill to provide criminal penalties for communicating false information and hoaxes; to the Committee on the Judiciary.

By Mr. JEFFORDS (for himself and Mr. BREAUX):

S. 1660. A bill to amend title XVIII of the Social Security Act to specify the update for payments under the medicare physician fee schedule for 2002 and to direct the Medicare Payment Advisory Commission to conduct a study on replacing the use of the sustainable growth rate as a factor in determining such update in subsequent years ; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself and Mr. KYL):

S. 1661. A bill to set up a certification system for research facilities that possess dangerous biological agents and toxins, and for other purposes; to the Committee on the Judiciary.

By Mr. HUTCHINSON:

S. 1662. A bill to amend the Internal Revenue Code of 1986 to allow Coverdell educational savings accounts to be used for homeschooling expenses; to the Committee on Finance.

By Mrs. CLINTON:

S. 1663. A bill to amend title 4, United States Code, to add National Korean War Veterans Armistice Day to the list of days on which the flag should especially be displayed; to the Committee on the Judiciary.

By Mr. FEINGOLD:

S. 1664. A bill to require country of origin labeling of raw agricultural forms of ginseng, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BIDEN (for himself and Mr. HATCH):

S. 1665. A bill amend title 18, United States Code, with respect to false information regarding certain criminal violations concerning hoax reports of biological, chemical, and nuclear weapons; to the Committee on the Judiciary.

By Mr. LEAHY:

S. 1666. A bill to prevent terrorist hoaxes and false reports; to the Committee on the Judiciary.

By Mr. DOMENICI:

S. 1667. A bill to ensure that nuclear energy continues to contribute to the supply of electricity in the United States; to the Committee on Energy and Natural Resources.

By Mr. HOLLINGS:

S. 1668. A bill to amend the Communications Act of 1934 to strengthen the limitations on the holding of any license, permit, operating authority by a foreign government or any entity controlled by a foreign government; to the Committee on Commerce, Science, and Transportation.

By Mr. HOLLINGS (for himself and Mr. MCCAIN) (by request):

S. 1669. A bill to authorize appropriations for hazardous material transportation safety, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BIDEN (for himself, Mr. HELMS, Mr. WELLSTONE, Mr. BROWNBACK, Mr. SARBANES, Mr. TORRICELLI, Mr. DASCHLE, Mr. ALLEN, Mr. DODD, and Mr. KERRY):

S. Con. Res. 81. A concurrent resolution expressing the sense of Congress to welcome the Prime Minister of India, Atal Bihari Vajpayee, on the occasion of his visit to the United States, and to affirm that India is a valued friend and partner and an important ally in the campaign against international terrorism; considered and agreed to.

ADDITIONAL COSPONSORS

S. 455

At the request of Ms. COLLINS, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 455, a bill to amend the Internal Revenue Code of 1986 to increase and modify the exclusion relating to qualified small business stock and for other purposes.

S. 986

At the request of Mr. GRASSLEY, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 986, a bill to allow media coverage of court proceedings.

S. 1214

At the request of Mr. HOLLINGS, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1214, a bill to amend the Merchant Marine Act, 1936, to establish a program to ensure greater security for United States seaports, and for other purposes.

S. 1541

At the request of Ms. COLLINS, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 1541, a bill to provide for a program of temporary enhanced unemployment benefits.

S. 1571

At the request of Mr. LUGAR, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1571, a bill to provide for the continuation of agricultural programs through fiscal year 2006.

S. 1615

At the request of Mr. SCHUMER, the name of the Senator from Delaware (Mr. BIDEN) 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. 1621

At the request of Mrs. CLINTON, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 1621, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize the President to carry out a program for the protection of the health and safety of community members, volunteers, and workers in a disaster area.

S. 1627

At the request of Mr. DEWINE, his name 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 Mr. GRASSLEY, the name of the Senator from South Carolina (Mr. THURMOND) 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.

S. 1633

At the request of Ms. COLLINS, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1633, a bill to amend the Cooperative Forestry Assistance Act of 1978 to establish a program to provide assistance to States and nonprofit organizations to preserve suburban open space and contain suburban sprawl, and for other purposes.

S. 1643

At the request of Mrs. MURRAY, the names of the Senator from Virginia (Mr. WARNER) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 1643, a bill to provide Federal reimbursement to State and local governments for a limited sales , use and retailers' occupation tax holiday.

S.J. RES. 24

At the request of Mr. SPECTER, the names of the Senator from Virginia (Mr. ALLEN) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S.J. Res. 24, a joint resolution honoring Maureen Reagan on the occasion of her death and expressing condolences to her family, including her husband Dennis Revell and her daughter Rita Revell.

S. RES. 140

At the request of Mr. ROBERTS, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. Res. 140, a resolution designating the week beginning September 15, 2002, as ''National Civic Participation Week.''

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BIDEN:

S. 1655. A bill to amend title 18, United States Code, to prohibit certain interstate conduct relating to exotic animals; to the Committee on the Judiciary.

Mr. BIDEN. Madam President, I rise today to introduce the Captive Exotic Animal Protection Act. This legislation was first introduced in the 104th Congress by former Senator Frank Lautenberg and I am pleased to be here today continuing his legacy.

The Captive Exotic Animal Protection Act would make it illegal to knowingly transfer, transport, or possess in interstate commerce of foreign commerce, a confined exotic mammal for the purposes of allowing the killing or injuring of that animal for entertainment or for the collection of a trophy. The bill protects exotic mammals that have been held in captivity for the shorter of a. the greater part of the animal's life, or b. a period of one year, whether or not the defendant knew the length of the captivity. This bill is intended to prevent the cruel and unsporting practice of what we have come to know as ''canned hunts.''

Words cannot describe a ''canned'' hunt. The images that I have seen,

footage taken surreptitiously at these ranches, provides evidence that the treatment of these animals is troubling. Today, at more than 1,000 commercial canned hunt operations across the country, trophy hunters pay a fee to shoot captive exotic animals, from African lions to giraffes, blackbuck antelope, assorted African goats and sheep, a Corsican ram, or a boar, in fenced-in enclosures. The hunting of these animals typically occurs in a fenced enclosure and is often in a ''guaranteed kill'' arrangement meaning that a hunter by virtue of the fact that he has paid his fee is assured of a kill.

Now hunting is a sport and if you ask any of the hunters in my home State of Delaware or elsewhere about this they will tell you that there is an ethic of hunting that involves consideration of fair chase, affording the animal the opportunity to evade or elude the hunter. Canned hunts, in fenced-in enclosures, weigh the odds so heavily in favor of the hunters that it essentially eliminates the fair chase component. In addition, these animals on hunting ranches are often fed by hand, in a sense domesticated, and have little or no fear of humans. They don't run when they see a human being in front of them. This practice is unfair and unsportsmanlike.

But it is not just about the fact that this practice is inhumane, there are also other concerns. Clustered in a captive setting at unusually high densities, confined exotic animals often attract disease more readily than more widely dispersed native species who roam freely. These exotics then interact with native species through fences, jeopardizing the health of deer, elk, and other native species. Animal disease places hunting programs and wildlife watching programs, that generate millions of dollars in economic activity, at risk.

While a number of States have taken action to prohibit the practice of canned hunts, California, Connecticut, Georgia, Indiana, Maryland, Massachusetts, Montana, Nevada, North Carolina, New Jersey, Oregon, Rhode Island, Washington, Wisconsin, and Wyoming have passed such statutes, that is only a small segment of the country. Unfortunately, the regulation of the transport and treatment of exotic animals on shooting preserves falls outside the traditional domains of State agriculture departments and State fish and games agencies. The Captive Exotic Animal Protection Act is specifically designed to address this problem, which directly involves an issue of interstate commerce.

This is sensible legislation that is backed by responsible hunters, animal protection advocates, wildlife scientists, environmentalists and zoological professionals. The Boone and Crockett Club and the Izaak Walton League of America, nationally recognized hunting clubs, have policy positions affirmatively opposing canned hunts. In addition, this legislation is supported by the Humane Society of the United States, the Doris Day Animal League, the Fund for Animals, and the Animal Protection Institute.

I want to say to my colleagues who may have questions about this legislation that the Captive Exotic Animal Protection Act is limited in its scope and purpose and will not limit the licensed hunting of any native mammals or any native or exotic birds. The bill is directed at true ''canned'' hunts and covers only exotic mammals, or those not historically indigenous to the United States. Birds, native or non-native, and indigenous mammals, such as white tail deer and bears, are not covered by the bill. This legislation is a federal remedy and proposed specifically to deal with the purely commercial interstate movement of exotic animals destined to be killed at canned hunting ranches.

I hope you will join me in supporting this legislation.

By Mr. FEINGOLD (for himself and Mr. HATCH):

S. 1656. A bill to provide for the improvement of the processing of claims for veterans compensation and pension, and for other purposes; to the Committee on Veterans' Affairs.

Mr. FEINGOLD. Madam President, I am proud today to introduce the Veterans Benefits Administration Improvement Act of 2001, a bill that aims to decrease the amount of time it takes the Veterans Benefits Administration, VBA, to process veterans' claims. I am pleased to be joined by the senior Senator from Utah, Senator HATCH. He had long been a strong advocate for our veterans.

In 1999, there were 309,000 backlogged claims at the VBA. Today, that number stands at 533,000. It now takes an average of 202 days to process disability compensation and pension claims. This figure is expected to grow to more than 270 days by 2002. Many of the claims that are awaiting action have been filed by World War II and Korean War veterans; our World War II veterans are dying at the rate of about 1,500 a day. The VBA must take action to improve this dismal record.

I have traveled throughout Wisconsin and met with veterans. This problem is consistently one of their top concerns. They are angry and frustrated, with justification, about the amount of time it takes for the VBA to process their claims. In some instances, veterans are waiting well over a year. Telling the men and women who served their country in the armed forces that they ''just have to wait'' is wrong and unacceptable.

The VBA Improvement Act will require the Secretary of Veterans Affairs to submit a comprehensive plan to Congress for the improvement of the processing of claims for veterans compensation and pension. In addition, every six months afterwards the Secretary must report to Congress about the status of the program.

While I am pleased that Secretary Principi has acknowledged that improving claims processing is a priority for the VA, nevertheless it is time for Congress to hold the Department of Veterans Affairs accountable. Our veterans are unable to wait for additional recommendations from more reports or task forces. It is time for Congress to hold the VA accountable. Our veterans deserve no less.

By Mr. SCHUMER (for himself, Mr. DEWINE, and Mr. HATCH):

S. 1658. A bill to improve Federal criminal penalties on false information and terrorist hoaxes; to the Committee on the Judiciary.

Mr. SCHUMER. Madam President, today Senator DEWINE and I are introducing a bill that will address what has sadly become a very serious problem. Since September 11, the number of terrorist hoaxes has increased dramatically.

The bill that we introduce today would fill a gap in the law by explicitly making the commission of a terrorist hoax illegal and punishable by up to five years in jail.

The last seven weeks have been difficult for all Americans. By nature, we Americans are tough. But many of us, myself included, are also a little more anxious than usual. That is understandable. But what is not understandable, in fact what is barely conceivable, is that some people think it is funny to take advantage of that fear.

Each terrorist hoax means a waste of valuable law enforcement time and scarce resources.

Our police officers and the FBI are already working around the clock to catch and arrest everyone involved in the September 11 attack, to find the perpetrators of the anthrax attacks, and to prevent future attacks from taking place.

Wasting law enforcement's time and resources by committing terrorist hoaxes takes away from their ability to protect us. So in many ways, committing a terrorist hoax is an extension of terrorism itself.

Beyond that, each terrorist hoax mocks the loss of thousands of lives in the September 11 attack and the recent deaths from anthrax.

In the first three weeks of October alone, the FBI has responded to more than 3,300 cases relating to weapons of mass destruction, including 2,500 threat assessments involving suspected anthrax incidents. Normally, they deal with 250 of these cases in an entire year. The last thing the FBI and the police have time for is a terrorist hoax.

Unfortunately, many of my fellow New Yorkers can attest to the fear and the commitment of resources caused by one of these terrorist hoaxes.

In Nassau County, on October 16, a Federal Express deliveryman placed a white powdery substance inside a computer package. That led to an understandably frantic phone call. Seven officers and three vehicles were dispatched in response to this anthrax hoax.

On October 26, a Staten Island man sent a threatening letter in a powder-laced envelope to his girlfriend.

An apparent hoax diverted a Dallas-bound American Airlines flight from New York's LaGuardia Airport to Washington, DC's Dulles Airport on October 29 after a threatening note was found on board. The passengers and flight crew were all forced to evacuate on the runway. The impact on the entire airport's operations were disrupted, and the entire national air traffic control system had to deal with this.

On October 17, a 17-year-old brought an envelope with the words ''Death to All Who Open This'' to Kingston High School in the Hudson Valley. The envelope contained white, powdery material. According to school officials, approximately 3,000 students and staff were held in lock-down for 90 minutes while some 50 local police, fire, and emergency response personnel assessed the situation.

Now more than ever, we need to send a loud and clear message to the perpetrators of hoaxes of all kinds: Your behavior is wrong. It is disgusting. And it is a serious crime.

The legislation that Senator DEWINE and I are introducing today sends that message.

Anyone convicted of committing a hoax terrorist attack involving a fake explosive incendiary, biological, chemical, or nuclear device, or falsely reporting one of these attacks, will be punished by a prison sentence of up to five years as well as stiff monetary fines.

In addition, anyone convicted of committing a terrorist hoax would be held responsible for reimbursement for all expenses resulting from the hoax.

This bill makes it clear that committing a terrorist hoax is no laughing matter.

My hope is that by sending a strong message today and in the weeks to come, those who are thinking about committing a terrorist hoax will think twice before diverting the police and FBI from focusing all of their time and energy on protecting us from real threats, and before another hoax puts us on edge, yet again.

Mr. DEWINE. Madam President, I rise today to discuss a distressing problem facing our citizens, our Nation's law enforcement officers, and our public health officials. This problem is the growing threat of bioterrorism and other weapons of mass destruction—both real and perceived.

The recent bioterrorist attacks affecting the media, Congress, and the U.S. Postal Service have spawned a great number of anthrax hoaxes across the Nation. These hoaxes, aside from adding to the widespread public panic over terrorism, have created another serious problem: They are taxing our already strained emergency management and public health resources, which are vital to protect our national security.

Suprisingly, there is no existing Federal code that directly prohibits biological, chemical, or nuclear weapon hoaxes. Therefore, there is no Federal law that directly punishes the current anthrax hoaxes. These acts waste scarce Federal resources, negatively affecting interstate commerce and national security interests. Yet, there is no Federal law on the books to prosecute these offenders.

In all likelihood, the current anthrax hoaxes will be prosecuted under a provision for ''mailing threatening communications'' or threatening the ''use of certain weapons of mass destruction,'' 18 USC 876, 2332a. The problem with prosecuting the anthrax hoaxes under these statutes is that they require the prosecutor to prove that the offender has crossed a threshold of threatening language. But what constitutes sufficiently threatening language?

Unfortunately, not all of these hoaxes meet this threshold. For example, under current law, it is difficult to prosecute the acts of an eighth-grade science teacher in Ohio. This teacher placed powered lime in a school envelope and attempted to mail it through the postal system to her brother in another city. The envelope was found en route at the school, before it could leave the building. The school was evacuated, frightening hundreds of already shaken children and parents. Emergency management teams wasted valuable time and resources testing the site.

Right now, this woman faces a State charge of inducing panic. That is it; no other charges are pending. There is no clear Federal law on the books to prosecute her offense, because there was no threat. Had there been an actual incident where anthrax was released while police and emergency crews were tied up looking into this hoax, who knows how widespread the damage could have been. Many people could have been infected in the time that it took emergency crews to clear up this ''joke.''

So far, the U.S. Postal Service reports that it has evacuated over 353 postal facilities for varying amounts of time as a result of more than 8,600 hoaxes, threats, and suspicious incidents related to anthrax since just mid-October. That is an average of 578 a day for an agency used to dealing with only a few hundred such calls a year. In my home State of Ohio, alone, health officials have tested nearly 800 suspicious specimens from around the State, but have found no anthrax or other dangerous substances. A significant number of those reports appear to have been hoaxes. On a national scale, the financial and physical strain imposed by hoaxes on our national law enforcement and public health systems have been enormous. In regard to our citizens, these pranks cause great panic and are really acts of terrorism.

That is why, along with my colleagues, Senator SCHUMER and Ranking Member HATCH, I have introduced a bill that would create a new crime for hoaxes involving the purported use of a weapon of mass destruction. This bill will prohibit any conduct that gives the false impression that a biological, chemical, or nuclear weapon may be used, when it is reasonable to assume that there will be an emergency response. The required conduct may involve the communication of information, whether in written or verbal form, as well as physical actions. Under our bill, there is no legal burden to identify a specific threat. For example, we would be able to prosecute someone who mails an envelope of white powder with a note that says, ''Smile, you have been exposed to anthrax.''

Furthermore, anyone convicted under this bill would be responsible for the reimbursement of expenses incurred in responding to a hoax, including the cost of any response by any Federal military or civilian agency to protect public health or safety during the course of an investigation. Convicted cohorts also would share in financial liability for such a hoax.

The Ohio Department of Health, alone, has spent more than $500,000 of the taxpayers' money investigating false anthrax claims—a large percentage of which were hoaxes. This bill would discourage hoaxes, while helping to alleviate the financial burden that these pranks and false reports are imposing on our Federal, State, and local government agencies.

It is indeed shocking that some people want to capitalize on the recent horrific acts of terrorism in order to play a joke or intentionally cause widespread panic, or worse, inflict physical harm. Unfortunately, this is the reality we confront today. To deal with this threat, we need to give our Federal Government the necessary tools to prosecute those who would stage these hoaxes and disrupt the sense of normalcy that we have all struggled to recover since September 11th.

By Mr. HUTCHINSON (for himself and Mr. SESSION):

S. 1659. A bill to provide criminal penalties for communicating false information and hoaxes; to the Committee on the Judiciary.

Mr. HUTCHINSON. Madam President, I ask unanimous consent that a copy of the Terrorist Hoax Costs Recovery Act of 2001, which I am introducing today be printed in the RECORD.

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

S. 1659

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 ''Terrorist Hoax Costs Recovery Act of 2001''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the expert resources available to the Government to deal with Federal crimes involving actual or potential chemical, biological, and nuclear weapons are limited;

(2) false reporting of such crimes almost invariably requires the attention of Federal investigative, scientific, and public health officers and employees, thereby needlessly diverting them from work that is vital to the national security and dangerously impairing the Government's ability to deal with real situations;

(3) recent episodes amply demonstrate that even isolated false reports can have a substantial adverse effect on interstate and foreign commerce, causing needless worry or even panic in the general public, and encouraging copycat episodes; and

(4) a comprehensive prohibition on such false reports is necessary to preserve scarce and vital Federal resources, to avoid substantial adverse effects on interstate and foreign commerce, and to protect the national security of the United States.

SEC. 3. PROHIBITION.

(a) PROHIBITION ON HOAXES.—Chapter 41 of title 18, United States Code, is amended by adding after section 880 the following:

"§ 881. False information and hoaxes

''(a) CRIMINAL VIOLATION.—Whoever communicates information, knowing the information to be false and under circumstances in which such information may reasonably be believed, concerning the existence of activity which would constitute a violation of section 175, 229, or 831 shall be fined under this title or imprisoned not more than 5 years, or both.

''(b) CIVIL PENALTY.—Whoever communicates information, knowing the information to be false, concerning the existence of activity which would constitute a violation of section 175, 229, or 831 is liable to the United States for a civil penalty of the greater of $10,000 or the amount expended by the United States incident to the investigation of such conduct, including the cost of any response made by any Federal military or civilian agency to protect public health or safety.

''(c) REIMBURSEMENT OF COSTS.—

''(1) CONVICTED DEFENDANT.—The court, in imposing a sentence on a defendant who has been convicted of an offense under subsection (a), shall order the defendant to reimburse the United States for any expenses incurred by the United States incident to the investigation of the commission by that person of such offense, including the cost of any response made by any Federal military or civilian agency to protect public health or safety.

''(2) JOINTLY AND SEVERALLY LIABLE.—A person ordered to reimburse the United States for expenses under this subsection shall be jointly and severally liable for such expenses with each other person, if any, who is ordered under this subsection to reimburse the United States for those expenses.''.

(b) CONFORMING AMENDMENT.—The analysis of chapter 41 of title 18, United States Code, is amended by adding after the item for section 880 the following:

''881. False information and hoaxes.''.

By Mrs. FEINSTEIN (for herself and Mr. KYL):

S. 1661. A bill to set up a certification system for research facilities that possess dangerous biological agents and toxins, and for other purposes; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Madam President, I rise to introduce legislation, cosponsored by Senator KYL, to prohibit individuals from possessing anthrax, smallpox, and three dozen other of the most dangerous biological agents and toxins.

To date, 17 people have confirmed anthrax infections, four of whom died from inhalation anthrax. This toll, though tragic, could have grown exponentially if the perpetrators had used a more sophisticated delivery system.

Despite anthrax's and other agents' potential for weaponization, our government does not keep track of who possesses them. No special certification is required to possess these agents. Nor are background checks conducted on the laboratory personnel who handle or have access to these agents.

This situation must change.

The legislation I am introducing expands upon the antiterrorism bill Congress passed and the President signed just days ago. That bill prohibited an individual from possessing anthrax or other potential weapons of bioterror unless the individual could show legitimate purpose for holding the substance once caught. This standard of ''legitimate purpose;' is not defined, and will put the burden on courts and law enforcement to determine what a ''legitimate purpose'' is.

The fact is that current law still does not adequately prevent individual possession of these dangerous agents.

During a hearing in the Technology and Terrorism Subcommittee of the Judiciary Committee yesterday, it became clear to those of us on the committee that law enforcement does not know who has anthrax, where it is stored, or what is being done with it.

When asked if domestic laboratories were the source of the anthrax sent to Senator DASCHLE's office, the FBI witness said the FBI didn't know.

When asked how many labs in the United States handle anthrax or are capable of developing the highly refined anthrax used in the Daschle letter, the FBI answered again that it did not know.

When asked how many labs in the United States handle anthrax or are capable of devlopoing the highly refined anthrax used in the Daschle letter, the FBI answered again that it did not know.

And the same goes for more than three dozen other dangerous agents like small pox, ebola virus, and ricin.

Under our legislation, no individual could possess any of these dangerous agents, period.

Any medical or research lab wishing to possess or use these dangerous agents must first be certified by the United States Department of Health and Human Services.

Individuals in those labs who handle or who have access to these agents must undergo background checks, and the labs themselves must institute strict safety precautions.

And every single research lab, medical office, or other entity wishing to possess any one of these 40 some agents ruled dangerous by the CDC must demonstrate to the Secretary a legitimate purpose for that possession.

The purpose of the legislation is to assure that law enforcement and public health officials know much more about who has these agents, where and how they are stored, and what is being done with them.

Right now, we do not have this information.

Moreover, the bill will make it harder for terrorists to get access to these agents by requiring background checks and assuring that labs possessing these agents have adequately security safeguards.

I can think of no legitimate reason why an ordinary person needs to possess his or her personal cache of anthrax, small pox, or ebola virus.

According to the calculations of some experts, biological weapons are pound for pound potentially more lethal even than thermonuclear weapons.

For instance, a 1993 report by the U.S. Congressional Office of Technology Assessment estimated that between 130,000 and 3 million deaths could follow the aerosolized release of 100 keg of anthrax spores upwind of the Washington, DC area—lethally matching or exceeding that of a hydrogen bomb.

It is time to acknowledge that we live in a world where the government must take responsibility in protecting the public from those who would misuse these materials. No longer can we stand by and let the balance tip towards free possession of dangerous, even deadly, biological agents.

I urge my colleagues to support this bill

By Mr. FEINGOLD:

S. 1664. A bill to require country of origin labeling of raw agricultural forms of ginseng, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. FEINGOLD. Madam President, I rise today to introduce legislation that addresses the increased amount of smuggled and mis-labeled ginseng entering this country.

This legislation is similar to a bill that I introduced in the last Congress, but is strengthened with a number of provisions based on the suggestions from ginseng growers and the Ginseng Board of Wisconsin.

In addition to proposing a refined process of country-of-origin labeling for ginseng products, my new legislation closes a loophole in the regulations governing dietary supplements, where producers of products other than ginseng are currently advertising them as a type of ginseng.

In order to coordinate the efforts to eliminate the practice of ginseng smuggling, this legislation also requires the Department of Justice, EPA, and other Federal agencies to coordinate their efforts to crack down on smuggled ginseng, which often contains pesticides that are banned for use in the United States.

Chinese and Native American cultures have used ginseng for thousands

of years for herbal and medicinal purposes.

In America, ginseng is experiencing a newfound popularity, and I am proud to say that my home State of Wisconsin is playing a central role in ginseng's resurgence.

Wisconsin produces 97 percent of the ginseng grown in the United States, and 85 percent of the country's ginseng is grown in Marathon County.

The ginseng industry is a economic boon to Marathon County, as well as an example of the high quality for which Wisconsin's agriculture industry is known.

Wisconsin ginseng commands a premium price in world markets because it is of the highest quality and because it has a lower pesticide and chemical content.

With a huge market for this high-quality ginseng overseas, and growing popularity for the ancient root here at home, Wisconsin's ginseng industry should have a prosperous future ahead.

Unfortunately, the outlook for ginseng farmers is marred by a serious problem—smuggled and mislabed ginseng. Wisconsin ginseng is considered so superior to ginseng grown abroad that smugglers will go to great lengths to label ginseng grown in Canada or Asia as ''Wisconsin-grown.''

Here's how the switch takes place: Smugglers take Asian or Canadian-growing ginseng and ship it to plants in China, allegedly to have the ginseng sorted into various grades.

Whle the sorting process is itself a legitimate part of distributing ginseng, smugglers often use it as a ruse to switch Wisconsin ginseng with the Asian or Canadian ginseng considered inferior by consumers.

The smugglers know that while Chinese-grown ginseng has a retail of about $5–$6 per pound, while Wisconsin-grown ginseng is valued at roughly $16–$20 per pound.

To make matters even tougher for Wisconsin's ginseng farmers, there is no accurate way of testing ginseng to determine where it was grown, other than testing for pesticides that are legal in Canada and China but are banned in the United States.

And in some cases, smugglers can even find ways around the pesticide tests. Last year, a ConsumerLab.com study confirmed that much of the ginseng sold in the U.S. contained harmful chemicals and metals, such as lead and arsenic.

That is because the majority of ginseng sold in the U.S originates from countries with lower pesticide standards, so it's vitally important that consumers know which ginseng is really grown in Wisconsin.

Some domestic and foreign countries are also labeling certain products as ginseng when they are in fact a distinctly different product. Due to a loophole in the regulations governing dietary supplements, products other than ginseng are currently advertising themselves as a type of ginseng. For example, some products claim to include a product known as ''Siberian Ginseng,'' which is actually Eleu therococcus, a bush that is a distinctly different product from ginseng.

Ginseng is a root, not a bush, and consumers have the right to know that when they reach for a high quality ginseng product, they are buying just that—gingseng, not some ground up bush.

For the sake of ginseng farmers and consumers, the U.S. Senate must crack down on smuggled and mislabeled ginseng.

Without adequate labeling, consumers have no way of knowing the most basic information about the ginseng they purchase, where it was grown, what quality or grade it is, or whether it contains dangerous pesticides.

My legislation proposes some common sense steps to address two of the challenges facing the ginseng industry, and none of these proposals costs the taxpayers a dime.

The first section requires mandatory country of origin labeling at the port of entry, to prevent the practice of mixing foreign ginseng with domestic ginseng. This would allow buyers of ginseng to more easily prevent foreign companies from mixing foreign produced ginseng with ginseng produced in America. The country of origin labeling is a simple but effective way to enable consumers to make an informed decision.

This legislation also closes a loophole in U.S. law that allows products other than ginseng to advertise themselves as a type of ginseng. Under my proposal, when a consumer purchases a product labeled as containing ginseng, they will know what they are buying.

This legislation also requires the Department of Justice, EPA, and other Federal agencies to coordinate their efforts to crack down on smuggled ginseng, which often contains pesticides that are banned for use in the United States. The lax enforcement of smuggled ginseng also puts our producers on an unfair playing field. The mixing of superior Wisconsin ginseng with lower quality foreign ginseng root penalizes the grower and eliminates the incentive to provide the consumer with a superior product.

We must give ginseng growers the support they deserve by implementing these common sense reforms that also help consumers make informed choices about the ginseng that they consume.

We must ensure when ginseng consumers reach for a quality ginseng product, such as Wisconsin grown ginseng, that they are getting the real thing, not a cheap imitation.

By Mr. BIDEN (for himself and Mr. HATCH):

S. 1665. A bill to amend title 18, United States Code, with respect to false information regarding certain criminal violations concerning hoax reports of biological, chemical, and nuclear weapons; to the Committee on the Judiciary.

Mr. BIDEN. Madam President, I rise today to introduce the Protection Against Terrorist Hoaxes Act of 2001. I am honored to have the ranking member of the Judiciary Committee, Senator HATCH, as an original co-sponsor of this legislation. This bill would amend title 18 of the United States Code to, for the first time, make it a Federal crime to knowingly make a hoax report, involving a biological, chemical, nuclear weapon, or other weapon of mass destruction. Likewise, it would make it a criminal offense to knowingly send such a hoax weapon to another.

Since the unspeakable terrorist attacks of September 11, our nation has witnessed a mind-boggling number of anthrax hoax reports. This in turn has triggered an equally large number of reports of suspected biological agents. No part of the Nation has been spared, and my home State of Delaware has had several hundred reports of possible biological agents. Just this week, the FBI reported to Congress the staggering statistic involving these bioterrorism hoaxes and other reports of suspected biological agents. Prior to September 11, the FBI had responded to about 100 cases involving potential use of ''weapons of mass destruction,'' 67 of which involved alleged biological weapons. Since mid-September, however, that number has increased by 3,000 percent! As of today, the FBI reported that they have responded to 7,089 suspicious anthrax letters alone, 950 incidents involving other suspected weapons of mass destruction, and an estimated 29,331 telephonic calls from the public about suspicious packages.

The good news is that most of these reports were hoaxes, or reports made by well-meaning people whose suspicions were raised. The bad news is that any hoax reports were made in the first place, triggering panic on the part of the public, and often forcing the Federal, state, and local governments to waste valuable time and resources responding to them. In one particularly egregious case, it has been reported that an employee of the Connecticut Department of Environmental Protection falsely reported to security that he had found a yellowish-white powder on his desk with the misspelled label ''ANTHAX.'' The employee, a 48-year-old solid waste management analyst, knew the material was not toxic, it was determined to be coffee creamer, but persisted in the false account. 800 State employees were evacuated from the building for 2 days while law enforcement officials tested the building, at a cost of $1.5 million in lost workers' time, another $40,000 in decontamination costs, and an undisclosed amount of money spent on rescue and law enforcement. The employee is being charged in Federal court, not for the hoax report, but for lying to Federal officials after the fact.

Indeed, the Justice Department reported to Congress this week that

there is a gap in the existing Federal law regarding the prosecution of bioterrorism hoaxes. That is, while it is a crime to threaten to use, for example, anthrax as a weapon against another person, it is not a crime to make a hoax anthrax report. Accordingly, the Justice Department called upon Congress this week to enact legislation which specifically addresses hoaxes which involve purported biological substances, as well as chemical, nuclear and other weapons of mass destruction.

We should answer that call and act now to give the law enforcement the tools they need to combat these despicable crimes. I introduced a bioterrorism bill, S. 3202, in the 106th Congress which contained an anti-hoax provision. Had that bill been enacted into law, Federal prosecutors would have the means to prosecute bioterrorism hoaxes. The need for a Federal anti-hoax provision has never been more clear than in the last several weeks. The Federal interest is indisputable, as States and localities are simply not equipped with the expertise or resources to evaluate and respond to these hoaxes. A comprehensive prohibition on such false reports is necessary to preserve scarce and vital federal resources.

Accordingly, as chairman of the Judiciary Subcommittee on Crime and Drugs, I introduce a bill today which contains both criminal provisions and civil penalties for the hoax reporting of bioterrorism incidents. My bill simply says that if you knowingly engage in conduct, such as deliberately sending baking powder through the mail to your Congressman or calling 911 to falsely report the presence of anthrax in a public building, that is likely to create the false impression concerning the presence of anthrax, or other similar things, that you have committed a Federal offense, punishable by up to 5 years in jail. Moreover, such a person may be fined the greater of either $10,000 or the amount of money expended by the government to respond to the false information. Finally, such a person may also be ordered to reimburse the government if costs were incurred in responding to the false hoax. Let me be clear, this bill will not target innocent mistakes or people who make a report concerning a suspected substance; it is aimed, rather, at deliberate hoax reports by those who know they are spreading false information.

I have said many times on the floor of this body that the terrorists win if they succeed in sowing seeds of panic into our daily lives. We cannot and will not let that happen. Similarly, we will not let these hoaxers get away with words and deeds which have the same effect.

By Mr. LEAHY:

S. 1666. A bill to prevent terrorist hoaxes and false reports; to the Committee on the Judiciary.

Mr. LEAHY. Madam President, I rise to introduce the Anti-Terrorist Hoax and False Report Act of 2001. The bill would provide a new tool for law enforcement to deal with the problem of serious hoaxes and malicious false reports relating to the use of weapons of mass destruction, or biological, chemical, or nuclear weapons. These so-called ''hoaxes'' inflict both mental and economic damage on victims. They drain away scarce law enforcement resources from the investigation of real terrorist activity. They interrupt vital communication facilities. Finally, they feed a public fear that the vast majority of law abiding Americans are working hard to dispel.

Federal, State, and local law enforcement already have statutes which they have been using aggressively to prosecute those who have taken advantage of these times to perpetrate hoaxes about anthrax contamination. Existing statutes create serious penalties for threats to use biological, chemical, or nuclear weapons, for sending any threatening communication through the mail, or for making a willful false statement to federal authorities.

For example 18 U.S.C. §§175, 229, 2332a, and 831 all have their own threat provisions punishable by up to life imprisonment. In addition, 18 U.S.C. §876 makes it a five year felony to mail a threatening communication of any type; and 18 U.S.C. §1001 makes it a five year felony to willfully make any false statement, or even willfully omit a material fact in a matter under the jurisdiction of a federal agency.

In a recent Subcommittee hearing of the Judiciary Committee, James T. Caruso, the Deputy Assistant Director of the FBI's Counter-terrorism Division, stated that there are at least 11 Federal hoax cases which have actually been charged under existing statutes since September 11, 2001. Just last week a Federal conviction was obtained in Oakland, California under 18 U.S.C. §175, which carries a statutory maximum penalty of life imprisonment, for an anthrax hoax which occurred back in January of 1999. Thus, existing Federal statutes are already being employed to prosecute these cases when Federal prosecution is appropriate. In addition, numerous State provisions are available and are being used to prosecute these cases at the State and local level.

Indeed, current Federal threat laws do not require that the defendant have either the intent or present ability to carry out a threat, which enables prosecutors to use such laws to prosecute these serious hoaxes. At the same terrorism hearing, Deputy Assistant Director Caruso made it clear that authorities are able to prosecute even ''non-credible'' threats under current Federal laws. However, while they carry high penalties, including a maximum of life imprisonment, at the same hearing James Reynolds, from the Department of Justice's Section on Terrorism and Violent Crime, indicated that these statutes can sometimes be awkward when applied in the hoax context.

What this bill provides, is a well tailored statute that deals specifically with the problem of biological, chemical, mass destruction, and nuclear ''hoaxes'', that is, actions taken with the malicious intent to deceive the victim. For instance, it gives prosecutors a means to distinguished between a person who is actually threatening to use anthrax on a victim on one hand, and a person who never intends to use it, but truly wants the victim or the police to think they have done so, on the other. In the later case the statute creates a new five year felony.

The bill requires that the defendant act ''knowingly and maliciously,'' so that we do not federalize juvenile pranks or the misguided though innocent spreading of rumors. For instance, a local prosecutor in Chicago recently placed an envelope containing sugar on a colleague's desk. He was administratively punished by being forced to resign from his job. In Utah, a disabled miner was charged locally because he put sugar and Nesquik into a junk mail envelope. In Anne Arundel County, MD, two juveniles were arrested after they placed powder in an envelope and did not even mail it, but it was found by someone else and reported, engendering an unintended emergency response. In Ohio, a security guard ''super-glued'' a telephone in a county welfare building, and when the glue left a powdery residue it caused a anthrax scare. In Williamsport, PA a firefighter is being prosecuted locally on a felony charge for claiming that he received a letter containing white powder at his home. These types of incidents do not merit a lengthy term in Federal prison. As the examples I have listed above demonstrate, we have appropriately serious ways to deal with cases when Federal criminal prosecution is not needed.

Indeed, law enforcement agencies or private companies of the conduct ''readiness testing'' so that they will be able to deal with serious chemical or biological weapon threats. For instance, three weeks ago a Kentucky sheriff conducted such a readiness drill by leaving an envelope filled with crushed aspirin on a desk at a county courthouse in order to test the response. Requiring a malicious mens rea will ensure also that we do not criminalize or chill this type of admirable proactive effort. In sum, malicious acts deserve Federal felony prosecution; innocent bad judgment and juvenile behavior do not, and neither do laudable efforts by police and private actors to preserve readiness for biological or chemical attack.

Another provision in the bill would provide for mandatory restitution to any victim of these crimes, including the costs of any and all government response to the hoax. An earlier Administration proposal, offered during the debate over the terrorism bill, would have limited such restitution to only the federal government. As we know all too well from recent events, however,

it is state and local authorities, along with private victims, who are often the first responders and primary victims when these incidents occur. This bill would provide a mechanism so that they too can be reimbursed for their expenses.

For all of these reasons, I am pleased to introduce this legislation and I urge its swift enactment into law.

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. 1666

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 ''Anti Terrorist Hoax and False Report Act of 2001''.

SEC. 2. HOAXES, FALSE REPORTS, AND RESTITUTION.

(a) IN GENERAL.—Chapter 41 of title 18, United States Code, is amended by inserting after section 880 the following:

''§ 881. Terrorist Hoaxes and False Information

''(a) IN GENERAL.—Whoever knowingly and maliciously imparts, conveys, or communicates information or material, knowing the information or material to be false or fraudulent, and under circumstances in which such information or material may reasonably be believed and is reasonably likely to cause any response by a Federal, State, or local government agency, concerning the existence of activity that would constitute a violation of section 175, 229, 2332a, or 831 of this title, shall be fined under this title or imprisoned not more than 5 years, or both.

''(b) RESTITUTION.—Notwithstanding and in addition to sections 3663, or 3663A of this title and any other civil or criminal penalty authorized by law, the court shall order—

''(1) restitution to all victims of an offense under subsection (a), including any losses suffered by a victim as a proximate result of the offense; and

''(2) the defendant to reimburse all Federal, State, and local government, entities for any expenses incurred in response to the offense to protect public health or safety.''.

(b) CHAPTER ANALYSIS.—The chapter analysis for chapter 41 of title 18, United States Code, is amended by inserting at the end the following:

''881. Terrorist hoaxes and false information.''.

By Mr. DOMENICI:

S. 1667. A bill to ensure that nuclear energy continues to contribute to the supply of electricity in the United States; to the Committee on Energy and Natural Resources.

Mr. DOMENICI. Madam President, I rise to introduce a modified version of my Nuclear Energy Electricity Supply Assurance Act of 2001. When I first introduced this measure, S. 472, it contained a provision known as Section 127, relating to special demonstration projects for the uranium mining industry.

This section was intended to create cooperative, cost-shared, agreements between the Department of Energy and the domestic uranium industry to identify, test, and develop improved in-situ leaching mining technologies. In addition, I intended that this initiative apply to low-cost environmental restoration that may be applied to sites after completion of in-situ leaching operations. Finally, Sec. 127 was intended to fund competitively-selected demonstration projects with the domestic uranium mining industry relating to enhanced production with improved environmental protection, restoration of well fields, and decommissioning and decontamination activities.

I believe that the intent and spirit of Sec. 127 still have substantial merit. I hope that we can provide incentives for improved mining techniques and improved environmental restoration. However, Sec. 127 was subject to substantial mis-interpretation, especially among many people in the Navajo Nation in northwest New Mexico. It was claimed that this Section was directed toward helping a single company that might use it to expand in-situ mining near the Navajo Nation's borders. It was further claimed that such an approach might over a long period of time contaminate drinking water in the area.

At no time was my bill intended to help any specific company. At no time did we intend anything other than improving environmental restoration and giving some hope to the domestic uranium industry that it might find an environmentally sound way to produce more domestic product.

However, after discussing this issue with the president of the Navajo Nation and other members of the nation, I have decided that the best course, in order to put to rest all of the concerns expressed, is to simply strike Section 127 from my bill. I should add that some members of the Navajo Nation supported Section 127; but, the clear message from my friends on the Navajo Nation is that they would prefer, in order to avoid any confusion, that I delete Section 127 from my bill.

Thus, the modified Act that I introduce today is identical to S. 471, with the exception that I have deleted entirely Section 127, relating to special demonstration projects. I talked to the president of the Navajo Nation this afternoon and he thanked me for this action.

Madam President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1667

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Nuclear Energy Electricity Supply Assurance Act of 2001''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.

TITLE I—SUPPORT FOR CONTINUED USE OF NUCLEAR ENERGY

Subtitle A—Price-Anderson Amendments

Sec. 101. Short title.
Sec. 102. Indemnification authority.
Sec. 103. Maximum assessment.
Sec. 104. Department of Energy liability limit.
Sec. 105. Incidents outside the United States.
Sec. 106. Reports.
Sec. 107. Inflation adjustment.
Sec. 108. Civil penalties.
Sec. 109. Applicability.

Subtitle B—Leadership of the Office of Nuclear Energy, Science, and Technology and the Office of Science

Sec. 111. Assistant Secretaries.

Subtitle C—Funding of Certain Department of Energy Programs

Sec. 121. Establishment of programs.
Sec. 122. Nuclear energy research initiative.
Sec. 123. Nuclear energy plant optimization program.
Sec. 124. Uprating of nuclear plant operations.
Sec. 125. University programs.
Sec. 126. Prohibition of commercial sales of uranium and conversion held by the Department of Energy until 2006.
Sec. 127. Maintenance of a viable domestic uranium conversion industry.
Sec. 128. Portsmouth gaseous diffusion plant.
Sec. 129. Nuclear generation report.

TITLE II—CONSTRUCTION OF NUCLEAR PLANTS

Sec. 201. Establishment of programs.
Sec. 202. Nuclear plant completion initiative.
Sec. 203. Early site permit demonstration program.
Sec. 204. Nuclear energy technology study for Generation IV Reactors.
Sec. 205. Research supporting regulatory processes for new reactor technologies and designs.

TITLE III—EVALUATIONS OF NUCLEAR ENERGY

Sec. 301. Environmentally preferable purchasing.
Sec. 302. Emission-free control measures under a State implementation plan.
Sec. 303. Prohibition of discrimination against emission-free electricity projects in international development programs.

TITLE IV—DEVELOPMENT OF NATIONAL SPENT NUCLEAR FUEL STRATEGY

Sec. 401. Findings.
Sec. 402. Office of spent nuclear fuel research.
Sec. 403. Advanced fuel recycling technology development program.

TITLE V—NATIONAL ACCELERATOR SITE

Sec. 501. Findings.
Sec. 502. Definitions.
Sec. 503. Advanced Accelerator Applications Program.

TITLE VI—NUCLEAR REGULATORY COMMISSION REFORM

Sec. 601. Definitions.
Sec. 602. Office location.
Sec. 603. License period.
Sec. 604. Elimination of foreign ownership restrictions.
Sec. 605. Elimination of duplicative antitrust review.
Sec. 606. Gift acceptance authority.
Sec. 607. Authority over former licensees for decommissioning funding.
Sec. 608. Carrying of firearms by licensee employees.

Sec. 609. Cost recovery from Government agencies.
Sec. 610. Hearing procedures.
Sec. 611. Unauthorized introduction of dangerous weapons.
Sec. 612. Sabotage of nuclear facilities or fuel.
Sec. 613. Nuclear decommissioning obligations of nonlicensees.
Sec. 614. Effective date.

SEC. 2. FINDINGS.

Congress finds that—

(1) the standard of living for citizens of the United States is linked to the availability of reliable, low-cost, energy supplies;

(2) personal use patterns, manufacturing processes, and advanced cyber information all fuel increases in the demand for electricity;

(3) demand-side management, while important, is not likely to halt the increase in energy demand;

(4)(A) nuclear power is the largest producer of essentially emission-free electricity;

(B) nuclear energy is one of the few energy sources that controls all pollutants;

(C) nuclear plants are demonstrating excellent reliability as the plants produce power at low cost with a superb safety record; and

(D) the generation costs of nuclear power are not subject to price fluctuations of fossil fuels because nuclear fuels can be mined domestically or purchased from reliable trading partners;

(5) requirements for new highly reliable baseload generation capacity coupled with increasing environmental concerns and limited long-term availability of fossil fuels require that the United States preserve the nuclear energy option into the future;

(6) to ensure the reliability of electricity supply and delivery, the United States needs programs to encourage the extended or more efficient operation of currently existing nuclear plants and the construction of new nuclear plants;

(7) a qualified workforce is a prerequisite to continued safe operation of—

(A) nuclear plants;

(B) the nuclear navy;

(C) programs dealing with high-level or low-level waste from civilian or defense facilities; and

(D) research and medical uses of nuclear technologies;

(8) uncertainty surrounding the costs associated with regulatory approval for siting, constructing, and operating nuclear plants confuses the economics for new plant investments;

(9) to ensure the long-term reliability of supplies of nuclear fuel, the United States must ensure that the domestic uranium mining, conversion, and enrichment service industries remain viable;

(10)(A) technology developed in the United States and worldwide, broadly labeled as the Generation IV Reactor, is demonstrating that new designs of nuclear reactors are feasible;

(B) plants using the new designs would have improved safety, minimized proliferation risks, reduced spent fuel, and much lower costs; and

(C)(i) the nuclear facility infrastructure needed to conduct nuclear energy research and development in the United States has been allowed to erode over the past decade; and

(ii) that infrastructure must be restored to support development of Generation IV nuclear energy systems;

(11)(A) to ensure the long-term viability of nuclear power, the public must be confident that final waste forms resulting from spent fuel are controlled so as to have negligible impact on the environment; and

(B) continued research on repositories, and on approaches to mitigate the toxicity of materials entering any future repository, would serve that public interest; and

(12)(A) the Nuclear Regulatory Commission must continue its stewardship of the safety of our nuclear industry;

(B) at the same time, the Commission must streamline processes wherever possible to provide timely responses to a wide range of safety, upgrade, and licensing issues;

(C) the Commission should conduct research on new reactor technologies to support future regulatory decisions; and

(D) a revision of certain Commission procedures would assist in more timely processing of license applications and other requests for regulatory action.

SEC. 3. DEFINITIONS.

In this Act:

(1) COMMISSION.—The term ''Commission'' means the Nuclear Regulatory Commission.

(2) EARLY SITE PERMIT.—The term ''Early Site Permit'' means a permit for a site to be a future location for a nuclear plant under subpart A of part 52 of title 10, Code of Federal Regulations.

(3) NUCLEAR PLANT.—The term ''nuclear plant'' means a nuclear energy facility that generates electricity.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

TITLE I—SUPPORT FOR CONTINUED USE OF NUCLEAR ENERGY

Subtitle A—Price-Anderson Amendments

SEC. 101. SHORT TITLE.

This subtitle may be cited as the ''Price-Anderson Amendments Act of 2001''.

SEC. 102. INDEMNIFICATION AUTHORITY.

(a) INDEMNIFICATION OF NUCLEAR REGULATORY COMMISSION LICENSEES.—Section 170c. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(c)) is amended—

(1) in the subsection heading, by striking ''LICENSES'' and inserting ''LICENSEES''; and

(2) by striking ''August 1, 2002'' each place it appears and inserting ''August 1, 2012''.

(b) INDEMNIFICATION OF DEPARTMENT OF ENERGY CONTRACTORS.—Section 170d.(1)(A) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)(1)(A)) is amended by striking '', until August 1, 2002,''.

(c) INDEMNIFICATION OF NONPROFIT EDUCATIONAL INSTITUTIONS.—Section 170k. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(k)) is amended by striking ''August 1, 2002'' each place it appears and inserting ''August 1, 2012''.

SEC. 103. MAXIMUM ASSESSMENT.

Section 170b.(1) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(b)(1)) is amended in the second proviso of the third sentence by striking ''$10,000,000'' and inserting ''$20,000,000''.

SEC. 104. DEPARTMENT OF ENERGY LIABILITY LIMIT.

(a) AGGREGATE LIABILITY LIMIT.—Section 170d. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)) is amended by striking paragraph (2) and inserting the following:

''(2) LIABILITY LIMIT.—In an agreement of indemnification entered into under paragraph (1), the Secretary—

''(A) may require the contractor to provide and maintain the financial protection of such a type and in such amounts as the Secretary shall determine to be appropriate to cover public liability arising out of or in connection with the contractual activity; and

''(B) shall indemnify the persons indemnified against such claims above the amount of the financial protection required, in the amount of $10,000,000,000 (subject to adjustment for inflation under subsection t.), in the aggregate, for all persons indemnified in connection with the contract and for each nuclear incident, including such legal costs of the contractor as are approved by the Secretary.''.

(b) CONTRACT AMENDMENTS.—Section 170d. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)) is amended by striking paragraph (3) and inserting the following:

''(3) CONTRACT AMENDMENTS.—All agreements of indemnification under which the Department of Energy (or its predecessor agencies) may be required to indemnify any person, shall be deemed to be amended, on the date of enactment of the Price-Anderson Amendments Act of 2001, to reflect the amount of indemnity for public liability and any applicable financial protection required of the contractor under this subsection on that date.''.

SEC. 105. INCIDENTS OUTSIDE THE UNITED STATES.

(a) AMOUNT OF INDEMNIFICATION.—Section 170d.(5) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)(5)) is amended by striking ''$100,000,000'' and inserting ''$500,000,000''.

(b) LIABILITY LIMIT.—Section 170e.(4) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(e)(4)) is amended by striking ''$100,000,000'' and inserting ''$500,000,000''.

SEC. 106. REPORTS.

Section 170p. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(p)) is amended by striking ''August 1, 1998'' and inserting ''August 1, 2008''.

SEC. 107. INFLATION ADJUSTMENT.

Section 170t. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(t)) is amended—

(1) by designating paragraph (2) as paragraph (3); and

(2) by adding after paragraph (1) the following:

''(2) ADJUSTMENT.—The Secretary shall adjust the amount of indemnification provided under an agreement of indemnification under subsection d. not less than once during each 5-year period following the date of enactment of the Price-Anderson Amendments Act of 2001, in accordance with the aggregate percentage change in the Consumer Price Index since—

''(A) that date of enactment, in the case of the first adjustment under this subsection; or

''(B) the previous adjustment under this subsection.''.

SEC. 108. CIVIL PENALTIES.

(a) REPEAL OF AUTOMATIC REMISSION.—Section 234Ab.(2) of the Atomic Energy Act of 1954 (42 U.S.C. 2282a(b)(2)) is amended by striking the last sentence.

(b) LIMITATION FOR NONPROFIT INSTITUTIONS.—Section 234A of the Atomic Energy Act of 1954 (42 U.S.C. 2282a) is amended by striking subsection d. and inserting the following:

''d. Notwithstanding subsection a., no contractor, subcontractor, or supplier of the Department of Energy that is an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of the Code shall be subject to a civil penalty under this section in any fiscal year in excess of the amount of any performance fee paid by the Secretary during that fiscal year to the contractor, subcontractor, or supplier under the contract under which a violation occurs.''.

SEC. 109. APPLICABILITY.

(a) INDEMNIFICATION PROVISIONS.—The amendments made by sections 103, 104, and 105 do not apply to a nuclear incident that occurs before the date of enactment of this Act.

(b) CIVIL PENALTY PROVISIONS.—The amendments made by section 108(b) do not apply to a violation that occurs under a contract entered into before the date of enactment of this Act.

Subtitle B—Leadership of the Office of Nuclear Energy, Science, and Technology and the Office of Science

SEC. 111. ASSISTANT SECRETARIES.

(a) IN GENERAL.—Section 203(a) of the Department of Energy Organization Act (42 U.S.C. 7133(a)) is amended in the matter preceding paragraph (1) by striking ''eight'' and inserting ''ten''.

(b) FUNCTIONS.—On appointment of the 2 additional Assistant Secretaries of Energy under the amendment made by subsection (a), the Secretary shall assign—

(1) to one of the Assistant Secretaries, the functions performed by the Director of the Office of Science as of the date of enactment of this Act; and

(2) to the other, the functions performed by the Director of the Office of Nuclear Energy, Science, and Technology as of that date.

Subtitle C—Funding of Certain Department of Energy Programs

SEC. 121. ESTABLISHMENT OF PROGRAMS.

The Secretary shall establish or continue programs administered by the Office of Nuclear Energy, Science, and Technology to—

(1) support the Nuclear Energy Research Initiative, the Nuclear Energy Plant Optimization Program, and the Nuclear Energy Technology Program;

(2) encourage investments to increase the electricity capacity at commercial nuclear plants in existence on the date of enactment of this Act;

(3) ensure continued viability of a domestic capability for uranium mining, conversion, and enrichment industries; and

(4) support university nuclear engineering education research and infrastructure programs, including closely related specialties such as health physics, actinide chemistry, and material sciences.

SEC. 122. NUCLEAR ENERGY RESEARCH INITIATIVE.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary, for a Nuclear Energy Research Initiative to be managed by the Director of the Office of Nuclear Energy, Science, and Technology for grants to be competitively awarded and subject to peer review for research relating to nuclear energy—

(1) $60,000,000 for fiscal year 2002; and

(2) such sums as are necessary for fiscal years 2003 through 2006.

(b) REPORTS.—The Secretary shall submit to the Committee on Science and the Committee on Appropriations of the House of Representatives, and to the Committee on Energy and Natural Resources and the Committee on Appropriations of the Senate an annual report on the activities of the Nuclear Energy Research Initiative.

SEC. 123. NUCLEAR ENERGY PLANT OPTIMIZATION PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for a Nuclear Energy Plant Optimization Program to be managed by the Director of the Office of Nuclear Energy, Science, and Technology for a joint program with industry cost-shared by at least 50 percent and subject to annual review by the Secretary of Energy's Nuclear Energy Research Advisory Committee—

(1) $15,000,000 for fiscal year 2002; and

(2) such sums as are necessary for fiscal years 2003 through 2006.

(b) REPORTS.—The Secretary shall submit to the Committee on Science and the Committee on Appropriations of the House of Representatives, and to the Committee on Energy and Natural Resources and the Committee on Appropriations of the Senate an annual report on the activities of the Nuclear Energy Plant Optimization Program.

SEC. 124. UPRATING OF NUCLEAR PLANT OPERATIONS.

(a) IN GENERAL.—The Secretary, to the extent funds are available, shall reimburse costs incurred by a licensee of a nuclear plant as provided in this section.

(b) PAYMENT OF COMMISSION USER FEES.—In carrying out subsection (a), the Secretary shall reimburse all user fees incurred by a licensee of a nuclear plant for obtaining the approval of the Commission to achieve a permanent increase in the rated electricity capacity of the licensee's nuclear plant if the licensee achieves the increased capacity before December 31, 2004.

(c) PREFERENCE.—Preference shall be given by the Secretary to projects in which a single uprating operation can benefit multiple domestic nuclear power reactors.

(d) INCENTIVE PAYMENTS.—

(1) IN GENERAL.—In addition to payments made under subsection (a), the Secretary shall offer an incentive payment equal to 10 percent of the capital improvement cost resulting in a permanent increase of at least 5 percent in the rated electricity capacity of the licensee's nuclear plant if the licensee achieves the increased capacity rating before December 31, 2004.

(2) LIMITATION.—No incentive payment under paragraph (1) associated with any single nuclear unit shall exceed $1,000,000.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000 for each of fiscal years 2002 and 2003.

SEC. 125. UNIVERSITY PROGRAMS.

(a) IN GENERAL.—The Secretary may, as provided in this section, provide grants and other forms of payment to further the national goal of producing well-educated graduates in nuclear engineering and closely related specialties that support nuclear energy programs such as health physics, actinide chemistry, and material sciences.

(b) SUPPORT FOR UNIVERSITY RESEARCH REACTORS.—The Secretary may provide grants and other forms of payments for plant upgrading to universities in the United States that operate and maintain nuclear research reactors.

(c) SUPPORT FOR UNIVERSITY RESEARCH AND DEVELOPMENT.—The Secretary may provide grants and other forms of payment for research and development work by faculty, staff, and students associated with nuclear engineering programs and closely related specialties at universities in the United States.

(d) SUPPORT FOR NUCLEAR ENGINEERING STUDENTS AND FACULTY.—The Secretary may provide fellowships, scholarships, and other support to students and to departments of nuclear engineering and closely related specialties at universities in the United States.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $34,200,000 for fiscal year 2002, of which—

(A) $13,000,000 shall be available to carry out subsection (b);

(B) $10,200,000 shall be available to carry out subsection (c) of which not less than $2,000,000 shall be available to support health physics programs; and

(C) $11,000,000 shall be available to carry out subsection (d) of which not less than $2,000,000 shall be available to support health physics programs; and

(2) such sums as are necessary for subsequent fiscal years.

SEC. 126. PROHIBITION OF COMMERCIAL SALES OF URANIUM AND CONVERSION HELD BY THE DEPARTMENT OF ENERGY UNTIL 2006.

Section 3112(b) of the USEC Privatization Act (42 U.S.C. 2297h–10(b)) is amended by striking paragraph (2) and inserting the following:

''(2) SALE OF URANIUM HEXAFLUORIDE.—

''(A) IN GENERAL.—The Secretary shall—

''(i) sell and receive payment for the uranium hexafluoride transferred to the Secretary under paragraph (1); and

''(ii) refrain from sales of its surplus natural uranium and conversion services through 2006 (except sales or transfers to the Tennessee Valley Authority in relation to the Department's HEU or Tritium programs, minor quantities associated with site cleanup projects, or the Department of Energy research reactor sales program).

''(B) REQUIREMENTS.—Under subparagraph (A)(i), uranium hexafluoride shall be sold—

''(i) in 1995 and 1996 to the Russian Executive Agent at the purchase price for use in matched sales pursuant to the Suspension Agreement; or

''(ii) in 2006 for consumption by end users in the United States not before January 1, 2007, and in subsequent years, in volumes not to exceed 3,000,000 pounds U_3O_8 equivalent per year.''.

SEC. 127. MAINTENANCE OF A VIABLE DOMESTIC URANIUM CONVERSION INDUSTRY.

(a) IN GENERAL.—For Department of Energy expenses necessary in providing to Converdyn Incorporated a payment for losses associated with providing conversion services for the production of low-enriched uranium (excluding imports related to actions taken under the United States/Russia HEU Agreement), there is authorized to be appropriated $8,000,000 for each of fiscal years 2002, 2003, and 2004.

(b) RATE.—The payment shall be at a rate, determined by the Secretary, that—

(1)(A) is based on the difference between Converdyn's costs and its sale price for providing conversion services for the production of low-enriched uranium fuel; but

(B) does not exceed the amount appropriated under subsection (a); and

(2) shall be based contingent on submission to the Secretary of a financial statement satisfactory to the Secretary that is certified by an independent auditor for each year.

(c) TIMING.—A payment under subsection (a) shall be provided as soon as practicable after receipt and verification of the financial statement submitted under subsection (b).

SEC. 128. PORTSMOUTH GASEOUS DIFFUSION PLANT.

(a) IN GENERAL.—The Secretary may proceed with actions required to place the Portsmouth gaseous diffusion plant into cold standby condition for a period of 5 years.

(b) PLANT CONDITION.—In the cold standby condition, the plant shall be in a condition that—

(1) would allow its restart, for production of 3,000,000 separative work units per year, to meet domestic demand for enrichment services; and

(2) will facilitate the future decontamination and decommissioning of the plant.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section—

(1) $36,000,000 for fiscal year 2002; and

(2) such sums as are necessary for fiscal years 2003, 2004, and 2005.

SEC. 129. NUCLEAR GENERATION REPORT.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commission shall submit to Congress a report on the state of nuclear power generation in the United States.

(b) CONTENTS.—The report shall—

(1) provide current and historical detail regarding—

(A) the number of commercial nuclear plants and the amount of electricity generated; and

(B) the safety record of commercial nuclear plants;

(2) review the status of the relicensing process for commercial nuclear plants, including—

(A) current and anticipated applications; and

(B) for each current and anticipated application—

(i) the anticipated length of time for a license renewal application to be processed; and

(ii) the current and anticipated costs of each license renewal;

(3) assess the capability of the Commission to evaluate licenses for new advanced reactor designs and discuss the confirmatory and anticipatory research activities needed to support that capability;

(4) detail the efforts of the Commission to prepare for potential new commercial nuclear plants, including evaluation of any new plant design and the licensing process for nuclear plants;

(5) state the anticipated length of time for a new plant license to be processed and the anticipated cost of such a process; and

(6) include recommendations for improvements in each of the processes reviewed.

TITLE II—CONSTRUCTION OF NUCLEAR PLANTS

SEC. 201. ESTABLISHMENT OF PROGRAMS.

(a) SECRETARY.—The Secretary shall establish a program within the Office of Nuclear Energy, Science, and Technology to—

(1) demonstrate the Nuclear Regulatory Commission Early Site Permit process;

(2) evaluate opportunities for completion of partially constructed nuclear plants; and

(3) develop a report assessing opportunities for Generation IV reactors.

(b) COMMISSION.—The Commission shall develop a research program to support regulatory actions relating to new nuclear plant technologies.

SEC. 202. NUCLEAR PLANT COMPLETION INITIATIVE.

(a) IN GENERAL.—The Secretary shall solicit information on United States nuclear plants requiring additional capital investment before becoming operational or being returned to operation to determine which, if any, should be included in a study of the feasibility of completing and operating some or all of the nuclear plants by December 31, 2004, considering technical and economic factors.

(b) IDENTIFICATION OF UNFINISHED NUCLEAR PLANTS.—The Secretary shall convene a panel of experts to—

(1) review information obtained under subsection (a); and

(2) identify which unfinished nuclear plants should be included in a feasibility study.

(c) TECHNICAL AND ECONOMIC COMPLETION ASSESSMENT.—On completion of the identification of candidate nuclear plants under subsection (b), the Secretary shall commence a detailed technical and economic completion assessment that includes, on a unit-specific basis, all technical and economic information necessary to permit a decision on the feasibility of completing work on any or all of the nuclear plants identified under subsection (b).

(d) SOLICITATION OF PROPOSALS.—After making the results of the feasibility study under subsection (c) available to the public, the Secretary shall solicit proposals for completing construction on any or all of the nuclear plants assessed under subsection (c).

(e) SELECTION OF PROPOSALS.—

(1) IN GENERAL.—The Secretary shall reconvene the panel of experts designated under subsection (b) to review and select the nuclear plants to be pursued, taking into consideration any or all of the following factors:

(A) Location of the nuclear plant and the regional need for expanded power capability.

(B) Time to completion.

(C) Economic and technical viability for completion of the nuclear plant.

(D) Financial capability of the offeror.

(E) Extent of support from regional and State officials.

(F) Experience and past performance of the members of the offeror in siting, constructing, or operating nuclear generating facilities.

(G) Lowest cost to the Government.

(2) REGIONAL AND STATE SUPPORT.—No proposal shall be accepted without endorsement by the State Governor and by the elected governing bodies of—

(A) each political subdivision in which the nuclear plant is located; and

(B) each other political subdivision that the Secretary determines has a substantial interest in the completion of the nuclear plant.

(f) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than June 1, 2002, the Secretary shall submit to Congress a report describing the reactors identified for completion under subsection (e).

(2) CONTENTS.—The report shall—

(A) detail the findings under each of the criteria specified in subsection (e); and

(B) include recommendations for action by Congress to authorize actions that may be initiated in fiscal year 2003 to expedite completion of the reactors.

(3) CONSIDERATIONS.—In making recommendations under paragraph (2)(B), the Secretary shall consider—

(A) the advisability of authorizing payment by the Government of Commission user fees (including consideration of the estimated cost to the Government of paying such fees); and

(B) other appropriate considerations.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $3,000,000 for fiscal year 2002.

SEC. 203. EARLY SITE PERMIT DEMONSTRATION PROGRAM.

(a) IN GENERAL.—The Secretary shall initiate a program of Government/private partnership demonstration projects to encourage private sector applications to the Commission for approval of sites that are potentially suitable to be used for the construction of future nuclear power generating facilities.

(b) PROJECTS.—Not later than 60 days after the date of enactment of this Act, the Secretary shall issue a solicitation of offers for proposals from private sector entities to enter into partnerships with the Secretary to—

(1) demonstrate the Early Site Permit process; and

(2) create a bank of approved sites by December 31, 2003.

(c) CRITERIA FOR PROPOSALS.—A proposal submitted under subsection (b) shall—

(1) identify a site owned by the offeror that is suitable for the construction and operation of a new nuclear plant; and

(2) state the agreement of the offeror to pay not less than ½ of the costs of—

(A) preparation of an application to the Commission for an Early Site Permit for the site identified under paragraph (1); and

(B) review of the application by the Commission.

(d) SELECTION OF PROPOSALS.—The Secretary shall establish a competitive process to review and select the projects to be pursued, taking into consideration the following:

(1) Time to prepare the application.

(2) Site qualities or characteristics that could affect the duration of application review.

(3) The financial capability of the offeror.

(4) The experience of the offeror in siting, constructing, or operating nuclear plants.

(5) The support of regional and State officials.

(6) The need for new electricity supply in the vicinity of the site, or proximity to suitable transmission lines.

(7) Lowest cost to the Government.

(e) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with up to 3 offerors selected through the competitive process to pay not more than ½ of the costs incurred by the parties to the agreements for—

(1) preparation of an application to the Commission for an Early Site Permit for the site; and

(2) review of the application by the Commission.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000 for each of fiscal years 2002 and 2003, to remain available until expended.

SEC. 204. NUCLEAR ENERGY TECHNOLOGY STUDY FOR GENERATION IV REACTORS.

(a) IN GENERAL.—The Secretary shall conduct a study of Generation IV nuclear energy systems, including development of a technology roadmap and performance of research and development necessary to make an informed technical decision regarding the most promising candidates for commercial deployment.

(b) UPGRADES AND ADDITIONS.—The Secretary may make upgrades or additions to the nuclear energy research facility infrastructure as needed to carry out the study under subsection (a).

(c) REACTOR CHARACTERISTICS.—To the extent practicable, in conducting the study under subsection (a), the Secretary shall study nuclear energy systems that offer the highest probability of achieving the goals for Generation IV nuclear energy systems established by the Nuclear Energy Research Advisory Committee, including—

(1) economics competitive with natural gas-fueled generators;

(2) enhanced safety features or passive safety features;

(3) substantially reduced production of high-level waste, as compared with the quantity of waste produced by reactors in operation on the date of enactment of this Act;

(4) highly proliferation resistant fuel and waste;

(5) sustainable energy generation including optimized fuel utilization; and

(6) substantially improved thermal efficiency, as compared with the thermal efficiency of reactors in operation on the date of enactment of this Act.

(c) CONSULTATION.—In conducting the study, the Secretary shall consult with—

(1) the Commission, with respect to evaluation of regulatory issues; and

(2) the International Atomic Energy Agency, with respect to international safeguards.

(d) REPORT.—

(1) IN GENERAL.—Not later than December 31, 2002, the Secretary shall submit to Congress a report describing the results of the roadmap and plans for research and development leading to a public/private cooperative demonstration of one or more Generation IV nuclear energy systems.

(2) CONTENTS.—The report shall contain—

(A) an assessment of all available technologies;

(B) a summary of actions needed for the most promising candidates to be considered as viable commercial options within the five to ten years after the date of the report with consideration of regulatory, economic, and technical issues;

(C) a recommendation of not more than three promising Generation IV nuclear energy system concepts for further development;

(D) an evaluation of opportunities for public/private partnerships;

(E) a recommendation for structure of a public/private partnership to share in development and construction costs;

(F) a plan leading to the selection and conceptual design, by September 30, 2004, of at least one Generation IV nuclear energy system for demonstration through a public/private partnership; and

(G) a recommendation for appropriate involvement of the Commission.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $50,000,000 for fiscal year 2002; and

(2) such sums as are necessary for fiscal years 2003 through 2006.

SEC. 205. RESEARCH SUPPORTING REGULATORY PROCESSES FOR NEW REACTOR TECHNOLOGIES AND DESIGNS.

(a) IN GENERAL.—The Commission shall develop a comprehensive research program to support resolution of potential licensing issues associated with new reactor concepts and new technologies that may be incorporated into new or current designs of nuclear plants.

(b) IDENTIFICATION OF CANDIDATE DESIGNS.—The Commission shall work with the Office of Nuclear Energy, Science, and Technology and the nuclear industry to identify candidate designs to be addressed by the program.

(c) ACTIVITIES TO BE INCLUDED.—The research shall include—

(1) modeling, analyses, tests, and experiments as required to provide input into total system behavior and response to hypothesized accidents; and

(2) consideration of new reactor technologies that may affect—

(A) risk-informed licensing of new plants;

(B) behavior of advanced fuels;

(C) evolving environmental considerations relative to spent fuel management and health effect standards;

(D) new technologies (such as advanced sensors, digital instrumentation, and control) and human factors that affect the application of new technology to current plants; and

(E) other emerging technical issues.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section—

(1) $25,000,000 for fiscal year 2002; and

(2) such sums as are necessary for subsequent fiscal years.

TITLE III—EVALUATIONS OF NUCLEAR ENERGY

SEC. 301. ENVIRONMENTALLY PREFERABLE PURCHASING.

(a) ACQUISITION.—For the purposes of Executive Order No. 13101 (3 C.F.R. 210 (1998)) and policies established by the Office of Federal Procurement Policy or other executive branch offices for the acquisition or use of environmentally preferable products (as defined in section 201 of the Executive order), electricity generated by a nuclear plant shall be considered to be an environmentally preferable product.

(b) PROCUREMENT.—No Federal procurement policy or program may—

(1) discriminate against or exclude nuclear generated electricity in making purchasing decisions; or

(2) subscribe to product certification programs or recommend product purchases that exclude nuclear electricity.

SEC. 302. EMISSION-FREE CONTROL MEASURES UNDER A STATE IMPLEMENTATION PLAN.

(a) DEFINITIONS.—In this section:

(1) CRITERIA AIR POLLUTANT.—The term ''criteria air pollutant'' means a pollutant listed under section 108(a) of the Clean Air Act (42 U.S.C. 7408(a)).

(2) EMISSION-FREE ELECTRICITY SOURCE.—The term ''emission-free electricity source'' means—

(A) a facility that generates electricity without emitting criteria pollutants, hazardous pollutants, or greenhouse gases as a result of onsite operations of the facility; and

(B) a facility that generates electricity using nuclear fuel that meets all applicable standards for radiological emissions under section 112 of the Clean Air Act (42 U.S.C. 7412).

(3) GREENHOUSE GAS.—The term ''greenhouse gas'' means a natural or anthropogenic gaseous constituent of the atmosphere that absorbs and re-emits infrared radiation.

(4) HAZARDOUS POLLUTANT.—The term ''hazardous pollutant'' has the meaning given the term in section 112(a) of the Clean Air Act (42 U.S.C. 7412(a)).

(5) IMPROVEMENT IN AVAILABILITY.—The term ''improvement in availability'' means an increase in the amount of electricity produced by an emission-free electricity source that provides a commensurate reduction in output from emitting sources.

(6) INCREASED EMISSION-FREE CAPACITY PROJECT.—The term ''increased emission-free capacity project'' means a project to construct an emission-free electricity source or increase the rated capacity of an existing emission-free electricity source.

(b) TREATMENT OF CERTAIN STATE ACTIONS AS CONTROL MEASURES.—An action taken by a State to support the continued operation of an emission-free electricity source or to support an improvement in availability or an increased emission-free capacity project shall be considered to be a control measure for the purposes of section 110(a) of the Clean Air Act (42 U.S.C. 7410(a)).

(c) ECONOMIC INCENTIVE PROGRAMS.—

(1) CRITERIA AIR POLLUTANTS AND HAZARDOUS POLLUTANTS.—Emissions of criteria air pollutants or hazardous pollutants prevented or avoided by an improvement in availability or the operation of increased emission-free capacity shall be eligible for, and may not be excluded from, incentive programs used as control measures, including programs authorizing emission trades, revolving loan funds, tax benefits, and special financing programs.

(2) GREENHOUSE GASES.—Emissions of greenhouse gases prevented or avoided by an improvement in availability or the operation of increased emission-free capacity shall be eligible for, and may not be excluded from, incentive programs used as control measures on the national, regional State, or local level.

SEC. 304. PROHIBITION OF DISCRIMINATION AGAINST EMISSION-FREE ELECTRICITY PROJECTS IN INTERNATIONAL DEVELOPMENT PROGRAMS.

(a) PROHIBITION.—No Federal funds shall be used to support a domestic or international organization engaged in the financing, development, insuring, or underwriting of electricity production facilities if the activities fail to include emission-free electricity production facility projects that use nuclear fuel.

(b) REQUEST FOR POLICIES.—The Secretary of Energy shall request copies of all written policies regarding the eligibility of emission-free nuclear electricity production facilities for funding or support from international or domestic organizations engaged in the financing, development, insuring, or underwriting of electricity production facilities, including—

(1) the Agency for International Development;

(2) the World Bank;

(3) the Overseas Private Investment Corporation;

(4) the International Monetary Fund; and

(5) the Export-Import Bank.

TITLE IV—DEVELOPMENT OF NATIONAL SPENT NUCLEAR FUEL STRATEGY

SEC. 401. FINDINGS.

Congress finds that—

(1) before the Federal Government takes any irreversible action relating to the disposal of spent nuclear fuel, Congress must determine whether the spent fuel should be treated as waste subject to permanent burial or should be considered to be an energy resource that is needed to meet future energy requirements; and

(2) national policy on spent nuclear fuel may evolve with time as improved technologies for spent fuel are developed or as national energy needs evolve.

SEC. 402. OFFICE OF SPENT NUCLEAR FUEL RESEARCH.

(a) DEFINITIONS.—In this section:

(1) ASSOCIATE DIRECTOR.—The term ''Associate Director'' means the Associate Director of the Office.

(2) OFFICE.—The term ''Office'' means the Office of Spent Nuclear Fuel Research established by subsection (b).

(b) ESTABLISHMENT.—There is established an Office of Spent Nuclear Fuel Research within the Office of Nuclear Energy Science and Technology of the Department of Energy.

(c) HEAD OF OFFICE.—The Office shall be headed by the Associate Director, who shall be a member of the Senior Executive Service appointed by the Director of the Office of Nuclear Energy Science and Technology, and compensated at a rate determined by applicable law.

(d) DUTIES OF THE ASSOCIATE DIRECTOR.—

(1) IN GENERAL.—The Associate Director shall be responsible for carrying out an integrated research, development, and demonstration program on technologies for treatment, recycling, and disposal of high-level nuclear radioactive waste and spent nuclear fuel, subject to the general supervision of the Secretary.

(2) PARTICIPATION.—The Associate Director shall coordinate the participation of national laboratories, universities, the commercial nuclear industry, and other organizations in the investigation of technologies for the treatment, recycling, and disposal of spent nuclear fuel and high-level radioactive waste.

(3) ACTIVITIES.—The Associate Director shall—

(A) develop a research plan to provide recommendations by 2015;

(B) identify promising technologies for the treatment, recycling, and disposal of spent nuclear fuel and high-level radioactive waste;

(C) conduct research and development activities for promising technologies;

(D) ensure that all activities include as key objectives minimization of proliferation concerns and risk to health of the general public or site workers, as well as development of cost-effective technologies;

(E) require research on both reactor- and accelerator-based transmutation systems;

(F) require research on advanced processing and separations;

(G) include participation of international collaborators in research efforts, and provide funding to a collaborator that brings unique capabilities not available in the United States if the country in which the collaborator is located is unable to provide support; and

(H) ensure that research efforts are coordinated with research on advanced fuel cycles

and reactors conducted by the Office of Nuclear Energy Science and Technology.

(e) GRANT AND CONTRACT AUTHORITY.—The Secretary may make grants, or enter into contracts, for the purposes of the research projects and activities described in subsection (d)(3).

(f) REPORT.—The Associate Director shall annually submit to Congress a report on the activities and expenditures of the Office that describes the progress being made in achieving the objectives of this section.

SEC. 403. ADVANCED FUEL RECYCLING TECHNOLOGY DEVELOPMENT PROGRAM.

(a) IN GENERAL.—The Secretary, acting through the Director of the Office of Nuclear Energy, Science, and Technology, shall conduct an advanced fuel recycling technology research and development program to further the availability of electrometallurgical technology as a proliferation-resistant alternative to aqueous reprocessing in support of evaluation of alternative national strategies for spent nuclear fuel and the Generation IV advanced reactor concepts, subject to annual review by the Nuclear Energy Research Advisory Committee.

(b) REPORTS.—The Secretary shall submit to the Committee on Science and the Committee on Appropriations of the House of Representatives and the Committee on Energy and Natural Resources and the Committee on Appropriations of the Senate an annual report on the activities of the advanced fuel recycling technology development program.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $10,000,000 for fiscal year 2002; and

(2) such sums as are necessary for fiscal years 2003 through 2006.

TITLE V—NATIONAL ACCELERATOR SITE

SEC. 501. FINDINGS.

Congress finds that—

(1)(A) high-current proton accelerators are capable of producing significant quantities of neutrons through the spallation process without using a critical assembly; and

(B) the availability of high-neutron fluences enables a wide range of missions of major national importance to be conducted;

(2)(A) public acceptance of repositories, whether for spent fuel or for final waste products from spent fuel, can be enhanced if the radio-toxicity of the materials in the repository can be reduced;

(B) transmutation of long-lived radioactive species by an intense neutron source provides an approach to such a reduction in toxicity; and

(C) research and development in this area (which, when the source of neutrons is derived from an accelerator, is called ''accelerator transmutation of waste'') should be an important part of a national spent fuel strategy;

(3)(A) nuclear weapons require a reliable source of tritium;

(B) the Department of Energy has identified production of tritium in a commercial light water reactor as the first option to be pursued;

(C) the importance of tritium supply is of sufficient magnitude that a backup technology should be demonstrated and available for rapid scale-up to full requirements;

(D) evaluation of tritium production by a high-current accelerator has been underway; and

(E) accelerator production of tritium should be demonstrated, so that the capability can be scaled up to levels required for the weapons stockpile if difficulties arise with the reactor approach;

(4)(A) radioisotopes are required in many medical procedures;

(B) research on new medical procedures is adversely affected by the limited availability of production facilities for certain radioisotopes; and

(C) high-current accelerators are an important source of radioisotopes, and are best suited for production of proton-rich isotopes; and

(5)(A) a spallation source provides a continuum of neutron energies; and

(B) the energy spectrum of neutrons can be altered and tailored to allow a wide range of experiments in support of nuclear engineering studies of alternative reactor configurations, including studies of materials that may be used in future fission or fusion systems.

SEC. 502. DEFINITIONS.

In this title:

(1) OFFICE.—The term ''Office'' means the Office of Nuclear Energy, Science, and Technology of the Department of Energy.

(2) PROGRAM.—The term ''program'' means the Advanced Accelerator Applications Program established under section 503.

(3) PROPOSAL.—The term ''proposal'' means the proposal for a location supporting the missions identified for the program developed under section 503.

SEC. 503. ADVANCED ACCELERATOR APPLICATIONS PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program to be known as the ''Advanced Accelerator Applications Program''.

(b) MISSION.—The mission of the program shall include conducting scientific or engineering research, development, and demonstrations on—

(1) accelerator production of tritium as a backup technology;

(2) transmutation of spent nuclear fuel and waste;

(3) production of radioisotopes;

(4) advanced nuclear engineering concepts, including material science issues; and

(5) other applications that may be identified.

(c) ADMINISTRATION.—The program shall be administered by the Office—

(1) in consultation with the National Nuclear Security Administration, for all activities related to tritium production; and

(2) in consultation with the Office of Civilian Radioactive Waste Management, for all activities relating to the impact of waste transmutation on repository requirements.

(d) PARTICIPATION.—The Office shall encourage participation of international collaborators, industrial partners, national laboratories, and, through support for new graduate engineering and science students and professors, universities.

(e) PROPOSAL OF LOCATION.—

(1) IN GENERAL.—The Office shall develop a detailed proposal for a location supporting the missions identified for the program.

(2) CONTENTS.—The proposal shall—

(A) recommend capabilities for the accelerator and for each major research or production effort;

(B) include development of a comprehensive site plan supporting those capabilities;

(C) specify a detailed time line for construction and operation of all activities;

(D) identify opportunities for involvement of the private sector in production and use of radioisotopes;

(E) contain a recommendation for funding required to accomplish the proposal in future fiscal years; and

(F) identify required site characteristics.

(3) PRELIMINARY ENVIRONMENTAL IMPACT ASSESSMENT.—As part of the process of identification of required site characteristics, the Secretary shall undertake a preliminary environmental impact assessment of a range of sites.

(4) SUBMISSION TO CONGRESS.—Not later than March 31, 2002, the Secretary shall submit to the Committee on Energy and Natural Resources and Committee on Appropriations of the Senate and the Committee on Science and Committee on Appropriations of the House of Representatives a report describing the proposal.

(f) COMPETITION.—

(1) IN GENERAL.—The Secretary shall use the proposal to conduct a nationwide competition among potential sites.

(2) REPORT.—Not later than June 30, 2003, the Secretary shall submit to the Committee on Energy and Natural Resources and Committee on Appropriations of the Senate and the Committee on Science and the Committee on Appropriations of the House of Representatives a report that contains an evaluation of competing proposals and a recommendation of a final site and for funding requirements to proceed with construction in future fiscal years.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) PROPOSAL.—There is authorized to be appropriated for development of the proposal $20,000,000 for each of fiscal years 2002 and 2003.

(2) RESEARCH, DEVELOPMENT, AND DEMONSTRATION ACTIVITIES.—There are authorized to be appropriated for research, development, and demonstration activities of the program—

(A) $120,000,000 for fiscal year 2002; and

(B) such sums as are necessary for subsequent fiscal years.

TITLE VI—NUCLEAR REGULATORY COMMISSION REFORM

SEC. 601. DEFINITIONS.

Section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014) is amended—

(1) in subsection f., by striking ''Atomic Energy Commission'' and inserting ''Nuclear Regulatory Commission'';

(2) by redesignating subsection jj. as subsection ll.; and

(3) by adding at the end the following:

''jj. FEDERAL NUCLEAR OBLIGATION.—The term 'Federal nuclear obligation' means—

''(1) a nuclear decommissioning obligation;

''(2) a fee required to be paid to the Federal Government by a licensee for the storage, transportation, or disposal of spent nuclear fuel and high-level radioactive waste, including a fee required under the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101 et seq.); and

''(3) an assessment by the Federal Government to fund the cost of decontamination and decommissioning of uranium enrichment facilities, including an assessment required under chapter 28 of the Energy Policy Act of 1992 (42 U.S.C. 2297g).

''kk. NUCLEAR DECOMMISSIONING OBLIGATION.—The term 'nuclear decommissioning obligation' means an expense incurred to ensure the continued protection of the public from the dangers of any residual radioactivity or other hazards present at a facility at the time the facility is decommissioned, including all costs of actions required under rules, regulations and orders of the Commission for—

''(1) entombing, dismantling and decommissioning a facility; and

''(2) administrative, preparatory, security and radiation monitoring expenses associated with entombing, dismantling, and decommissioning a facility.''.

SEC. 602. OFFICE LOCATION.

Section 23 of the Atomic Energy Act of 1954 (42 U.S.C. 2033) is amended by striking ''; however, the Commission shall maintain an office for the service of process and papers within the District of Columbia''.

SEC. 603. LICENSE PERIOD.

Section 103c. of the Atomic Energy Act of 1954 (42 U.S.C. 2133(c)) is amended—

(1) by striking ''c. Each such'' and inserting the following:

''c. LICENSE PERIOD.—

''(1) IN GENERAL.—Each such''; and

(2) by adding at the end the following:

''(2) COMBINED LICENSES.—In the case of a combined construction and operating license issued under section 185(b), the initial duration of the license may not exceed 40 years from the date on which the Commission finds, before operation of the facility, that the acceptance criteria required by section 185(b) are met.''.

SEC. 604. ELIMINATION OF FOREIGN OWNERSHIP RESTRICTIONS.

(a) COMMERCIAL LICENSES.—Section 103d. of the Atomic Energy Act of 1954 (42 U.S.C. 2133(d)) is amended by striking the second sentence.

(b) MEDICAL THERAPY AND RESEARCH AND DEVELOPMENT.—Section 104d. of the Atomic Energy Act of 1954 (42 U.S.C. 2134(d)) is amended by striking the second sentence.

SEC. 605. ELIMINATION OF DUPLICATIVE ANTITRUST REVIEW.

Section 105 of the Atomic Energy Act of 1954 (42 U.S.C. 2135) is amended by striking subsection c. and inserting the following:

''c. CONDITIONS.—

''(1) IN GENERAL.—A condition for a grant of a license imposed by the Commission under this section in effect on the date of enactment of the Nuclear Assets Restructuring Reform Act of 2001 shall remain in effect until the condition is modified or removed by the Commission.

''(2) MODIFICATION.—If a person that is licensed to construct or operate a utilization or production facility applies for reconsideration under this section of a condition imposed in the person's license, the Commission shall conduct a proceeding, on an expedited basis, to determine whether the license condition—

''(A) is necessary to ensure compliance with section 105a.; or

''(B) should be modified or removed.''.

SEC. 606. GIFT ACCEPTANCE AUTHORITY.

(a) IN GENERAL.—Section 161g. of the Atomic Energy Act of 1954 (42 U.S.C. 2201(g)) is amended—

(1) by inserting ''(1)'' after ''(g)'';

(2) by striking ''this Act;'' and inserting ''this Act; or''; and

(3) by adding at the end the following:

''(2) accept, hold, utilize, and administer gifts of real and personal property (not including money) for the purpose of aiding or facilitating the work of the Commission.''.

(b) CRITERIA FOR ACCEPTANCE OF GIFTS.—

(1) IN GENERAL.—Chapter 14 of title I of the Atomic Energy Act of 1954 (42 U.S.C. 2201 et seq.) is amended by adding at the end the following:

''SEC. 170C. CRITERIA FOR ACCEPTANCE OF GIFTS.

''(a) IN GENERAL.—The Commission shall establish written criteria for determining whether to accept gifts under section 161g.(2).

''(b) CONSIDERATIONS.—The criteria under subsection (a) shall take into consideration whether the acceptance of a gift would compromise the integrity of, or the appearance of the integrity of, the Commission or any officer or employee of the Commission.''.

(2) CONFORMING AMENDMENT.—The table of contents of the Atomic Energy Act of 1954 (42 U.S.C. prec. 2011) is amended by adding at the end of the items relating to chapter 14 the following:

''Sec. 170C. Criteria for acceptance of gifts.''.

SEC. 607. AUTHORITY OVER FORMER LICENSEES FOR DECOMMISSIONING FUNDING.

Section 161i. of the Atomic Energy Act of 1954 (42 U.S.C. 2201(i)) is amended—

(1) by striking ''and (3)'' and inserting ''(3)''; and

(2) by inserting before the semicolon at the end the following: '', and (4) to ensure that sufficient funds will be available for the decommissioning of any production or utilization facility licensed under section 103 or 104b., including standards and restrictions governing the control, maintenance, use, and disbursement by any former licensee under this Act that has control over any fund for the decommissioning of the facility''.

SEC. 608. CARRYING OF FIREARMS BY LICENSEE EMPLOYEES.

(a) IN GENERAL.—Chapter 14 of title I of the Atomic Energy Act of 1954 (42 U.S.C. 2201 et seq.) (as amended by section 606(b)) is amended—

(1) in section 161, by striking subsection k. and inserting the following:

''k. authorize to carry a firearm in the performance of official duties such of its members, officers, and employees, such of the employees of its contractors and subcontractors (at any tier) engaged in the protection of property under the jurisdiction of the United States located at facilities owned by or contracted to the United States or being transported to or from such facilities, and such of the employees of persons licensed or certified by the Commission (including employees of contractors of licensees or certificate holders) engaged in the protection of facilities owned or operated by a Commission licensee or certificate holder that are designated by the Commission or in the protection of property of significance to the common defense and security located at facilities owned or operated by a Commission licensee or certificate holder or being transported to or from such facilities, as the Commission considers necessary in the interest of the common defense and security;'' and

(2) by adding at the end the following:

''SEC. 170D. CARRYING OF FIREARMS.

''(a) AUTHORITY TO MAKE ARREST.—

''(1) IN GENERAL.—A person authorized under section 161k. to carry a firearm may, while in the performance of, and in connection with, official duties, arrest an individual without a warrant for any offense against the United States committed in the presence of the person or for any felony under the laws of the United States if the person has a reasonable ground to believe that the individual has committed or is committing such a felony.

''(2) LIMITATION.—An employee of a contractor or subcontractor or of a Commission licensee or certificate holder (or a contractor of a licensee or certificate holder) authorized to make an arrest under paragraph (1) may make an arrest only—

''(A) when the individual is within, or is in flight directly from, the area in which the offense was committed; and

''(B) in the enforcement of—

''(i) a law regarding the property of the United States in the custody of the Department of Energy, the Commission, or a contractor of the Department of Energy or Commission or a licensee or certificate holder of the Commission;

''(ii) a law applicable to facilities owned or operated by a Commission licensee or certificate holder that are designated by the Commission under section 161k.;

''(iii) a law applicable to property of significance to the common defense and security that is in the custody of a licensee or certificate holder or a contractor of a licensee or certificate holder of the Commission; or

''(iv) any provision of this Act that subjects an offender to a fine, imprisonment, or both.

''(3) OTHER AUTHORITY.—The arrest authority conferred by this section is in addition to any arrest authority under other law.

''(4) GUIDELINES.—The Secretary and the Commission, with the approval of the Attorney General, shall issue guidelines to implement section 161k. and this subsection.''.

(b) CONFORMING AMENDMENT.—The table of contents of the Atomic Energy Act of 1954 (42 U.S.C. prec. 2011) (as amended by section 7(b)(2)) is amended by adding at the end of the items relating to chapter 14 the following:

''Sec. 170D. Carrying of firearms.''.

SEC. 609. COST RECOVERY FROM GOVERNMENT AGENCIES.

Section 161w. of the Atomic Energy Act of 1954 (42 U.S.C. 2201(w)) is amended—

(1) by striking '', or which operates any facility regulated or certified under section 1701 or 1702,'';

(2) by striking ''483a of title 31 of the United States Code'' and inserting ''9701 of title 31, United States Code,''; and

(3) by inserting before the period at the end the following: '', and, commencing October 1, 2002, prescribe and collect from any other Government agency any fee, charge, or price that the Commission may require in accordance with section 9701 of title 31, United States Code, or any other law''.

SEC. 610. HEARING PROCEDURES.

Section 189a.(1) of the Atomic Energy Act of 1954 (42 U.S.C. 2239(a)(1)) is amended by adding at the end the following:

''(C) HEARINGS.—A hearing under this section shall be conducted using informal adjudicatory procedures established under sections 553 and 555 of title 5, United States Code, unless the Commission determines that formal adjudicatory procedures are necessary—

''(i) to develop a sufficient record; or

''(ii) to achieve fairness.''.

SEC. 611. UNAUTHORIZED INTRODUCTION OF DANGEROUS WEAPONS.

Section 229a. of the Atomic Energy Act of 1954 (42 U.S.C. 2278a(a)) is amended in the first sentence by inserting ''or subject to the licensing authority of the Commission or to certification by the Commission under this Act or any other Act'' before the period at the end.

SEC. 612. SABOTAGE OF NUCLEAR FACILITIES OR FUEL.

Section 236a. of the Atomic Energy Act of 1954 (42 U.S.C. 2284(a)) is amended—

(1) in paragraph (2), by striking ''storage facility'' and inserting ''storage, treatment, or disposal facility'';

(2) in paragraph (3)—

(A) by striking ''such a utilization facility'' and inserting ''a utilization facility licensed under this Act''; and

(B) by striking ''or'' at the end;

(3) in paragraph (4)—

(A) by striking ''facility licensed'' and inserting ''or nuclear fuel fabrication facility licensed or certified''; and

(B) by striking the period at the end and inserting ''; or''; and

(4) by adding at the end the following:

''(5) any production, utilization, waste storage, waste treatment, waste disposal, uranium enrichment, or nuclear fuel fabrication facility subject to licensing or certification under this Act during construction of the facility, if the person knows or reasonably should know that there is a significant possibility that the destruction or damage caused or attempted to be caused could adversely affect public health and safety during the operation of the facility;''.

SEC. 613. NUCLEAR DECOMMISSIONING OBLIGATIONS OF NONLICENSEES.

(a) IN GENERAL.—The Atomic Energy Act of 1954 is amended by inserting after section 241 (42 U.S.C. 2015) the following:

"SEC. 242. NUCLEAR DECOMMISSIONING OBLIGATIONS OF NONLICENSEES.

''(a) DEFINITION OF FACILITY.—In this section, the term 'facility' means a commercial nuclear electric generating facility for which a Federal nuclear obligation is incurred.

''(b) DECOMMISSIONING OBLIGATIONS.—After public notice and in accordance with section 181, the Commission shall establish by rule, regulation, or order any requirement that the Commission considers necessary to ensure that a person that is not a licensee (including a former licensee) complies fully with any nuclear decommissioning obligation.''.

(b) CONFORMING AMENDMENT.—The table of contents of the Atomic Energy Act of 1954 (42 U.S.C. prec. 2011) is amended by inserting after the item relating to section 241 the following:

''Sec. 242. Nuclear decommissioning obligations of nonlicensees.''.

SEC. 614. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this title and the amendments made by this title take effect on the date of enactment of this Act.

(b) RECOMMISSIONING AND LICENSE REMOVAL.—The amendment made by section 613 takes effect on the date that is 180 days after the date of enactment of this Act.

By Mr. HOLLINGS:

S. 1668. A bill to amend the Communications Act of 1934 to strengthen the limitations on the holding of any license permit, operating authority by a foreign government or any entity controlled by a foreign government; to the Committee on Commerce, Science, and Transportation.

Mr. HOLLINGS. Madam President, today I reintroduce legislation to clarify rules governing the takeover of U.S. Telecommunications providers by companies owned by foreign governments. The original rules in this area were established by statute in the 1930s, and while the law has not changed, the FCC's interpretations of this statute has.

Today's legislation is almost identical to the legislation that I introduced last year on this topic. I am pleased to announce that this year I am joined in the effort by the Chairman of the House Energy and Commerce Committee, BILLY TAUZIN.

In the intervening year the FCC has approved several transactions involving foreign governments. I am disappointed by these actions and believe that they involve a misreading of the current statute.

The legislation I introduce today will bar outright the transfer or issuance of telecommunications licenses to providers who are more than 25 percent owned by a foreign government. It would also bar the transfer of such licenses to companies controlled by a foreign government.

My reasons for introducing this legislation have not changed from last year. Nevertheless the events of the past year confirm more than ever my conviction that foreign governments should not be permitted to own U.S. telecommunications licenses.

By Mr. HOLLINGS (for himself and Mr. MCCAIN) (by request):

S. 1669. A bill to authorize appropriations for hazardous material transportation safety, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. HOLLINGS. Madam President, as a courtesy to President Bush and Secretary of Transportation Mineta, I am today introducing their proposed legislation to reauthorize hazardous materials programs.

While I appreciate the Administration's willingness to offer a reauthorization plan, I disagree strongly with several of its provisions. I plan to work with other members of the Commerce Committee to write and introduce legislation to reauthorize the Hazardous Materials Transportation Act later this Congress.

Every year, our Nation transports 4 billion tons of hazardous materials via 800,000 shipments. In 2000, there were 17,347 hazardous materials incidents related to transportation in the United States: 1,419 via air transportation, 14,861 via highway transportation, 1,052 via railway transportation, and 15 via water transportation. These incidents are mostly minor releases of chemicals; 244 incidents caused injuries, and there were 13 deaths, 12 deaths via highway transportation, and 1 death via railway transportation. Of course, one death is too many. That is why we must recommit ourselves to the protection of the brave workers who take on the risks of transporting these dangerous materials and the communities in which these products are produced and through which they are moved.

I am concerned about several provisions of the administration plan, including one that would effectively eliminate the authority of the Occupational Safety and Health Administration, OSHA, to protect workers that handle and transport hazardous materials. It is important that workers are protected and appropriate standards for the handling of hazardous materials are established, including rules for personal protective equipment and the monitoring of exposure levels and medical conditions. Protecting the people that handle and transport these hazardous materials must remain paramount.

The proposed legislation also increases from 2 to 4 years the time between reviews for exemptions from hazardous materials regulations. In our current security environment, creating more exemptions from hazardous materials regulations may not be the most prudent course of action. We also must maintain funding for non-profit organizations to train workers in the handling of hazardous materials.

On another matter, the Administration plan also would repeal some of the requirements Congress has placed on the Department of Transportation in managing these hazardous materials programs. I would caution the Transportation Department not to seek repeal of the requirements and actions that we in Congress have requested of them. We mandated those actions for a reason, and we expect that they will be carried out.

As I work with my colleagues to write a hazardous materials reauthorization bill, we will take into account the recently exposed vulnerabilities of hazardous materials to terrorist attacks. The 1,000 pages of Federal Hazardous Materials Transportation Regulations were designed primarily to promote safety during transportation, not to ensure security and reduce risks from terrorist attacks. Unattended parked vehicles and routing are just two examples of the security concerns associated with the transportation of hazardous materials. We are considering a range of options to address these security threats. We also must increase funding for training local emergency response units to handle hazardous materials accidents.

While we may disagree over how to approach some of these hazardous materials issues, I thank the administration for offering their proposal. I look forward to working with them in the coming months to make the transportation of hazardous materials a safe endeavor for both hazardous materials workers and the public.

I ask unanimous consent that the text of the administration's bill be printed in the RECORD.

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

S. 1669

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

SECTION 1. SHORT TITLE; AMENDMENT OF TITLE 49, UNITED STATES CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Hazardous Material Transportation Safety Reauthorization Act of 2001''.

(b) AMENDMENT OF TITLE 49, UNITED STATES CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

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

Sec. 1. Short title; amendment of title 49, United States Code; table of contents.
Sec. 2. Purpose.
Sec. 3. Definitions.
Sec. 4. General regulatory authority.
Sec. 5. Representation and tampering.
Sec. 6. Highly radioactive material.
Sec. 7. Handling criteria.
Sec. 8. Hazmat employee training requirements and grants.
Sec. 9. Registration.
Sec. 10. Motor carrier safety.
Sec. 11. Shipping paper retention.
Sec. 12. Rail tank cars.
Sec. 13. Unsatisfactory safety rating.
Sec. 14. Public sector training curriculum.
Sec. 15. Planning and training grants.
Sec. 16. Special permits and exclusions.
Sec. 17. Inspectors.
Sec. 18. Uniform forms and procedures.
Sec. 19. Administrative.
Sec. 20. Enforcement.
Sec. 21. Penalties.

Sec. 22. Preemption.
Sec. 23. Relationship to other laws.
Sec. 24. Judicial review.
Sec. 25. Authorization of appropriations.
Sec. 26. Postal service civil penalty authority.

SEC. 2. PURPOSE.

Section 5101 is revised to read as follows:

"§ 5101. Purpose

''The purpose of this chapter is to protect against the risks to life, property, and the environment that are inherent in the transportation of hazardous material in intrastate, interstate, and foreign commerce.''.

SEC. 3. DEFINITIONS.

Section 5102 is amended—

(1) by revising paragraph (1) to read as follows:

''(1) 'commerce' means trade or transportation in the jurisdiction of the United States—

''(A) between a place in a State and a place outside of the State;

''(B) that affects trade or transportation between a place in a State and a place outside of the State; or

''(C) on a United States-registered aircraft.'';

(2) by revising paragraphs (3) and (4) to read as follows:

''(3) 'hazmat employee' means an individual who—

''(A)(i) is employed or used by a hazmat employer; or

''(ii) is self-employed, including an owner-operator of a motor vehicle, vessel, or aircraft transporting hazardous material in commerce; and

''(B) performs a function regulated by the Secretary under section 5103(b)(1) of this chapter.

''(4) 'hazmat employer' means a person that—

''(A)(i) has a least one hazmat employee; or

''(ii) is self-employed, including an owner-operator of a motor vehicle, vessel, or aircraft transporting hazardous material in commerce; and

''(B) performs, or employs or uses at least one hazmat employee to perform, a function regulated by the Secretary under section 5103(b)(1) of this chapter.'';

(3) in paragraph (5), by striking ''condition that presents'' and inserting ''condition related to a hazardous material that presents'';

(4) in paragraph (7), by striking ''title'' and inserting ''title, except a freight forwarder is included only if performing a function related to highway transportation'';

(5) in paragraph (8), by striking ''national response team'' each place it appears and inserting ''National Response Team,'' and by striking ''national contingency plan'' and inserting ''National Contingency Plan''; and

(6) in paragraph (9), by revising subparagraph (A) to read as follows:

''(A) includes a government, Indian tribe, or authority of a government or tribe offering hazardous material for transportation in commerce, transporting hazardous material to further a commercial enterprise, or manufacturing, designing, inspecting, testing, reconditioning, marking, or repairing a packaging or packaging component represented as qualified for use in transporting hazardous material in commerce; but''.

SEC. 4. GENERAL REGULATORY AUTHORITY.

Section 5103 is amended—

(1) by revising subsection (a) to read as follows:

''(a) DESIGNIATING MATERIAL AS HAZARDOUS.—The Secretary of Transportation shall designate material (including an explosive; radioactive material; infectious substance; flammable or combustible liquid, solid or gas; toxic, oxidizing or corrosive material; and compressed gas) or a group or class of material as hazardous when the Secretary determines that transporting the material in commerce in a particular amount and form may pose an unreasonable risk to health and safety or property.''; and

(2) in subsection (b)(1), by revising subparagraph (A) to read as follows:

''(A) apply to a person that—

''(i) transports a hazardous material in commerce;

''(ii) causes a hazardous material to be transported in commerce;

''(iii) manufactures, designs, inspects, tests, reconditions, marks, or repairs a packaging or packaging component represented as qualified for use in transporting hazardous material in commerce;

''(iv) prepares, accepts, or rejects hazardous material for transportation in commerce;

''(v) is responsible for the safety of transporting hazardous material in commerce;

''(vi) certifies compliance with any requirement issued under this chapter; or

''(vii) misrepresents whether it is engaged in any of the above activities; and''.

SEC. 5. REPRESENTATION AND TAMPERING.

Section 5104 is amended—

(1) in subsection (a), by striking ''A person'' and inserting ''No person'';

(2) by revising subsection (a)(1) to read as follows:

''(1) a package, component of a package, or packaging for transporting hazardous material is safe, certified, or complies with this chapter if it does not conform to each applicable regulation prescribed under this chapter; or'';

(3) in paragraph (a)(2), by striking ''only if'' and inserting ''unless''; and

(4) by revising subsection (b) to read as follows:

''(b) TAMPERING.—No person may, without authorization from the owner or custodian, alter, remove, destroy, or tamper with—

''(1) a marking, label, placard, or description on a document required under this chapter or a regulation prescribed under this chapter; or

''(2) a package, container, motor vehicle, rail freight car, aircraft, or vessel used to transport hazardous material.''.

SEC. 6. HIGHLY RADIOACTIVE MATERIAL.

Section 5105 is amended by striking subsections (d) and (e).

SEC. 7. HANDLING CRITERIA.

Chapter 51 is amended by striking section 5106 and striking the corresponding item in the analysis of chapter 51.

SEC. 8. HAZMAT EMPLOYEE TRAINING REQUIREMENTS AND GRANTS.

(a) Section 5107 is amended by—

(1) striking ''or duplicate'' in subsection (d);

(2) striking ''section 5127(c)(3)'' in subsection (e) and inserting ''section 5128''; and

(3) striking ''and sections 5106, 5108(a)-(g)(1) and (h), and 5109 of this title'' in subsection (f)(2).

(b) Notwithstanding section 4(b)(1) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653(b)(1), an action of the Secretary of Transportation under chapter 51 of title 49, United States Code, does not preclude the Secretary of Labor from prescribing or enforcing standards, regulations or requirements regarding —

(1) hazardous materials employee training, or

(2) the occupational safety or health protection of employees responding to a release of hazardous materials.

SEC. 9. REGISTRATION.

Section 5108 is amended—

(1) by striking ''class A or B explosive'' in subsection (a)(1)(B) and inserting ''Division 1.1, 1.2, or 1.3 explosive material'';

(2) by revising subsection (a)(2)(B) to read as follows:

''(B) a person manufacturing, designing, inspecting, testing, reconditioning, marking, or repairing a packaging or packaging component represented as qualified for use in transporting a hazardous material in commerce.'';

(3) by revising subsection (b)(1)(C) to read as follows:

''(C) each State in which the person carries out any of the activities.'';

(4) by revising subsection (c) to read as follows:

''(c) FILING SCHEDULE.—Each person required to file a registration statement under subsection (a) of this section shall file that statement in accordance with regulations issued by the Secretary.'';

(5) in subsection (g)(1), by striking ''may'' and inserting ''shall''; and

(6) in subsection (i)(2)(B), by striking ''State,'' and inserting ''State, Indian tribe,''.

SEC. 10. MOTOR CARRIER SAFETY.

Chapter 51 is amended by striking section 5109 and striking the corresponding item in the analysis of chapter 51.

SEC. 11. SHIPPING PAPER RETENTION.

Section 5110 is amended —

(1) in subsection (a), by striking ''under subsection (b) of this section'' and inserting ''by regulation'';

(2) by striking subsection (b) and redesignating subsections (c) through (e) as subsections (b) through (d); and

(3) by revising the first sentence in subsection (d), as redesignated, to read as follows: ''The person that provided the shipping paper and the carrier required to keep it under this section shall retain the paper, or an electronic image of it, for a period of 3 years after the shipping paper was provided to the carrier, to be accessible through their respective principal places of business.''.

SEC. 12. RAIL TANK CARS.

Chapter 51 is amended by striking section 5111 and by striking the corresponding item in the analysis of chapter 51.

SEC. 13. UNSATISFACTORY SAFETY RATING.

(a) Section 5113 is amended by adding at the end the following:

''(e) PENALTY FOR VIOLATION.—A violation of section 31144(c)(3) of this title shall be considered a violation of this chapter and shall be subject to the penalties in sections 5123 and 5124 of this chapter.''.

(b) Section 31144(c) is amended—

(1) in paragraph (1), by striking ''sections 521(b)(5)(A) and 5113'' and inserting ''section 521(b)(5)(A)''; and

(2) in paragraph (3), by striking ''interstate commerce'' and inserting ''commerce''; and

(3) by adding at the end of paragraph (3) the following: ''A violation of this paragraph by an owner or operator transporting hazardous material shall be considered a violation of chapter 51 of this title, and shall be subject to the penalties in sections 5123 and 5124 of this chapter.''.

(c) Section 31144 is amended by striking the subsection designation ''(c)'' at the beginning of the last subsection and inserting ''(f)''.

SEC. 14. PUBLIC SECTOR TRAINING CURRICULUM.

Section 5115 is amended—

(1) in subsection (a), by—

(A) striking ''DEVELOPMENT AND UPDATING.—Not later than November 16, 1992, in'' and inserting ''GENERAL.—In'';

(B) striking ''national response team'' and inserting ''National Response Team'' in the first sentence;

(C) striking ''develop and update periodically a'' in the first sentence and inserting ''maintain a current''; and

(D) striking the second sentence;

(2) in subsection (b), by—

(A) striking ''developed'' and inserting ''maintained'' in the first sentence; and

(B) in paragraph (1)(C), by striking ''under other United States Government grant programs, including those developed with grants made under section 126(g) of the Superfund Amendments and Reauthorization Act of 1986 (42 U.S.C. 9660a)'' and inserting ''with Federal financial assistance'';

(3) in subsection (c)(3), by striking ''the National Fire Protection Association'' and inserting ''the National Fire Protection Association and such other voluntary consensus standard-setting organizations as the Secretary deems appropriate''; and

(4) by revising subsection (d) to read as follows:

''(d) DISTRIBUTION AND PUBLICATION.—With the National Response Team, the Secretary of Transportation may publish and distribute a list of courses developed under this section and of programs using any of those courses.''.

SEC. 15. PLANNING AND TRAINING GRANTS.

(a) Section 5116 is amended—

(1) in the second sentence of subsection (e), by striking ''of the State or tribe under subsections (a)(2)(A) and (b)(2)(A)'' and inserting ''received by the State or tribe under subsections (a)(1) and (b)(1)'';

(2) revising subsection (f) to read as follows:

''(f) MONITORING AND TECHNICAL ASSISTANCE.—The Secretary of Transportation shall monitor public-sector emergency response planning and training for an accident or incident involving hazardous material. Considering the results of the monitoring, the Secretary shall provide technical assistance to a State, political subdivision of a State, or Indian tribe for carrying out emergency response training and planning for an accident or incident involving hazardous material and shall coordinate the assistance using the existing coordinating mechanisms of the National Response Team and, for radioactive material, the Federal Radiological Preparedness Coordinating Committee.'';

(3) in subsection (g), by striking ''Government grant'' and inserting ''Federal financial assistance'';

(4) by revising subsection (i) to read as follows:

''(i) EMERGENCY PREPAREDNESS FUND.—The Secretary of the Treasury shall establish an Emergency Preparedness Fund account in the Treasury into which the Secretary of the Treasury shall deposit amounts the Secretary of Transportation transfers to the Secretary of the Treasury under section 5108(g)(2)(C) of this title. Without further appropriation, amounts in the account are available—

''(1) to make grants under this section;

''(2) to monitor and provide technical assistance under subsection (f) of this section;

''(3) to publish and distribute the Emergency Response Guidebook; and

''(4) to pay administrative costs of carrying out this section and sections 5108(g)(2) and 5115 of this title, except that not more than 10 percent of the amounts made available from the account in a fiscal year to carry out these sections may be used to pay those costs.''; and

(5) by striking subsection (k).

(b) Chapter 51 is amended by—

(1) revising the section heading for section 5116 to read ''Planning and training grants; emergency preparedness fund''; and

(2) striking the item for section 5116 in the analysis of the chapter and inserting ''5116. Planning and training grants; emergency preparedness fund.''.

SEC. 16. SPECIAL PERMITS AND EXCLUSIONS.

(a) Section 5117 is amended—

(1) by revising the section heading to read as follows:

''§ 5117. Special permits and exclusions'' ;

(2) by striking ''exemption'' and ''an exemption'' each place they appear and inserting, respectively, ''special permit'' and ''a special permit'';

(3) in subsection (a)(1), as revised by Section 16(a)(2) of this Act, by striking ''issue a special permit'' and inserting ''issue, modify, or terminate a special permit authorizing variances'', and by striking ''transporting, or causing to be transported, hazardous material'' and inserting ''performing a function regulated by the Secretary under section 5103(b)(1) of this title''; and

(4) in subsection (a)(2), by striking ''2'' and inserting ''4''.

(b) The chapter analysis for chapter 51 is amended by striking the item related to section 5117 and inserting the following:

''5117. Special permits and exclusions.''.

SEC. 17. INSPECTORS.

Chapter 51 is amended by striking section 5118 and striking the corresponding item in the analysis of chapter 51.

SEC. 18. UNIFORM FORMS AND PROCEDURES.

Section 5119 is revised to read as follows:

''§ 5119. Uniform forms and procedures

''(a) REGULATIONS.—(1) The Secretary of Transportation may prescribe regulations to establish uniform forms and procedures for a State—

''(A) to register and issue permits to persons that transport or cause to be transported hazardous material by motor vehicle in the State; and

''(B) to allow the transportation of hazardous material in the State.

''(2) A regulation prescribed under this section may not define or limit the amount of a fee a State may impose or collect.

''(b) EFFECTIVE DATE.—A regulation prescribed under this section takes effect one year after it is prescribed. The Secretary may extend the one-year period for an additional year for good cause. After a regulation is effective, a State may establish, maintain, or enforce a requirement related to the same subject matter only if the requirement is the same as the regulation.

''(c) UNIFORMITY.—The Secretary shall develop a procedure to eliminate differences in how States carry out a regulation prescribed under this section.

''(d) INTERIM STATE PROGRAMS.—Pending promulgation of regulations under this section, States may participate in a program of uniform forms and procedures recommended by the Alliance for Uniform Hazmat Transportation Procedures.''.

SEC. 19. ADMINISTRATIVE.

Section 5121 is revised to read as follows:

''§ Sec. 5121. Administrative

''(a) GENERAL AUTHORITY.—To carry out this chapter, the Secretary of Transportation may investigate, conduct tests, make reports, issue subpoenas, conduct hearings, require the production of records and property, take depositions, and conduct research, development, demonstration, and training activities. Except as provided in subsections (c) and (d) of this section, the Secretary shall provide notice and an opportunity for a hearing prior to issuing an order directing compliance with this chapter or a regulation, order, special permit, or approval issued under this chapter.

''(b) RECORDS, REPORTS, PROPERTY, AND INFORMATION.—A person subject to this chapter shall—

''(1) maintain records, make reports, and provide property and information that the Secretary by regulation or order requires; and

''(2) make the records, reports, property, and information available for inspection when the Secretary undertakes an investigation.

''(c) INSPECTIONS AND INVESTIGATIONS.—(1) A designated officer or employee of the Secretary may—

''(A) inspect and investigate, at a reasonable time and in a reasonable way, records and property related to a function described in section 5103(b)(1) of this chapter;

''(B) except for the packaging immediately adjacent to its hazardous material contents, gain access to, open, and examine a package offered for, or in, transportation when the officer or employee has an objectively reasonable and articulable belief that the package may contain a hazardous material;

''(C) remove from transportation a package or related packages in a shipment offered for or in transportation, and for which such officer or employee has an objectively reasonable and articulable belief that the package or packages may pose an imminent hazard, and for which the officer or employee contemporaneously documents that belief in accordance with procedures adopted under subsection (e) of this section;

''(D) gather information from the offeror, carrier, packaging manufacturer or retester, or other person responsible for the package or packages, to ascertain the nature and hazards of the contents of the package or packages;

''(E) as necessary, under terms and conditions specified by the Secretary, order the offeror, carrier, packaging manufacturer or retester, or other person responsible for the package or packages to have the package or packages transported to, opened and the contents examined and analyzed at a facility appropriate for the conduct of this activity; and

''(F) when safety might otherwise be compromised, authorize properly qualified personnel to assist in the activities conducted under this subsection.

''(2) An officer or employee acting under this subsection shall display proper credentials when requested.

''(3) For instances when, as a result of the inspection or investigation, an imminent hazard is not found to exist, the Secretary shall develop procedures to assist in the safe resumption of transportation of the package or transport unit.

''(d) EMERGENCY ORDERS.—(1) If, upon inspection, investigation, testing, or research, the Secretary determines that either a violation of a provision of this chapter or a regulation issued under this chapter, or an unsafe condition or practice, constitutes or is causing an imminent hazard, the Secretary may issue or impose emergency restrictions, prohibitions, recalls, or out-of-service orders, without notice or the opportunity for a hearing, but only to the extent necessary to abate the imminent hazard.

''(2) The Secretary's action under paragraph (1) of this subsection shall be in a written order describing the violation, condition or practice that is causing the imminent hazard, and stating the restrictions, prohibitions, recalls, or out-of-service orders issued or imposed. The order also shall describe the standards and procedures for obtaining relief from the emergency order.

''(3) After taking action under paragraph (1) of this subsection, the Secretary shall provide an opportunity for review of that action under section 554 of title 5, if a petition for review is filed within 20 calendar days after issuance of the order.

''(4) If a petition for review is filed and the review is not completed by the end of the 30-day period beginning on the date the petition

was filed, the action will cease to be effective at the end of that period unless the Secretary determines in writing that the emergency situation still exists.

''(5) For purposes of this subsection, 'out-of-service order' means a mandate that an aircraft, vessel, motor vehicle, train, railcar, locomotive, other vehicle, transport unit, transport vehicle, freight container, portable tank, or other package not be moved until specified conditions have been met.

''(e) REGULATIONS.—The Secretary shall issue regulations in accordance with section 553 of title 5, including an opportunity for informal oral presentation, to implement the authority in subsections (c) and (d) of this section.

''(f) FACILITY, STAFF, AND REPORTING SYSTEM ON RISKS, EMERGENCIES, AND ACTIONS.—(1) The Secretary shall—

''(A) maintain a facility and technical staff sufficient to provide, within the United States Government, the capability of evaluating a risk related to the transportation of hazardous material and material alleged to be hazardous;

''(B) maintain a central reporting system and information center capable of providing information and advice to law enforcement and firefighting personnel, other interested individuals, and officers and employees of the United States Government and State, local and tribal governments on meeting an emergency related to the transportation of hazardous material; and

''(C) conduct a continuous review on all aspects of transporting hazardous material to decide on and take appropriate actions to ensure safe transportation of hazardous material.

''(2) Paragraph (1) of this subsection does not prevent the Secretary from making a contract with a private entity for use of a supplemental reporting system and information center operated and maintained by the contractor.

''(g) AUTHORITY FOR GRANTS, COOPERATIVE AGREEMENTS, AND OTHER TRANSACTIONS.—To carry out this chapter, the Secretary may enter into grants, cooperative agreements, and other transactions with a person, agency or instrumentality of the United States, a unit of State or local government, an Indian tribe, a foreign government (in coordination with the Department of State), an educational institution, or other entity to further the objectives of this chapter. The objectives of this chapter include the conduct of research, development, demonstration, risk assessment, and emergency response planning and training activities.''.

SEC. 20. ENFORCEMENT.

Section 5122 is amended—

(1) in subsection (a), by revising the last sentence to read as follows:

''The court may award appropriate relief, including a temporary or permanent injunction, punitive damages, and assessment of civil penalties considering the same penalty amounts and factors as prescribed for the Secretary in an administrative case under section 5123 of this chapter.''; and

(2) in subparagraph (b)(1)(B), by striking ''or ameliorate the'' and inserting ''or mitigate the''.

SEC. 21. PENALTIES.

(a) Section 5123 is amended—

(1) by revising subsection (a) to read as follows:

''(a) PENALTY.—(1) A person that knowingly violates this chapter, or a regulation, order, special permit, or approval issued under this chapter, is liable to the United States Government for a civil penalty of at least $250 but not more than $100,000 for each violation.

''(2) Knowledge by the person of the existence of a statutory provision, or a regulation or requirement prescribed by the Secretary is not an element of an offense under this section.

''(3) A separate violation occurs for each day the violation, committed by a person that transports or causes to be transported hazardous material, continues''; and

(2) by redesignating subsections (b) through (g) as subsections (c) through (h) and inserting a new subsection (b) to read as follows:

''(b) KNOWING VIOLATIONS.—In this section, a person acts knowingly when—

''(1) the person has actual knowledge of the facts giving rise to the violation; or

''(2) a reasonable person acting in the circumstances and exercising reasonable care would have that knowledge.'';

(3) in subsection (c), as redesignated, by striking the first sentence and inserting the following:

''The Secretary of Transportation may find that a person has violated this chapter, or a regulation, order, special permit or approval issued under this chapter, only after notice and an opportunity for a hearing.'' ; and

(4) by revising subsection (e), as redesignated, to read as follows:

''(e) CIVIL ACTIONS TO COLLECT.—The Attorney General may bring a civil action in an appropriate district court of the United States to collect a civil penalty under this section and any accrued interest on that penalty calculated in the manner described under section 2705 of title 33. In such action, the validity, amount, and appropriateness of the civil penalty shall not be subject to review.''.

(b) Section 5124 is revised to read as follows:

''§ 5124. Criminal penalty

''(a) GENERAL.—A person knowingly violating section 5104(b) of this title or willfully violating this chapter or a regulation, order, special permit, or approval issued under this chapter, shall be fined under title 18, imprisoned for not more than 5 years, or both.

''(b) AGGRAVATED VIOLATIONS.—A person knowingly violating section 5104(b) of this chapter or willfully violating this chapter or a regulation, order, special permit, or approval issued under this chapter, and thereby causing the release of a hazardous material, shall be fined under title 18, imprisoned for not more than 20 years, or both.

''(c) KNOWING VIOLATIONS.—In this section, a person acts knowingly when—

''(1) the person has actual knowledge of the facts giving rise to the violation; or

''(2) a reasonable person acting in the circumstances and exercising reasonable care would have that knowledge.

''(d) WILLFUL VIOLATIONS.—In this section, a person acts willfully when the person acts with intent.

''(e) KNOWLEDGE OF REQUIREMENTS.—Knowledge by a person of the existence of a statutory provision, or a regulation or requirement prescribed by the Secretary, is not an element of an offense under this section.''.

(c) Section 46312 is amended—

(1) in subsection (a), by striking ''under this part'' and inserting ''under this part or under chapter 51 of this title''; and

(2) in subsection (b), by striking ''by the Secretary'' and inserting ''by the Secretary under this part or under chapter 51 of this title''.

SEC. 22. PREEMPTION.

Section 5125 is amended—

(1) by redesignating subsections (a), (b), and (c), as subsections (b), (c), and (d), and adding a new subsection (a) to read as follows:

''(a) PURPOSES.—The Secretary shall exercise the authority in this section to achieve uniform regulation of hazardous material transportation, eliminate inconsistent rules that apply differently than rules issued under this chapter, and promote the safe and efficient movement of hazardous material in commerce.'';

(2) in subsection (b), as redesignated, by—

(A) striking ''GENERAL.—Except as provided in subsections (b), (c), and (e)'' and inserting ''DUAL COMPLIANCE AND OBSTACLE TESTS.—Except as provided in subsections (c), (d), and (g)''; and

(B) in subparagraph (2), striking ''carrying out this chapter or a regulation'' and inserting ''carrying out this chapter, the purposes of this chapter, or a regulation'';

(3) in subsection (c), by—

(A) in subparagraph (1), striking ''(c)'' and inserting ''(d)'';

(B) revising subparagraph (1)(E) to read as follows:

''(E) the manufacturing, designing, inspecting, testing, reconditioning, marking, or repairing of a packaging or packaging component represented as qualified for use in transporting hazardous material in commerce.''; and

(C) in subparagraph (2), striking ''after November 16, 1990'';

(4) by striking subsection (f) and redesignating subsections (g), (d), and (e) as subsections (e), (f), and (g);

(5) in subsection (f), as redesignated, by striking ''subsection (a), (b)(1), or (c) of this section'' and inserting ''subsection (b), (c)(1), (d), or (e) of this section or subsection 5119(b) of this chapter.'', and by striking ''in the Federal Register'';

(6) in subsection (g), as redesignated, by striking ''subsection (a), (b)(1), or (c) of this section'' and inserting ''subsection (b), (c)(1), (d), or (e) of this section or subsection 5119(b) of this chapter.''; and

(7) by adding new subsections (h) and (i) to read as follows:

''(h) INDEPENDENT APPLICATION OF EACH STANDARD.—Each preemption standard in subsections (b), (c)(1), (d), and (e) of this section and in section 5119(b) of this chapter is independent in its application to a requirement of any State, political subdivision of a State, or Indian tribe.

''(i) NONFEDERAL ENFORCEMENT STANDARDS.—This section does not apply to procedure, penalty, or required mental state or other standard used by a State, political subdivision of a State, or Indian tribe to enforce a requirement applicable to transportation of a hazardous material.''.

SEC. 23. RELATIONSHIP TO OTHER LAWS.

Section 5126 is amended—

(1) by revising subsection (a) to read as follows:

''(a) CONTRACTS.—A person under contract with a department, agency, or instrumentality of the United States Government that transports hazardous material or causes hazardous material to be transported, or manufactures, designs, inspects, tests, reconditions, marks, or repairs a packaging or packaging component represented as qualified for use in transporting hazardous material in commerce shall comply with this chapter, regulations prescribed and orders issued under this chapter, and all other requirements of the United States Government, State and local governments, and Indian tribes (except a requirement preempted by a law of the United States) in the same way and to the same extent that any person engaging in that transportation, manufacturing, designing, inspecting, testing, reconditioning, marking, or repairing that is in or affects commerce must comply with the provision, regulation, order, or requirement.''; and

(2) in subsection (b), by—

(A) striking ''title 18 or 39;'' and inserting ''title 18 or 39; or'' in paragraph (2); and

(B) adding a new paragraph (3) to read as follows:

''(3) marine transportation of hazardous material subject to regulation under title 33 or 46.''.

SEC. 24. JUDICIAL REVIEW.

(a) Chapter 51 is amended by redesignating section 5127 as section 5128, and by inserting after section 5126 the following new section:

''§ 5127. Judicial review

''(a) FILING AND VENUE.—Except as provided in section 20114(c) of this title, a person suffering legal wrong or adversely affected or aggrieved by a final action of the Secretary of Transportation under this chapter may petition for review of the final action in the United States Court of Appeals for the District of Columbia or in the court of appeals for the United States for the circuit in which the person resides or has its principal place of business. The petition must be filed not more than 60 days after the Secretary's action becomes final.

''(b) JUDICIAL PROCEDURES.—When a petition is filed under subsection (a) of this section, the clerk of the court immediately shall send a copy of the petition to the Secretary. The Secretary shall file with the court a record of any proceeding in which the final action was issued, as provided in section 2112 of title 28.

''(c) AUTHORITY OF COURT.—The court has exclusive jurisdiction, as provided in the Administrative Procedure Act, 5 U.S.C. 551 et seq., to affirm, amend, modify, or set aside any part of the Secretary's final action and may order the Secretary to conduct further proceedings. Findings of fact by the Secretary, if supported by substantial evidence, are conclusive.

''(d) REQUIREMENT FOR PRIOR OBJECTION.—In reviewing a final action under this section, the court may consider an objection to a final action of the Secretary only if the objection was made in the course of a proceeding or review conducted by the Secretary or if there was a reasonable ground for not making the objection in the proceeding.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 51 is amended by striking the item related to section 5127 and inserting the following:

''5127. Judicial review.
''5128. Authorization of appropriations.''.

SEC. 25. AUTHORIZATION OF APPROPRIATIONS.

Section 5128, as redesignated by section 24 of this Act, is amended to read as follows:

''§ 5128. Authorization of appropriations

''(a) GENERAL.—To carry out this chapter (except sections 5107(e), 5108(g), 5112, 5113, 5115, 5116, and 5119), not more than $21,217,000 is authorized to be appropriated to the Secretary of Transportation for fiscal year 2002; and such sums as may be necessary are authorized to be appropriated to the Secretary for fiscal years 2003 through 2007.

''(b) EMERGENCY PREPAREDNESS FUND.—There shall be available from the Emergency Preparedness Fund account the following:

''(1) To carry out section 5116(j) of this title, $250,000 shall be available to the Secretary for fiscal year 2002, and such amounts as may be necessary for fiscal years 2003 through 2007.

''(2) To carry out section 5115 of this title, $200,000 shall be available to the Secretary for fiscal year 2002, and such amounts as may be necessary for fiscal years 2003 through 2007.

''(3) To carry out section 5116(a) of this title, $5,000,000 shall be available to the Secretary for fiscal year 2002, and such amounts as may be necessary for fiscal years 2003 through 2007.

''(4) To carry out section 5116(b) of this title, $7,800,000 shall be available to the Secretary for fiscal year 2002, and such amounts as may be necessary for fiscal years 2003 through 2007.

''(5) To carry out section 5116(f) of this title, $150,000 shall be available to the Secretary for fiscal year 2002, and such amounts as may be necessary for fiscal years 2003 through 2007.

''(6) To publish and distribute the Emergency Response Guidebook, $500,000 shall be available to the Secretary for fiscal year 2002, and such amounts as may be necessary for fiscal years 2003 through 2007.

''(7) To carry out section 5107(e) of this title, such amounts as may be necessary are authorized to be appropriated to the Secretary for each of fiscal years 2002 through 2007.

''(8) To carry out section 5116(i)(4) of this title, $400,000 shall be available to the Secretary for fiscal year 2002, and such amounts as may be necessary for fiscal years 2003 through 2007.

''(c) CREDITS TO APPROPRIATIONS.—The Secretary of Transportation may credit to any appropriation to carry out this chapter an amount received from a State, Indian tribe, or other public authority or private entity for expenses the Secretary incurs in providing training to the State, authority, or entity.

''(d) AVAILABILITY OF AMOUNTS.—Amounts available under this section remain available until expended.''.

SEC. 26. POSTAL SERVICE CIVIL PENALTY AUTHORITY.

(a) Section 3001 of title 39, United States Code, is amended by adding a new subsection (o) as follows:

''(o)(1) Except as permitted by law and Postal Service regulation, hazardous material is nonmailable.

''(2) For purposes of this section, the term 'hazardous material' means a substance or material the Secretary of Transportation designates under section 5103(a) of title 49.''.

(b) Chapter 30 of title 39, United States Code, is amended by adding a new section 3018 at the end as follows:

''§ 3018. Hazardous material; civil penalty

''(a) REGULATIONS.—The Postal Service shall prescribe regulations for the safe transportation of hazardous material in the mail.

''(b) HAZARDOUS MATERIAL IN THE MAIL.—No person may—

''(1) mail or cause to be mailed a hazardous material that has been declared by statute or Postal Service regulation to be nonmailable;

''(2) mail or cause to be mailed a hazardous material in violation of any statute or Postal Service regulation restricting the time, place, or manner in which a hazardous material may be mailed; or

''(3) manufacture, distribute, or sell any container, packaging kit, or similar device that—

''(A) is represented, marked, certified, or sold by such person for use in the mailing of a hazardous material; and

''(B) fails to conform with any statute or Postal Service regulation setting forth standards for a container, packaging kit, or similar device used for the mailing of a hazardous material.

''(c) CIVIL PENALTY.—

''(1) A person that knowingly violates this section or a regulation issued under this section is liable to the Postal Service for a civil penalty of at least $250 but not more than $100,000 for each violation, and for any clean-up costs and damages. A person acts knowingly when—

''(A) the person has actual knowledge of the facts giving rise to the violation; or

''(B) a reasonable person acting in the circumstances and exercising reasonable care would have that knowledge.

''(2) Knowledge by the person of the existence of a statutory provision, or a regulation or requirement prescribed by the Postal Service is not an element of an offense under this section.

''(3) A separate violation occurs for each day a hazardous material, mailed or caused to be mailed in noncompliance with this section or a regulation issued under this section, is in the mail.

''(4) A separate violation occurs for each item containing a hazardous material that is mailed or caused to be mailed in noncompliance with this section or a regulation issued under this section.

''(d) HEARING REQUIREMENT.—The Postal Service may find that a person has violated this section or a regulation issued under this section only after notice and an opportunity for a hearing. Under this section, the Postal Service shall impose a penalty and recover clean-up costs and damages by giving the person written notice of the amount of the penalty, clean-up costs, and damages.

''(e) PENALTY CONSIDERATIONS.—In determining the amount of a civil penalty under this section, the Postal Service shall consider—

''(1) the nature, circumstances, extent, and gravity of the violation;

''(2) with respect to the person who committed the violation, the degree of culpability, any history of prior violations, the ability to pay, and any effect on the ability to continue in business;

''(3) the impact on postal operations; and

''(4) other matters that justice requires.

''(f) CIVIL ACTIONS TO COLLECT.—(1) In accordance with section 409(d) of this title, the Department of Justice or the Postal Service may commence a civil action in an appropriate district court of the United States to collect a civil penalty, clean-up costs, or damages assessed under this section. In such action, the validity, amount, and appropriateness of the civil penalty, clean-up costs, or damages shall not be subject to review.

''(2) The Postal Service may compromise the amount of a civil penalty, clean-up costs, or damages assessed under this section before civil action is taken to collect the penalty, costs, or damages.

''(g) CIVIL JUDICIAL PENALTIES.—At the request of the Postal Service, the Attorney General may bring a civil action in an appropriate district court of the United States to enforce this chapter or a regulation prescribed or order issued under this chapter. The court may award appropriate relief, including a temporary or permanent injunction, punitive damages, and assessment of civil penalties considering the same penalty amounts and factors as prescribed for the Postal Service in an administrative case under this section.

''(h) DEPOSITING AMOUNTS COLLECTED.—Amounts collected under this section shall be paid into the Postal Service Fund established by section 2003 of this title.''.

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 30 of title 39, United States Code, is amended by adding the following:

''3018. Hazardous material; civil penalty.''.

Mr. MCCAIN. Madam President, I am pleased to join Chairman HOLLINGS in introducing the Hazardous Materials Transportation Safety reauthorization Act of 2001 at the request of the Administration. This measure is a good start toward improving and strengthening the safe and secure transport of our nation's hazardous materials. In addition

to authorizing funding for hazardous materials transportation safety programs, this legislation addresses concerns arising since the attacks of September 11. Among other things, this bill would strengthen the authority of Department of Transportation (DOT) inspectors to inspect packages being transported, and provide those inspectors with the authority to stop unsafe transportation. This measure would also increase the maximum civil penalty for violations of hazardous materials regulations from $27,500 to $100,000. It would expand the requirements for training persons involved in the transportation of hazardous materials and strengthen the enforcement authority of State enforcement officials.

The hazardous materials transportation safety program reauthorization is long overdue. The most recent authorization expired September 30, 1998. Since then, attempts at reauthorization have failed due to objections within Congress and an inability to reach an agreement on certain proposals with the former administration. Now, however, it is appropriate to attempt to move forward and address identified safety problems and improve safety for all Americans. I am hopeful that the Senate will act quickly to take the necessary action to improve hazardous materials transportation safety before we are forced to respond to another attack making use of our nation's transportation system.

Annually, more than four billion tons of hazardous materials—about 800,000 shipments daily—are transported by land, sea, and air in the United States. Among these materials are flammable liquids, combustible solids, gases, and corrosive materials. Despite the wide variety and amount of shipments, the hazardous materials transportation industry has a notable safety record, due in large part to the safety efforts of the individuals and companies involved in transporting these materials. In 1999, for instance, there were five hazardous materials related fatalities, down from thirteen in 1998 and twelve in 1997. However, in light of the attacks of September 11, it is more important than ever to reauthorize this important program. Reauthorization should include new authority for enforcement officials and clarify existing authority for the federal agencies that administer the programs responsible for hazardous materials transportation safety.

The Federal Government has four roles related to hazardous materials transportation: regulation, enforcement, emergency response, and data collection and analysis. The DOT performs the largest role of establishing and enforcing Hazmat regulations, while the Research and Special Program Administration (RSPA), and to a lesser extent other agencies within the Department, are charged with more specific roles.

RSPA is responsible for the regulation and identification of hazardous materials including hazardous materials handling and shipments, the development of container standards and testing procedures, the inspection and enforcement of multimodal shippers and container manufacturers, and for data collection. This legislation would provide authority to RSPA to continue its hazardous materials safety activities. In addition, the measure would grant the United States Postal Service (USPS) similar authority to DOT and its agencies to collect civil penalties and recover costs and damages for violations of its hazardous materials regulations.

With this bill, jurisdiction between the DOT and the Occupational Safety and Health Administration (OSHA) would be clarified as it pertains to hazardous materials transportation. Dual jurisdiction over handling criteria registration, and motor carrier safety would be eliminated, leaving DOT with sole jurisdiction over these programs. Hazardous materials transportation employee training and occupational safety and health protection of employees responding to a release of hazardous materials would remain under the jurisdiction of both DOT and OSHA.

I hope this Congress will act expeditiously to approve comprehensive hazardous materials transportation safety legislation. We simply cannot afford another missed opportunity to address transportation safety shortcomings. We must do all we can to ensure the safe transport of these materials, including providing the needed resources to the agencies charged with oversight of this industry. The Administration is correct in asking Congress to address hazardous materials transportation reauthorization. I will be working with Chairman HOLLINGS and look forward to hearings in the near future to address this important reauthorization proposal.

SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 81—EXPRESSING THE SENSE OF CONGRESS TO WELCOME THE PRIME MINISTER OF INDIA, ATAL BIHARI VAJPAYEE, ON THE OCCASION OF HIS VISIT TO THE UNITED STATES, AND TO AFFIRM THAT INDIA IS A VALUED FRIEND AND PARTNER AND AN IMPORTANT ALLY IN THE CAMPAIGN AGAINST INTERNATIONAL TERRORISM

Mr. BIDEN (for himself, Mr. HELMS, Mr. WELLSTONE, Mr. BROWNBACK, Mr. SARBANES, Mr. TORRICELLI, Mr. DASCHLE, Mr. ALLEN, Mr. DODD, and Mr. KERRY) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 81

Whereas Congress is pleased to welcome the Prime Minister of India, Atal Bihari Vajpayee, on his visit to the United States;

Whereas the United States and India, the world's two largest democracies, are natural allies, based on their shared values and common interests in building a stable, peaceful, and prosperous world in the 21st century;

Whereas from the very day that the terrorist attacks in New York and Washington occurred, India has expressed its condolences for the terrible losses, its solidarity with the American people, and its pledge of full cooperation in the campaign against international terrorism;

Whereas India, which has been on the front lines in the fight against international terrorism for many years, directly shares America's grief over the terrorist attacks against the United States on September 11, 2001, with the number of missing Indian nationals and persons of Indian origin estimated at 250;

Whereas the United States and India are engaged as partners in a global coalition to combat the scourge of international terrorism, a partnership that began well before the tragic events of September 11, 2001;

Whereas cooperation between India and the United States extends beyond the current international campaign against terrorism, and has been steadily developing over recent years in such areas as preserving stability and growth in the global economy, protecting the environment, combating infectious diseases, and expanding trade, especially in emerging knowledge-based industries and high technology areas; and

Whereas more than 1,000,000 Americans of Indian heritage have contributed immeasurably to American society: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress—

(1) to welcome the Prime Minister of India, Atal Bihari Vajpayee, to the United States;

(2) to express profound gratitude to the Government of India for its expressions of sympathy for the September 11, 2001, terrorist attacks and its demonstrated willingness to fully cooperate with the United States in the campaign against terrorism; and

(3) to pledge commitment to the continued expansion of friendship and cooperation between the United States and India.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2114. Mr. SMITH, of New Hampshire proposed an amendment to the bill S. 1428, to authorize appropriations for fiscal year 2002 for intelligence and intelligence-related activities of the United States Government, the Community Management Account of the Director of Central Intelligence, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

SA 2115. Mr. GRAHAM proposed an amendment to amendment SA 2114 submitted by Mr. Smith, of NH and intended to be proposed to the bill (S. 1428) supra.

SA 2116. Mr. GRAHAM proposed an amendment to the bill S. 1428, supra.

TEXT OF AMENDMENTS

SA 2114. Mr. SMITH of New Hampshire proposed an amendment to the bill S. 1428, to authorize appropriations for fiscal year 2002 for intelligence and intelligence-related activities of the United States Government, the Community Management Account of the Director of Central Intelligence, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; as follows:

At the appropriate place in the bill, insert the following:

SEC. ___. ALIEN TERRORIST REMOVAL ACT OF 2001

(a) SHORT TITLE÷.—This section may be cited as the ''Alien Terrorist Removal Act of 2001''.

(b) FINDINGS.—Congress makes the following findings:

(1) In 1993, international terrorists targeted and bombed the World Trade Center in New York City.

(2) In 1996, Congress enacted the Antiterrorism and Effective Death Penalty Act, which established the Alien Terrorist Removal Court for the purpose of removing alien terrorists from the United States based on classified information.

(3) On May 28, 1997, the Court adopted ''Rules for the Alien Terrorist Removal Court of the United States'' which was later amended on January 4, 1999.

(4) The Court is comprised of 5 United States District Judges who are designated by the Chief Justice of the United States to hear cases in which the United States seeks the removal of alien terrorists.

(5) On September 11, 2001, terrorists hijacked 4 civilian aircraft, crashing 2 of the aircraft into the towers of the World Trade Center in the New York City, and a third into the Pentagon outside Washington, D.C.

(6) Thousands of innocent Americans and citizens of other countries were killed or injured as a result of these attacks, including the passengers and crew of the 4 aircraft, workers in the World Trade center and in the Pentagon, rescue worker, and bystanders.

(7) These attacks destroyed both towers of the World Trade Center, as well as adjacent buildings, and seriously damaged the Pentagon.

(8) These attacks were by fair the deadliest terrorist attacks ever launched against the United States and, by targeting symbols of America, clearly were intended to intimidate our Nation and weaken its resolve.

(9) As of September 11, 2001, the United States had not brought any cases before the Alien Terrorist Removal Court.

(10) The Court has never been used because the United States is required to submit for judicial approval an unclassified summary of the classified evidence against the alien. If too general, this summary will be disapproved by the Judge. If too specific, this summary will compromise the underlying classified information.

(11) The notice provisions of the Alien Terrorist Removal Court should be modified to remove the barrier to the Justice Department's effective use of the Court.

(c) ALIEN TERRORIST REMOVAL HEARING.—Section 504(e)(3) of the Immigration and Nationality Act (8 U.S.C. 1534(e)(3)) is amended—

(1) by striking ''(A) USE.—''.

(2) by striking ''other than through reference to the summary provided pursuant to this paragraph''; and

(3) by striking subparagraphs (B) through (F).

(d) REPORTS TO CONGRESS.—Beginning 6 months after the date of enactment of this Act, and every 6 months thereafter, the Attorney General shall submit a report to Congress on the utilization of the Alien Terrorist Removal Court for the purposes of removing alien terrorists from the United States through the use of classified information.

SA 2115. Mr. GRAHAM proposed an amendment to amendment SA 2114 submitted by Mr. SMITH, of NH and intended to be proposed to the bill (S. 1428) to authorize appropriations for fiscal year 2002 for intelligence and intelligence-related activities of the United States Government, the Community Management Account of the Director of Central Intelligence, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; as follows:

Strike all after the word ''sec'' and insert the following:

Section 504 of the Immigration and Nationality Act (8 U.S.C. 1534) is amended by adding the following subsection after subsection (k):

''(L) No later than 3 months from the date of enactment of this act, the Attorney General shall submit a report to Congress concerning the effect and efficacy of Alien Terrorist Removal proceedings, including the reasons why proceedings pursuant to this section have not been used by the Attorney General in the past, and the effect on the use of these proceedings after the enactment of the U.S.A. PATRIOT Act of 2001.

SA 2116. Mr. GRAHAM proposed an amendment to the bill S. 1428, to authorize appropriations for fiscal year 2002 for intelligence and intelligence-related activities of the United States Government, the Community Management Account of the Director of Central Intelligence, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; as follows:

Insert at the appropriate place in the bill:

The DCI shall provide, prior to conference, any technical modifications to existing legal authorities needed to facilitate Intelligence Community counterterrorism efforts.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. GRAHAM. 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 Thursday, November 8, 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 ARMED SERVICES

Mr. GRAHAM. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, November 8, 2001, at 9:30 a.m., in open session to consider the nominations of R.L. Brownlee to be under Secretary of the Army, Dale Klein to be Assistant to the Secretary of Defense for nuclear and Chemical and Biological Defense Programs, and Peter B. Teets to be Under Secretary of the Air Force.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, November 8, 2001, at 2:30 p.m., on the nomination of Vice Admiral Conrad C. Lautenbacher, Jr., to be Under Secretary for Oceans and Atmosphere and Administrator of the National Oceanic and Atmospheric Administration.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. GRAHAM. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be authorized to meet on Thursday, November 8, 2001, at 2 p.m., to conduct a business meeting in SD–406 on the following items:

1. Nomination of William W. Baxter to be a Member of the Board of Directors of the Tennessee Valley Authority;

2. Nomination of Kimberly Terese Nelson to be an Assistant Administrator of the Office of Environmental Information, U.S. Environmental Protection Agency; and

3. Nomination of Steven A. Williams to be Director of the United States Fish and Wildlife Service, U.S. Department of the Interior.

4. S. 835—Detroit River International Wildlife Refuge Establishment Act;

5. S. 990—American Wildlife Enhancement Act of 2001;

6. S. 1459—a bill to designate the Federal building and United States Courthouse located at 550 West Front Street in Boise, Idaho, as the ''James A. McClure Federal Building and United States Courthouse'';

7. S. 1593—Water Infrastructure Security and Research Development Act;

8. S. 1608—a bill to establish a program to provide grants to drinking water and wastewater facilities to meet immediate security needs;

9. S. 1621—a bill to amend the Robert T. Stafford Disaster Relief and Emergency; Assistance Act to authorize the President to carry out a program for the protection of the health and safety of community members, volunteers, and workers in a disaster area;

10. S. 1622—a bill to extend the period of availability of unemployment assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act in the case of the terrorist attacks of September 11, 2001;

11. S. 1623—a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to direct the President to appoint Children's Coordinating Officers for disaster areas in which children have lost 1 or more custodial parents;

12. S. 1624—a bill to establish the Office of World Trade Center Attack Claims to pay claims of injury to businesses and property suffered as a result of the attack on the World Trade Center in New York City that occurred on September 11, 2001, and for other purposes;

13. S. 1631—a bill to amend the Robert T. Stafford Disaster Relief and Emergency Response Assistance Act to Study of Emergency Communications Response System;

14. S. 1632—a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to extend the deadline for submission of State recommendations of local governments to receive assistance for predisaster hazard mitigation and to authorize the President to provide additional repair assistance to individuals and households.

15. S. 1637—a bill to waive certain limitations on the use of the emergency fund for repair or reconstruction of highways, roads, and trails that suffered serious damage as a result of the September 11 attack on the World Trade Center;

16. H.R. 643—African Elephant Conservation Reauthorization Act of 2001;

17. H.R. 645—Rhinoceros and Tiger Conservation Reauthorization Act of 2001;

18. H.R. 700—Asian Elephant Conservation Reauthorization Act of 2001;

19. S. Con. Res. 80—Expressing the sense of Congress regarding the 30th Anniversary of the Enactment of the Federal Water Pollution Control Act;

20. U.S. Army Corps of Engineers Study Resolution for Tybee Island, Georgia; and

21. Several GSA Building and Lease Committee Resolutions.

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

COMMITTEE ON FINANCE

Mr. GRAHAM. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet in open executive session during the session of the Senate on Thursday, November 8, 2001.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. GRAHAM. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, November 8, 2001, at 10 a.m., to hold a nomination hearing.

Agenda

Nominees: Eric Javits, of New York, for the rank of Ambassador during his tenure of service as U.S. Representative to the Conference on Disarmament; Christopher Burnham, of Connecticut, to be Chief Financial Officer and an Assistant Secretary of State (Resource Management); Sichan Siv, of Texas, to be Representative of the United States of America on the Economic and Social Council of the United Nations and an Alternate Representative to the Session of the General Assembly of the United Nations during his tenure of service as Representative of the United States of America on the Economic and Social Council of the United Nations; and Richard Williamson, of Illinois, to be Alternate Representative of the United States of America for Special Political Affairs in the United Nations.

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

COMMITTEE ON FOREIGN RELATIONS

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, November 8, 2001, after the next rollcall vote to hold a business meeting.

The Committee will consider and vote on the following nominees: Sichan Siv, of Texas, to be Representative of the United States of America on the Economic and Social Council of the United Nations and an Alternative Representative to the Session of the General Assembly of the United Nations during his tenure of service as Representative of the United States of America on the Economic and Social Council of the United Nations, and Richard Williamson, of Illinois, to be Alternate Representative of the United States of America for Special Political Affairs in the United Nations and to be the Alternate U.S. Representative to the Sessions of the General Assembly of the United Nations.

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

COMMITTEE ON THE JUDICIARY

Mr. GRAHAM. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, November 8, 2001, at 10 a.m., in Dirksen Room 226.

Tentative Agenda

1. Nominations: Terry L. Wooten to be U.S. District Court Judge for the District of South Carolina and John P. Walters to be Director of the Office of National Drug Control Policy.

II. Bills: S. 1630, a bill to extend for 6 additional months the period for which chapter 12 of title 11, United States Code, is reenacted [Carnahan/Grassley/Leahy/Bond/Harkin/Sessions/Brownback] and S. 986, a bill to allow media coverage of court proceedings [Grassley/Schumer/Leahy/Smith/Allard/Feingold/Specter].

III. Resolution: S. Res. 23, A resolution expressing the sense of the Senate that the President should award the Presidential Medal of Freedom posthumously to Dr. Benjamin Elijah Mays in honor of his distinguished career as an educator, civil and human rights leader, and public theologian [Cleland/Miller/Hollings].

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

PRIVILEGES OF THE FLOOR

Mr. GRAHAM. Mr. President, I ask unanimous consent that the following list of staff members of the Senate Select Committee on Intelligence be granted the privilege of the floor during consideration of S. 1428: Jim Barnett, Randy Bookout, Steven Cash, Thomas Corcoran, Paula DeSutter, Vicki Divoll, F.F., Peter Dorn, Melvin Dubee, Christopher Ford, Lorenzo Goco, Christopher Jackson, Ken Johnson, Mary Pat Lawrence, Mark Magee, Kathleen McGhee, Don Mitchell, Ken Myers, Don Stone, Linda Taylor, Tracye Winfrey, James Wolfe, and Amanda Krohn.

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

Ms. MIKULSKI. Mr. President, I ask unanimous consent that Joel Widder, a detailee to the Appropriations Committee, be granted the privilege of the floor during the consideration of the VA–HUD conference report.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Madam President, I ask unanimous consent the Senate proceed to executive session to consider the nominations reported out earlier today by the Armed Services Committee, that the nominations be confirmed, the motion to reconsider be laid on the table, that any statements thereon be printed in the RECORD, and the President be immediately notified of the Senate's action.

The PRESIDING OFFICER (Ms. STABENOW). Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

DEPARTMENT OF DEFENSE

Dale Klein, of Texas, to be Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs.

Mary L. Walker, of California, to be General Counsel of the Department of the Air Force.

R. L. Brownlee, of Virginia, to be Under Secretary of the Army.

Marvin R. Sambur, of Indiana, to be an Assistant Secretary of the Air Force.

Sandra L. Pack, of Maryland, to be an Assistant Secretary of the Army.

NOMINATION OF R.L. BROWNLEE

Mr. REID. Madam President, present today is Senator WARNER, former chairman of the Armed Services Committee. Also momentarily will be here the present chairman of the Armed Services Committee, Senator LEVIN. They wish to speak in just a short time on the nomination of Mr. Brownlee to be Under Secretary of the Army.

I had the pleasure of working with him during the time Senator WARNER was chairman and Senator LEVIN was chairman on the matters of this bill. He has been an integral part of moving these armed services bills.

I, as a Democrat, depended on him, he representing the Republican leader on the Armed Services Committee. I just can't say enough nice things about him. I know Senator WARNER and Senator LEVIN will say more at the appropriate time.

NOMINATION DISCHARGED

Mr. REID. Madam President, I ask unanimous consent the Senate proceed to the consideration of Executive Calendar No. 436, that the HELP Committee be discharged from further consideration of the nomination of

Federico Juarbe, Jr., to be Assistant Secretary of Labor for Veterans Employment and Training; that the nominations be confirmed, the motions to reconsider be laid on the table, any statements be printed in the RECORD, and the President be immediately notified of the Senate's action and the Senate return to legislative session.

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

The nominations considered and confirmed are as follows:

DEPARTMENT OF JUSTICE

Jay B. Stephens, of Virginia, to be Associate Attorney General.

DEPARTMENT OF LABOR

Frederico Juarbe, Jr., of Virginia, to be Assistant Secretary of Labor for Veterans' Employment and Training.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

WELCOMING PRIME MINISTER OF INDIA ATAL BIHARI VAJPAYEE

Mr. REID. Madam President, I ask unanimous consent the Senate proceed to immediate consideration of S. Con. Res. 81, introduced earlier today by Senators BIDEN and HELMS.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 81) expressing the sense of Congress to welcome the Prime Minister of India, Atal Bihari Vajpayee, on the occasion of his visit to the United States, and to affirm that India is a valued friend and partner and an important ally in the campaign against international terrorism.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid on the table, and any statements be printed in the RECORD.

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

The concurrent resolution (S. Con. Res. 81) was agreed to.

The preamble was agreed to.

The text of the concurrent resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.''

ORDERS FOR FRIDAY, NOVEMBER 9, 2001

Mr. REID. Madam President, I ask unanimous consent when the Senate completes its business today, it adjourn until the hour of 10 a.m. Friday, November 9, that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate be in a period of morning business, with Senators permitted to speak for 10 minutes each.

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

ORDER FOR ADJOURNMENT

Mr. REID. Madam President, if there is no further business to come before the Senate, I ask the Senate stand in adjournment after the statements of Senators WARNER and LEVIN.

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

The senior Senator from Virginia.

NOMINATION OF R.L. BROWNLEE OF VIRGINIA TO BE UNDER SECRETARY OF THE ARMY

Mr. WARNER. I express my appreciation to our distinguished acting majority leader tonight for his courtesy. Senator LEVIN has now joined me on the floor. I defer to the chairman to lead off.

Mr. LEVIN. I think it is particularly appropriate, given the very special relationship Senator WARNER has had in particular with Les Brownlee, for him to lead off. I will just add a few comments to what the Senator says.

Mr. WARNER. I thank my good friend and chairman, Mr. LEVIN. We have served 23 years together, and throughout this day we met four or five times on the conference report and other matters. It is an extraordinary opportunity to serve America with such fine people as Senator LEVIN, Senator REID, and others.

Anyway, to the matter at hand.

Madam President, I will start off. I wish to address the Senate with regard to the nomination by the President of the United States, of Colonel Les Brownlee, United States Army, Retired.

I cannot in words express my gratitude to this wonderful American for his service to the Senate, to the Committee on the Armed Services, and to me personally over these 18 years that he has been a Member of the Senate family and organization.

When I introduced him to the committee today, I reflected that some 32 years ago I sat in the same seat before the committee. Senator THURMOND was a member of the Committee, and I believe Senator BYRD may well have been a Member at that time; I would like to check the record on that. But there I was as a young man taking on the job as Under Secretary of the Navy, as my dear friend Colonel Brownlee is now taking on the job as Under Secretary of the Army.

The war at that time was raging in Vietnam. A war tonight is raging beyond our shores, in the area of Afghanistan, where men and women of the Armed Forces are risking their lives. So he joins the Department of Defense at a critical time, as did I.

While I came up sort of through the political ranks, he came up through the ranks as a professional soldier and 18 years of service to the Senate. It was on those qualifications that I was privileged to recommend him to the President. The recommendation was accepted and tonight he was confirmed by the Senate.

It is an important day for Les Brownlee. It is an important day for the Senate and for our committee. I may say that his son, John, and his daughter, Tracy, and other family members are present at this time.

Les has a distinguished career in the U.S. Army. He served in Vietnam. Our periods somewhat overlapped. For 5 years and 4 months I was in the Pentagon. During that period, or prior thereto, Les won the Silver Star with Oakleaf Cluster. That means two Silver Stars. He won the Bronze Star with two Oakleaf Clusters. That means three Bronze Stars. And, he won the Purple Heart.

Les and I have a very close personnel relationship. We've traveled the world together on behalf of the Senate Armed Services Committee. There are times when we have strongly disagreed on subjects. At those times, we go into a room; he takes off his colonel's insignia and I take off the U.S. Senate insignia, and we have at it. Most often we reach a mutual decision. Occasionally, Judy Ansley, who moves up from Deputy to Staff Director, has arbitrated our disputes. Nevertheless, we've had a marvelous relationship in which he's given me the unvarnished truth and advice.

Les Brownlee's record and knowledge about the Department of the Army is second to none. It is extraordinary. He returns to the service of the Army, an organization for which he expressed his love today in those very words, at a time when the Army is going through a very significant period of transition—transitioning in a manner to recognize the changed world in which we live. That world was beginning to change long before September 11 of this year.

Our committee has been working with the previous Secretaries of the Army and Defense, and previous Army Chiefs of Staff. It has been a long evolution. But largely, under the current Chief of Staff and the current Secretary of the Army, one of the major elements of that transformation will take place, and Les Brownlee will be right there to assist and to provide the knowledge.

He sent a note of humor about how he is in all probability returning to the very same office from whence he departed, to come to the Senate, 18 years ago having served as the principal military aid to the then-Under Secretary of the Army. What a fascinating coincidence.

He will also be entrusted with the issues involving homeland defense. The Department of the Army has a very special mission in this area.

Fortunately, the Senate Armed Services Committee established some years

ago a subcommittee to take over certain responsibilities on emerging threats as best we could see them at that time. None of us could envision the events of September 11. Nevertheless our committee, under my chairmanship, following with the chairmanship of our distinguished Senator from Michigan, we continued that work.

Les takes great credit, together with other staff members, in laying out the platforms and the goals of that subcommittee which we achieved in large measure.

I also think, very clearly with a sense of humility, that he exemplifies the extraordinary quality of individuals who come to the Senate to work as staff members. He just gives those people inspiration. As that room was filled today in the hearing, you could see in their hearts and their minds—there were probably 30 to 40 of them assembled there—that someday any one of them could be sitting where he is.

We are privileged in our committee to have had a number of our staff members move on into Presidential appointments in both administrations, Republican and Democrat.

So it is a great day. Chairman LEVIN presided over it with his usual dignity and feeling.

At this moment, I yield the floor so that perhaps he can add his own observations.

We are joined in the Chamber by a very fine staff person, Judy Ansley, who, as I noted earlier, will succeed Les as Chief of Staff. Mrs. Ansley has been his Deputy for a number of years. I am pleased to recognize her presence here today.

The PRESIDING OFFICER. The senior Senator from Michigan.

Mr. LEVIN. Thank you, Madam President. I thank Senator WARNER.

When my career here is over and I look back on it, one of the real highlights will always be that I came with Senator WARNER and that we have served together on the Armed Services Committee—both as chairman, always as friends, always with total trust, not always with total agreement, but always having our singular goal of a bipartisan security policy for this Nation.

Senator WARNER has been an extraordinary member of that committee. I watched him through the years as he has pulled together people with diverse views to reach a common goal.

It was a pleasure to join with him as he recommended to the President the nomination of Les Brownlee to be Under Secretary of the Army.

It is always a special day for the committee when one of our staff is nominated to a high position in the executive branch. This is a special day for us.

We hate to lose Les. He has been of tremendous and inestimable value in the committee and to both sides of the aisle when we bring our bills to the floor.

This is a committee that I think sets the standard for how we should operate in a bipartisan manner in this Senate. It has always had that tradition. Senator WARNER maintained that tradition beautifully. I seek to emulate that kind of a role model that he and many Senators before him set when they were chairmen of that very special committee.

Les will be leaving us. He will be crossing the Potomac. He will be back in his beloved Army. I can't think of anyone better qualified to serve in that position than Les because of the experience, which Senator WARNER has outlined, and what Les brings to the job his commitment, spirit, and love for the Army. We always rely on our staff to give us their total loyalty and their total commitment. Les is surely a shining example of that. But first and foremost, that loyalty is to this country. Les has always shown that loyalty.

The staff director for the majority, David Lyles, is also on the floor, as are other members of the Armed Services Committee staff. Not only have we looked to Les for unvarnished and straight advice, we have always looked to him and David Lyles when they were staff directors, first, for the majority, and then for the minority, to work together to bring the committee a joint bill that we could all support and that would help bring us together.

Our staffs have not only given us advice and guidance, they have truly been instrumental in making this committee a bipartisan example of what security policy should be and what this Senate strives to be, whether it is in the area of defense or any other area.

I noted what Senator WARNER said about Les returning perhaps physically to the same office that he left. I understand he was the military executive to the Under Secretary of the Army. The very position that he was the executive to will now be filled by him. So there is a certain symmetry, and a certain wonderful roundness, to Les's confirmation.

As Senator WARNER said, we are now engaged in a military campaign. Colonel Brownlee was engaged in Vietnam. He served two tours in Vietnam with extraordinary distinction and heroism. He brings to this current challenge an experience that is invaluable so that we do not repeat the mistakes that were made in Vietnam, and so that we avoid any of the pitfalls that faced us as a nation in that war in which so many men and women served so valiantly, with so much honor, and with not nearly enough reward or recognition by their own countrymen back here at home.

What Les brings to this current challenge is of tremendous value. I know, as Senator WARNER said, that we speak for every member of our committee and for our staffs when we say how proud we are of Les. We are proud of not only what he has done for the committee, but we also are very confident of what he will do for the Army and for the Nation in his new capacity.

We wish him all the best. We know we will see a lot of him. To him and his family, we can only say we are sad to see him go, but we are surely glad that he will occupy the position that he will assume. This nation is safer because it will be in his hands.

I thank the Chair.

Mr. WARNER. Madam President, I thank my very valued and long time special friend, the Senator from Michigan, for his very kind remarks. I reciprocate with equal feelings toward him.

We struggle together, and we are going to succeed. We have a big mission ahead of us in this committee with this conflict. We are behind our President. We want to give him that type of support, and the men and women of the Armed Forces fighting this engagement.

In relation to what the Senator stated, it was Under Secretary James Ambrose with whom Les served.

I appreciate Senator LEVIN singling out his combat record. The men and women of the Armed Forces, across the board, are trained to go into combat situations. Relatively few of them, however, certainly in recent years, because of the nature of combat, are put into those positions.

I was combat trained in World War II, but I did not go into combat. I did visit the battlefields more than once in Korea, but my military career pales in the face of Les Brownlee's and those of the men and women who have really gotten into the thick of it, have been tested, and proved not only to survive, but continue their leadership. They have earned the recognition of their peer group through their personal decorations.

I have a tremendous amount of respect for Colonel Brownlee and, indeed, for many other Members of the Senate with whom I have been privileged to serve in the past and today who have earned those decorations.

While we acknowledge the long list of Colonel Brownlee's accolades, we recognize that the challenges of life are most successfully accomplished as a team effort. Colonel Brownlee's family have shared the challenges and rewards of both his professional military career and his career in the Senate. The journey which brought Colonel Brownlee to this prestigious nomination would not have been possible without the unconditional and loving support of his family.

From the first day that Les and I began working together, he has always been guided by what he thought was in the best interest of our Nation's security, the best interest of the men and women of our Armed Forces, and in the best interest of the Senate. On behalf of a grateful nation, we congratulate Les on his nomination and thank him for his service to the United States Senate. Les brings a special dimension to the Army secretariat, and we wish him well.

I thank my colleague.

Madam President, I think that concludes the matters, and we can go to the standing order.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 10 a.m. tomorrow.

Thereupon, the Senate, at 6:02 p.m., adjourned until Friday, November 9, 2001, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate November 8, 2001:

THE JUDICIARY

DAVID W. MCKEAGUE, OF MICHIGAN, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SIXTH CIRCUIT, VICE RICHARD F. SUHRHEINRICH, RETIRED.

SUSAN BIEKE NEILSON, OF MICHIGAN, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SIXTH CIRCUIT, VICE CORNELIA G. KENNEDY, RETIRED.

HENRY W. SAAD, OF MICHIGAN, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SIXTH CIRCUIT, VICE JAMES L. RYAN, RETIRED.

RALPH R. BEISTLINE, OF ALASKA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ALASKA, VICE H. RUSSEL HOLLAND, RETIRED.

DEPARTMENT OF DEFENSE

CLAUDE M. BOLTON, JR., OF FLORIDA, TO BE AN ASSISTANT SECRETARY OF THE ARMY, VICE PAUL J. HOEPER.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE REGULAR AIR FORCE OF THE UNITED STATES TO THE POSITIONS AND GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 8307:

To be the judge advocate general of the United States Air Force

MAJ. GEN. THOMAS J. FISCUS, 0000

To be major general and to be the deputy judge advocate general of the United States Air Force

BRIG. GEN. JACK L. RIVES, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

CAROL E. PILAT, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

ILUMINADA S. CALICDAN, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 531 AND 624:

To be major

*JAMES W. WARE, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

MEE S. PAEK, 0000

CONFIRMATIONS

Executive nominations confirmed by the Senate November 8, 2001:

DEPARTMENT OF DEFENSE

DALE KLEIN, OF TEXAS, TO BE ASSISTANT TO THE SECRETARY OF DEFENSE FOR NUCLEAR AND CHEMICAL AND BIOLOGICAL DEFENSE PROGRAMS.

MARY L. WALKER, OF CALIFORNIA, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF THE AIR FORCE.

R. L. BROWNLEE, OF VIRGINIA, TO BE UNDER SECRETARY OF THE ARMY.

MARVIN R. SAMBUR, OF INDIANA, TO BE AN ASSISTANT SECRETARY OF THE AIR FORCE.

SANDRA L. PACK, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF THE ARMY.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF LABOR

FREDERICO JUARBE, JR., OF VIRGINIA, TO BE ASSISTANT SECRETARY OF LABOR FOR VETERANS' EMPLOYMENT AND TRAINING.

DEPARTMENT OF JUSTICE

JAY B. STEPHENS, OF VIRGINIA, TO BE ASSOCIATE ATTORNEY GENERAL.

THE JUDICIARY

TERRY L. WOOTEN, OF SOUTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF SOUTH CAROLINA.

EXTENSIONS OF REMARKS

OFFSET OF FEDERAL TAX REFUNDS FOR STATE AND LOCAL TAX DEBTS

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Mr. MORAN of Virginia. Mr. Speaker, I am pleased today to be introducing legislation that would establish a federal tax refund offset program for state and local governments. Specifically, this program would require the federal government to withhold refunds from those individuals and corporations that still owe state or local government tax obligations.

Today, the reverse situation exists. A number of states allow their own state agencies, local governments and the Internal Revenue Service to submit a list of delinquent taxpayers. The state then matches these delinquent accounts against taxpayers who may qualify for a state tax refund. If a match is found, the state reduces the refund by the amount of the delinquency and remits the funds to the claimant. These programs have proven to be low-cost and highly effective. Congress recognized the effectiveness of these programs and directed the Internal Revenue Service to establish a similar program to cover claims by other federal agencies, as well as for past-due child support obligations. Last year, Congress expanded the program by directing the Treasury Department to accept claims by states for income tax obligations.

The legislation I am introducing today builds on these successful programs by permitting local governments to participate. The local governments could submit their outstanding tax debts to the Department of the Treasury for an offset against any federal tax refund, just as federal agencies and states do now. This legislation would also permit a claim to be made for any legally enforceable tax obligation owed to the state or local government.

In an era of tight state and local government budgets, it Is patently unfair to have the taxpaying citizenry bear the costs and burdens of those who do not pay their fair share. As President Kennedy recognized, ''[t]o the extent that some people are dishonest or careless in their dealings with the government, the majority is forced to carry a heavier tax burden.'' (April 20, 1961) The legislation that I am introducing today will provide a means to help distribute that burden more equitably.

I urge my colleagues to support it.

NOVEMBER SCHOOL OF THE MONTH

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Mrs. MCCARTHY of New York. Mr. Speaker, I have named Carle Place Middle School in Carle Place as School of the Month in the Fourth Congressional District for November 2001.

Neil J. Connolly is Principal of Carle Place, and Dr. Patricia B. Hansen is the Superintendent of Schools for the Carle Place Union Free School District. There are approximately 260 students in 7th and 8th grades.

The outstanding academic records at Carle Place demonstrate the vibrancy of learning inside this school firsthand. The faculty and staff are focused on sending their students to high school wholly prepared and ready to keep learning.

One group of national renowned winners at Carle Place are the budding journalists involved in The Carle Place Middle School Newspaper, The Path. For two years running, The Path's excellent team took top honors from the American Scholastic Press Association newspaper competition.

Expanding on those good deeds, Carle Place Middle, in conjunction with Carle Place High, is the number one contributor to Make-A-Wish Foundation in the entire country, exceeding $379,500 since 1988.

At Carle Place, students are focused on helping others. When young people dedicate their time and effort willingly, a lifetime of caring for your fellow man is solidified.

You name it, Carle Place students are there, nabbing top honors in the Long Island Science Congress Junior Division, Scholar Athletes, National Junior Honor Society, language arts competitions, and excelling in the Fine and Performing Arts programs.

Congratulations to Carle Place Middle School students, faculty and administration on this achievement. Keep up the good work.

SALUTE TO UNION RIDGE SCHOOL, SELECTED A BLUE RIBBON SCHOOL

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Ms. SCHAKOWSKY Mr. Speaker, I rise today to recognize the outstanding achievements of Union Ridge School, which was named a Blue Ribbon School, by the Department of Education's Blue Ribbon School Program. This year, Union Ridge was one of 223 public schools recognized by the program.

Selection of Blue Ribbon Schools is based on a rigorous evaluation process. Schools are evaluated by the program's reviewers and by a thorough self-evaluation involving administrators, teachers, students, parents and community. This is a highly competitive program that recognizes schools that are making a major positive impact in their communities and in our country.

Union Ridge School is a one-school elementary district in Harwood Heights, Illinois, with students ranging from pre-kindergarten through eighth grade. The school serves an urban, ''blue collar'' community and has established a long-standing tradition of setting high expectations for all learners. The school has implemented a variety of programs designed to promote diversified education, including formal bilingual and English as a Second Language programs.

Union Ridge is a Blue Ribbon winner because it has realized its educational goals through the efforts of a creative and dedicated staff. Their innovative instruction combines engaged learning and challenging experiences for students of differing abilities and backgrounds. The school promotes awareness and a commitment to educational diversity.

Union Ridge School has established itself as a centerpiece for learning. Its goals and priorities have been planned to be consistent with community values. Union Ridge is an example of what all schools across the country strive to do—to provide a quality, diversified education that enriches the lives of students and the surrounding community.

I congratulate Union Ridge School, the 11 other Blue Ribbon winners in Illinois, and all the Blue Ribbon Schools in the country on their achievement. There is nothing more important than preparing young minds to create a better America. I commend Union Ridge School for its efforts toward that end.

25TH ANNIVERSARY OF SONOMA COUNTY YWCA

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Ms. WOOLSEY. Mr. Speaker, I rise today to honor the Sonoma County YWCA on the occasion of its twenty-fifth anniversary. Since November, 1976, the YWCA has led the battle against domestic violence in our community.

Begun by a group of women who met at the Santa Rosa library 25 years ago, the organization initially thought it would offer shelter for all homeless women but soon realized there was an urgent need to protect women fleeing for their lives. The first safe house was opened a year later with seed money from the county Mental Health Department.

The Sonoma County YWCA now has an annual budget of $2,000,000 and offers child care, a legal clinic, counseling, and professional training as well as a safe house that is always full. Last year the domestic violence hotline received 2,501 phone calls and took in 193 women and children as well as counseling men who were victims of domestic violence. The YWCA partners with local law enforcement in this effort and has satellite offices inside local police departments.

Mr. Speaker, it is fitting to honor the founders of the Sonoma County YWCA, especially Barbara Tomin and Pat Kuda, who were the visionaries, the planners, and the energy behind this project, as well as all those who have contributed to these vital services for the last 25 years.

HONORING MARGARET C. MOSHER

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Ms. CAPPS. Mr. Speaker, today I would like to pay tribute to a woman who has been invaluable to California's Central Coast, Mrs. Margaret C. Mosher. Because of her generous dedication and devotion to young people, Mrs. Mosher was honored at the Annual Kids Auction on November 3, 2001, in Santa Barbara, CA.

Proceeds from the Annual Kids Auction will benefit youth development programs at local Boys and Girls Clubs throughout California's 22nd Congressional District. Since its inception 18 years ago, this auction has raised over a million dollars to support programs that benefit over 4,000 youth a year. After school care, computer training, and drug abuse and gang prevention programs are only a few examples of the services that will benefit from the auction proceeds.

It is fitting that the Annual Kids Auction will be honoring Margaret Mosher this year, as she has spent over 20 years dedicating herself to the Boys and Girls Club Organizations. Striving to aid the organization in as many ways as possible, 18 years ago Mrs. Mosher established an annual fundraiser, the Bill Oliver Memorial Golf Tournament. All of the proceeds of this tournament go directly to the Goleta Boys and Girls Club.

In addition to her dedication to the Boys and Girls Club, Mrs. Mosher is currently the president of the Samuel B. Mosher Foundation. She is also the president and owner of the Dos Pueblos Orchid Company and the owner of the Perry Investment Company. She is on the advisory board of the Wilmer Eye Institute at Johns Hopkins Hospital and the International Eye Tissue Bank. She is also on the board of directors for the John Tracy Clinic and the Los Angeles Orphanage Guild. In 1992 Mrs. Mosher received the UCSB Alumni Association's Honorary Alumni Award. She has been a trustee of The UCSB Foundation since 1983, and is a member of the Chancellor's Council, the Lancaster Society and the Legacy Circle.

Numerous children have benefited from Mrs. Mosher's generosity, and I am so pleased to have this opportunity to honor her and thank her for all the wonderful things she has accomplished.

CONGRATULATING PYUNIC USA

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate Pyunic USA for their accomplishments over the past 11 years. Pyunic USA is an Armenian-based association that is dedicated to helping disabled individuals in Armenia.

Pyunic was founded in 1989 to provide aid to the children left disabled by the devastating Armenian earthquake of 1988. Since its inception, Pyunic has evolved into an association that supports all of the physically challenged in Armenia. The help they provide includes individuals born with disabilities and those who were injured while defending Karabagh. Services provided by Pyunic include physical and mental rehabilitation, advocacy for the rights of the disabled, annual summer/winter camp sessions, and athletic paralympic training to all disabled children and young adults throughout Armenia.

With over 50 volunteers and only 4 staff members Pyunic's mission is to integrate the disabled into Armenia's mainstream life. The organization takes pride in their efforts to develop outstanding disabled athletes who travel worldwide to compete in several marathons and Paralympics. In 2000 Pyunic was selected as the ''Best Non-Governmental Organization (NGO) of Armenia for Youth.'' Pyunic has created working relationships with several international nongovernmental organizations, including Save the Children International, the World Rehabilitation Foundation and the United Nations High Commission for Refugees.

Pyunic has five main goals: to help disabled become self-sufficient and contributing members of Armenia, and integrate them into mainstream life; to promote physical, social and psychological rehabilitation; to utilize sports to develop strong bodies and active minds; to develop skills to meet challenges of life for the disabled; to educate the public through dissemination of information on the issues of disability.

Mr. Speaker, I rise to congratulate Pyunic USA for their commitment to improving the lives of the disabled. I urge my colleagues to join me in wishing Pyunic USA many more years of continued success.

TRIBUTE TO WHITE KNOLL MIDDLE SCHOOL

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to the students and faculty of White Knoll Middle School in Columbia, SC, who, for a number of weeks have been raising money for a new fire truck to be presented to the New York City Fire Department in the aftermath of the terrorist attacks of September 11, 2001.

The students and faculty of White Knoll Middle School have embarked on a project that is both uniquely appropriate and inspiring. While people all across the country sought meaningful ways to respond personally and collectively to the despicable terriorist attacks commensurate to the anguish they were feeling, the students and faculty at White Knoll Middle School committed to the purchase and ''return'' of a fire truck to New York City as an expression of their heartfelt empathy, faith, and resolve.

Mr. Speaker, as a former high school history teacher and devout historic preservationist, I share with you and my colleagues the discovery of an intriguing historical link. Logbooks kept at the Columbia Fire Department Museum in Columbia, SC, reveal that on June 27, 1867, two years after a Civil War fire destroyed the city, a group of New York City firefighters—former Union Soldiers—delivered a fire truck to the city of Columbia that, at the time, was using citizen bucket brigades. The burning of Columbia left deep wounds in the South Carolina psyche, with many harboring ill will against the North for decades. However, logbooks indicate that New York firefighters and Columbians of that period 134 years ago, looked at the gift as an act of healing.

These students and their teachers are telling the citizens of New York City that Columbia remembers. The hearts of New York City firefighters reached out to Columbia 134 years ago and now the hearts of the children at White Knoll Middle are reaching out to New York. At least $350,000 is needed for a new fire engine and they are within a few thousand dollars of reaching that figure. White Knoll Middle raised $18,000 before their cause entitled South Carolina Remembers, grew to include key business leaders, city officials, corporations, civic organizations, and philanthropists from the Columbia area such as SCANA, SCE&G, Mayor Bob Coble and Mr. Sam Tenenbaum. They raised the funds by using word of mouth and old-fashioned techniques such as bake sales, car washes, gospel concerts, and booths at the South Carolina State Fair.

The fund raising effort continues to gain momentum as over $330,000 has been raised to date—including a $50,000 pledge from an anonymous donor. White Knoll Middle School's story of benevolence has caught the attention of many local and national media outlets and has been featured on CBS's ''Early Show,'' as well as in People and Time Magazines.

Mr. Speaker, I ask you and my colleagues to please join me in honoring White Knoll Middle School for their outstanding work as they emulate the beautiful and united fabric of America. The students and faculty of White Knoll Middle School have taught us once more that history has a way of connecting us and kindness has a way of multiplying the effects of those connections.

TRIBUTE TO THE HON. GERALD B.H. SOLOMON

SPEECH OF

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 2001

Mr. SENSENBRENNER. Mr. Speaker, it is with sadness that I note the death of a former colleague and a great New Yorker, Mr. Gerald Solomon, who passed away last month.

Jerry grew up in Delmar, New York and attended Siena College and St. Lawrence University before enlisting in the Marines at the onset of the Korean War. After serving his country with honor as a member of the Armed Forces, Jerry continued working for the nation as a Member of Congress. But even as an elected representative, when you spoke with Jerry, you could easily guess his background. Like the motto says, ''once a Marine, always a Marine.''

First elected in 1978, Jerry and I were in the same freshman class of Congress as I too was elected that year. I got to know, and become very good friends with Jerry during the 20 years we served in the House together. He was perhaps the most ardent supporter of our nation's veterans. As the Ranking Member on

the House Veterans Affairs Committee, Jerry worked tirelessly on their behalf. In fact, it was largely through his work and dedication that the Veterans Administration was elevated to a cabinet-level department.

Jerry was a man who didn't mince words—he was fair and principled and called things as he saw them. We got along well because we were similar in many ways and agreed on a lot of things. But, sometimes, we disagreed. I never, for example, quite saw the merits of the Northeast Dairy Compact the way he did—but even when we disagreed, we disagreed like gentlemen.

It is a testament to his character as a legislator, and a reflection of his leadership, that during his final years in the House, he served as Chairman of the powerful House Rules Committee. This is particularly noteworthy because as many of you know, he was the first Republican to have that position in four decades!

When Jerry spoke, people listened. Not because he was Chairman of the Rules Committee, but simply because if he took the time to tell you something, you could bet it was worth your while to pay attention to him.

It is with a heavy heart that I say good-bye to my friend Jerry. My wife Cheryl and I would like to express our condolences to Jerry's wife Freda, their five children, six grandchildren, and brother, in this time of sorrow and sadness. They will be in our prayers.

CELEBRATING 60TH ANNIVERSARY OF THE BOYS & GIRLS CLUBS OF OAKLAND

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Ms. LEE. Mr. Speaker, I rise today to honor the 60th Anniversary Celebration of the Boys & Girls Clubs of Oakland, California.

In 1941, the Filbert Street Boys Club merged with the East Oakland Boys Club to become the Oakland Boys Clubs. The purpose of this club was to create a fun environment while at the same time provide educational programs and services specifically tailored to the needs of young men. For many years the Oakland Boys Clubs were solely focused on providing for the well-being of boys. However, in 1989 the Board of Directors agreed that their organization should be a club that is inclusive rather than exclusive. Therefore, they extended their membership to young women. They wanted the Oakland Boys Clubs to become the Boys & Girls Clubs of Oakland which would welcome young people of all backgrounds.

The Boys & Girls Clubs of Oakland have a membership of 2,400 people who are taking full advantage of the programs and services this organization has to provide. The Boys & Girls Clubs offer career development, character and leadership development, health and life skills, arts, sports, fitness and recreation opportunities. They empower young men and women to live a happier, healthier and fuller lives.

The Boys & Girls Clubs of Oakland strives to instill and enhance a sense of competence, usefulness, belonging, influence and responsibility in each child. This organization is dedicated to enriching the lives of our youth.

I ask Congress to join me and the constituents of the 9th Congressional District in celebrating the 60th Anniversary of the Boys & Girls Clubs of Oakland and in wishing them many more years of success and positive influence on our young leaders of tomorrow!

HONORING COMMUNITY VETERANS

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Ms. VELÁZQUEZ. Mr. Speaker, I rise today to honor and give thanks to Latino veterans across the nation and in New York's 12th District—those brave soldiers who served in our Armed Forces during times of turmoil and crisis in our Nation's history.

Today, the Borinquen Senior Center celebrates another anniversary—close to the landmark one of a quarter of a century. Since its doors opened 24 years ago, the center has been a safehaven for hundreds of seniors and veterans in the Williamsburg, New York community. The Borinquen Center serves three meals per day to almost two hundred seniors, including veterans. It provides meals on wheels for homebound seniors, offers workshops on healthcare and other important issues, arranges activities, and provides classes such as ESL (English as a Second Language). Through its work, the center plays a very important role in the community. And as the Borinquen Center celebrates its anniversary, it will also honor—for the first time—the veterans of this country who served so bravely in our Armed Services.

Given the war against terrorism our great Nation is now waging both here and overseas, I believe we must take time to honor and give thanks to a few of our Nation's Latino veterans from the 12th District. Many of these men were young men, unaware of how war would change them when they enlisted in the Armed Forces during World War II, the Korean War, and the Vietnam War. They Joined the service with hopes of strengthening our nation's security, fighting for the ideals of democracy and freedom, and ensuring a more peaceful world. Although many returned home with lasting wounds, their spirit was never broken. It is important that we remember on this Veteran's Day the sacrifices they made for this country.

Therefore, it is with much appreciation that I honor the Latino veterans of my district in celebration of November 11: Luis Maldonado, 1940–1946; Angel Acevedo, 1941–1947; Jose La Fuente, 1942–1945; Herminio Rivera, 1942–1947; George Feliciano, 1947–1967; Jose Calderon, 1951–1954; Oscar Figueroa, 1951–1954; Gilberto Bonilla, 1952–1954; Isamel A. Torres, 1952–1956; Francisco Adames, 1953–1955; Fexlix Gonzalez, 1953–1957; Jose Rendon, 1953—1961; Fundadon V. Cancel, 1954–1958; Gerardo Torres, 1954–1959; George A. Maldonado, 1954–1956; Carlos M. Colon, 1956–1958; Augustin Perez, 1957–1959; Adolfo Rivera, 1960–1962.

PAYING TRIBUTE TO MR. ELDON H. STRODE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to the life and memory of Eldon H. Strode and thank him for his contributions to the community of Glenwood Springs, Colorado. Eldon passed away this October at his residence in Wickenburg, Arizona.

Mr. Strode came to Colorado in 1945. He began work in the ranch industry, working the land for more than two decades. After his work in ranching, he ventured in the coal industry for thirteen years until his retirement in 1981.

Eldon was an avid sports enthusiast in the Glenwood Springs community where he was a member of the basketball and softball league. Eldon also volunteered his services as a member of the youth baseball program and as a member of the chain crew for many football games at Glenwood Springs High School. In 1980, he was honored for his contributions to the team. Mr. Strode continued his involvement in the ranch industry by volunteering his knowledge to several cattlemen associations such as the Colorado Cattleman and the Holy Cross Cattleman's Association.

Mr. Speaker, it is with profound sadness that we remember Eldon H. Strode. The many people he impacted will remember his contributions and dedication. My thoughts and prayers are with his family and friends during this difficult time.

INTRODUCTION OF H.R. —, THE MERCHANT MARINE COST PARITY ACT OF 2001

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Mr. OBERSTAR. Mr. Speaker, we are a nation of immigrants, most of whom arrived on the shores of the United States by ship. We are a country in which 95 percent of our imports from noncontiguous countries are brought to us by ship. Yet, less than one percent of our imports and exports are transported on U.S.-flag ships.

The Baltimore Sun recently published two articles that accurately described the decline of the U.S.-flag fleet. As the article states, vessels don't fly the U.S.-flag anymore ''because American cargo ships are also the most expensive in the world.'' The first article was titled ''Merchant marine's demise endangers war readiness''. Not only will we not have sufficient ships to move our war materials, but we won't have enough trained sailors to operate the laid-up fleet of Government-owncd ships that the Department of Defense is depending on to transport our tanks and heavy equipment when they are mobilized.

In 1991, the United States needed more than 200 cargo ships to support Operation Desert Storm. To get those vessels operating, we called up retired seamen who had sailed during World War II. Today, we have fewer ships and fewer trained personnel.

President Franklin Roosevelt recognized the need for a privately owned and operated merchant marine. Without the U.S.-flag merchant marine, Great Britain would not have had the supplies to survive the onslaught of Germany. Today, the world would be a very different place had it not been for the men who served our nation during World War II in the U.S. merchant marine. President Roosevelt proposed, and Congress passed, the Merchant Marine Act of 1936. This program established the Operating Differential Subsidy program to help pay U.S. shipowners for the higher cost of operating their vessels under the U.S.-flag.

By 1951 there were 1,238 privately owned U.S.-flag vessels sailing on the oceans of the world. Unfortunately, it has been all down hill from there. Today, there are 94 U.S.-flag vessels in the U.S. foreign trade and seven U.S.-flag vessels ''in trade between foreign countries.

The question is: Why has this happened? The answer: The higher cost of operating a vessel under the U.S.-flag due to various Federal requirements.

Today, shipowners can buy quality ships from many countries in the world. Containerships, tankers, and cruise ships all must be built to high standards established by the International Maritime Organizations. However, which country the owner chooses to register the ship can significantly affect the cost of the operating the ship. Shipowners change their vessel's registration every day to avail themselves of lower costs offered by different flags. If you choose to register your ship in Panama, you don't have to pay any income taxes on your shipping income. You can hire low cost crews from countries like the Philippines and Malaysia. And, if you register in these countries you don't have to worry about the cost of being sued when a seaman is injured or killed.

All of the European countries have seen similar declines in their flag fleets, because shipowners choose to transfer their country of registry to lower cost countries. However, in the past several years, countries such as Norway, Germany, and Great Britain have changed their laws to make their fleets more competitive in the international market. In the past 18 months, the size of the British fleet has increased by 40 percent due to the changes in their tax and maritime policies.

It is time for the United States, once the greatest maritime power in the world, to make similar changes. Instead of proposing a subsidy program like the one proposed by President Roosevelt, it is time to look at the underlying laws that increase the cost of operating under the U.S.-flag.

Today, I have introduced H.R. —, the ''Merchant Marine Cost Parity Act of 2001''. This legislation, which Transportation and Infrastructure Committee Chairman DON YOUNG has cosponsored, addresses four areas that significantly increase the cost of operating a vessel under the U.S.-flag: tax costs, wage costs, insurance costs, and vessel inspection costs.

This act will help to decrease the tax liability for operating a vessel under the U.S. flag. Currently, a shipowner must pay a traditional ''income tax'' on his profits if the vessel is registered in the United States. H.R. — is modeled after the British Tonnage Tax system that replaced its tax based on income with a flat tax based on the tonnage of the ship.

For example, under H.R. —, if the container ship *Regina Maersk* (43,399 net tons) were registered under the U.S.-flag it would pay a flat tax of $17,476 a year to the U.S. Government. This is computed by the shipowner being allocated a daily income for the ship based on the tonnage of the ship at a rate of $.40 for each ton up to 25,000 net tons and $.20 for each ton over 25,000 net tons. Therefore, the owner of the *Regina Maersk* would have a daily income of $136.80. When multiplied by 365 days, this totals an annual income of $49,932. This amount is taxed at the 35 percent U.S. corporate income tax rate to establish a total tax liability of $17,476 a year for the shipping income of the *Regina Maersk*. This is comparable to the tax liability that would be due if this ship were registered under the British flag. What is ironic is that this provision should not cost the Federal treasury much money because with fewer than 100 ships currently operating under the U.S.-flag in the foreign trade, there will be a minimal amount of tax revenue lost. In addition, most foreign-flag vessels don't have to pay the treasury any income taxes on their shipping income today. Therefore, if they transfer to the U.S. flag and pay $17,000 in tonnage taxes, it's certainly more than the amount they're paying in income taxes now under a foreign flag.

Federal law requires seamen employed on U.S.-flag vessels to be U.S. citizens. We in the United States have the benefit of a much higher standard of living than many of the countries that supply seafarers for foreign-flag vessels. However, U.S. tax laws do not treat U.S. seamen the same as we treat other U.S. citizens working overseas. If a U.S. citizen is working overseas for any other industry, such as a bank or oil company, he or she do not have to pay any U.S. 'income tax on their first $80,000 in income. While seamen are working overseas, they do not get any similar tax break. H.R. __ helps to decrease the cost of operating on a U.S.-flag vessel by granting seamen working on U.S.-flag vessels in the foreign trade the same exclusion from taxation on their first $80,000 in income as we grant every other U.S. citizen working overseas.

H.R. __ also seeks to address the higher vessel design costs imposed by complying with U.S. Coast Guard standards. My bill exempts the vessel from Coast Guard standards as long as the vessel meets the safety standards established by the International Maritime Organization. This provision will allow U.S.-flag vessels 'in the foreign trade to meet the same standards as their foreign-flag competitors.

The cost of buying insurance for U.S.-flag vessels engaged in the foreign trade is also higher than the costs for foreign-flag vessels. H.R. __ allows the shipowner and the employee representative to agree upon an ''insurance policy that will adequately compensate seamen when they are injured or killed onboard these vessels. To ensure that the shipowner does not force the policy limits too low, the Secretary of Transportation win establish a minimum amount of coverage that must be provided, such as the amounts provided in the Longshore Act.

Mr. Speaker, capital investments go to where you can make money. For more than 100 years, the United States Government has placed financial burdens on the U.S.-flag vessel shipowner that has driven these vessels from our shores. I cannot accept the United States Government continuing to allow the decline of our fleet until there are no privately owned U.S.-flag vessels engaged in our foreign trade.

The United States must develop a long-term and integrated strategy that will adequately address all of the cost issues that drive capital investment away from the U.S.-flag shipping industry. I believe that H.R. __ can provide the foundation for that strategy. I look forward to working with the Administration, shipowners, and labor to ensure we can truly put U.S. merchant marine on a cost parity with their quality foreign-flag competition.

When Great Britain announced its intention to develop the tonnage tax system, P&O Nedlloyd Lines announced that they would bring at least 50 ships to the UK register. Today, I would like to challenge the maritime industry to make a similar commitment to the U.S. flag.

With the help of the Administration, maritime industry, and labor, we can ensure that Old Glory is raised on the sterns of hundreds more U.S.-flag vessels.

PERSONAL EXPLANATION

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Ms. MCCOLLUM. Mr. Speaker, I unavoidably missed votes on November 6, 2001 because I was in my congressional district on official business. I would like the record to reflect that had I been present, I would have voted yea on roll call votes 426, 427, and 428.

LEADERS TAKING ACTION FOR INCLUSION

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Mr. MCGOVERN. Mr. Speaker, I rise today to join Worcester County and The National Conference for Community and Justice in honoring four individuals for their promotion of understanding and respect among all races, religions and cultures. John S. Hamilton, Dr. Ogretta V. McNeil, Most Rev. Daniel P. Reilly, and Albert M. Toney III, dedicated themselves to fighting bias, bigotry and racism in America and making the nation a better place for all of us.

Mr. Hamilton put into action his belief that small, culturally diverse businesses make the difference in the economic viability of their communities. He has been a strong advocate for under-served populations, especially minority and women owned small businesses. Active with Centro Las Americas and the Business Inclusion Council, and the Martin Luther King Business Empowerment Center, he was named Massachusetts Financial Services Advocate of the Year (1999) by the US Small Business Administration. Mr. Hamilton was the driving force behind obtaining funding for the establishment of the Martin Luther King Business Empowerment Center. He was instrumental in Bay State Savings Bank sponsorship of the successful grant application for the renovation of the Odd Fellows Hall on Main

Street, which will provide low income housing for families in Worcester. In 1995 and 1996, under Mr. Hamilton's leadership, Bay State Savings Bank was one of the top 5 SBA lenders to minority-owned businesses in the Commonwealth of Massachusetts, Mr. Hamilton was recently appointed President of Medway Cooperative Savings Bank.

Dr. McNeil came to Worcester in 1956 to attend graduate school at Clark University; she never left and has made the City of Worcester her home. Dr. McNeil has served on the faculty of Assumption College, Anna Maria College, and the College of the Holy Cross. During the course of her 27-year career at the College of the Holy Cross, she served as Chairwoman of the Department of Psychology, Director of African American Studies, and Assistant Dean. Her election as the President of the New England Psychological Association symbolized her professional achievement. In 1998 Dr. McNeil was elected to the Worcester school committee where she has worked to foster equity of education for all students. Dr. McNeil's volunteer activities include serving as a board member for the Alliance for Education, the Age Center of Worcester, the EcoTarium, and a member of the Distribution Committee of the Health Foundation of Central Mass. She is also a board member of Greater Worcester Community Foundation, Family Services and the Worcester Art Museum.

Bishop Daniel Patrick Reilly, installed as the fourth Bishop of the Roman Catholic Diocese of Worcester in December 1994, is a beloved leader. His efforts in Worcester resulted in the formation of the covenant with the New England Synod (Lutheran), the Episcopal Diocese of Western Massachusetts and the Roman Catholic Diocese of Worcester and Springfield. He was one of the essential leaders in the aftermath of the loss of six Worcester fire fighters in December of 1999. He studied for the priesthood at Our Lady of Providence Minors Seminary, Warwick, RI and ordained to the priesthood on May 30, 1953 after five years of philosophical and theological study at the Grand Seminaire in Saint Brieue, France. Following his ordination, Bishop Reilly served at SS. Peter & Paul Cathedral Parish, Providence as an associate pastor. He also pursued graduate studies in Business Administration at Boston College and Harvard University. He served 22 years as a priest in the Diocese of Providence. In June 1975, Pope Paul VI named him Bishop of the Diocese of Norwich, CT, where he served until being named the Bishop of Worcester. Bishop Reilly has held many posts in the National Conference of Catholic Bishops (NCCB); he currently sits on the NCCB's Committee on Pastoral Practices. He rendered great support and assistance to Haiti and to India and their people. Currently he is a member of the boards of trustees at The Catholic Near East Welfare Association, Assumption College, and Saint Vincent Hospital. He holds Honorary doctoral degrees from Anna Maria College, Assumption College, and the College of the Holy Cross, in Worcester.

Mr. Al Toney's life work is the elimination of homophobia and racism. As a self-identified gay African American male, he has experienced homophobia and racism first hand. A former Worcester Police Officer, Mr. Toney has served in leadership position for the Gay Officers Action League of New England, the Gay and Lesbian Coalition of Central Mass., and the City of Worcester Human Rights Commission. In 1997, he founded the Safe Homes of Central Massachusetts, an organization that provides mentoring programs, consulting services for alternative foster parenting programs, and a drop in recreation and resource center. Beginning as a group of concerned citizens, with Mr. Toney's leadership this program was recently adopted as a formal program of The Bridge of Central Massachusetts. As early as 1984 when he started college with a major in urban studies, he was concerned with creating safe, inclusive communities for all people. His focus was initially directed to enforcement through course work in Criminal Justice and service as a police officer (March 1987–April 1995). After the tragic death of his life partner, Mr. Toney's energies shifted to a new focus, homophobia. Mr. Toney has worked as a consultant and program director for AIDS Project Worcester, AIDS Action Committee (Boston), Healthy Boston Coalition for GLBT Youth, Massachusetts Prevention Center, Massachusetts Department of Education, and Massachusetts Department of Social Services. He served as member of the City of Worcester Human Rights Commission from 1997–2000. He is currently a member of the Arts Worcester Board of Directors. Mr. Toney, his partner, and his daughter are currently working on a book for children, which truly reflects all aspects of diversity.

HONORING RANDY KEVORKIAN

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Randy Kevorkian for receiving the Distinguished Service Award from the California Department of Corrections. The California Department of Corrections presents the award annually to employees who go above and beyond the call of duty.

Randy Kevorkian is a Parole Agent III. He has been an agent since 1988 and has worked in numerous assignments in the Visalia and Fresno parole offices. Kevorkian organized the ''Another Way'' program, a juvenile delinquency prevention and intervention program in the Central Valley. The program allows parole agents and parolees to speak with atrisk kids about the dangers of drugs and gangs.

Over the past 13 years, Kevorkian has addressed more than 85,000 young people and made more than 1,200 presentations at junior and senior high schools, local juvenile halls and group homes.

The Distinguished Service Medal is awarded for an employee's exemplary work conduct with the department for a period of months or years, or involvement in a specific assignment of unusual benefit to the department.

Mr. Speaker, I rise to recognize Randy Kevorkian for earning the Distinguished Service Award from the California Department of Corrections. I urge my colleagues to join me in wishing Mr. Kevorkian many more years of continued success.

HONORING OUR DEFENDERS OF DEMOCRACY

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Mrs. McCARTHY of New York. Mr. Speaker, the tragic events of September 11th make the observance of Veterans Day particularly poignant this year. Engaged in a battle, different from any other in our nation's history, we are once again calling upon the brave members of the U.S. Armed Forces to defend democracy and freedom, Since we began the tradition of honoring American veterans after World War I, Veterans Day has passed with varying degrees of observance. This year however, perhaps more than ever before, we understand what our nation's armed forces have given to preserve our freedom and security.

On October 8th, 1954, President Dwight D. Eisenhower redesignated Armistice Day as ''Veterans Day'' for the millions of veterans who honorably served this nation. President Eisenhower also issued the first 'Veterans Day Proclamation' to ''help preserve in the hearts and lives of all our citizens the spirit of patriotism, the love of country and the willingness to serve and sacrifice for the common good symbolized by this very special day.''

And so, in honor of those who served in the military and those who are now stationed around the world protecting our national interests, and promoting peace and security, it is my earnest hope, that all Americans, join hands to insure the proper and widespread observance of this day. While the effect our veterans have had on world history is great, they are not distant historical footnotes, but are as close as a father or mother, brother or sister, grandfather or grandmother, friend and neighbor, and co-workers. Let us, as a grateful nation, pay the appropriate homage to our veterans who have contributed so much to the preservation of this country.

While we all desire peace, when war could not be avoided, our veterans put their lives on the line, many paying the ultimate sacrifice. To all those who wore the uniform, or may have seen their comrades die around them, or possibly suffered injuries that continue to affect them today. We honor and thank you.

VETERANS DAY, THE PRICE OF FREEDOM

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Ms. SCHAKOWSKY. Mr. Speaker, I rise on this Veterans Day to pay tribute to our nation's heroes. The veterans of this country have given so much to protect and secure our way of life. Now more than ever, it is our duty to commemorate their actions, and to commend their commitment.

I rise to thank our veterans for having the courage and strength to fight for American values. Though we are saddened by recent events, we can look to the valiant history of our nation's bravest for comfort. We can rest assured that the dream of America is worth

fighting, dying, and living for. We know because from every corner of the earth, the down trodden, the disenfranchised, and the oppressed come to seek out this dream. We know America is the beacon of hope and change, we can see it in the diversity of our citizenry.

On September 11, 2001, a generation blanketed by the quilt of peace and tranquility was awakened. This quilt of peace, stitched with the blood, sweat, and tears of brave American soldiers, was torn in a manner unimaginable only two months ago. Today, a generation comforted by a freedom so deep, so common, so prevalent, and so easily taken for granted, can more easily identify the price for which it was paid.

This generation is reminded that the sacrifice of Americans made our way of life possible. Young Americans with dreams in their eyes and hope in their hearts, bought our freedom. The tears of families who lost loved ones were exchanged for our security. The peace that we have come to know, was purchased by men and women that so loved our country that they risked and often gave their lives—ensuring that freedom is not only a concept that we dream about, but a reality that we live.

So it is with gratitude and the utmost respect that we remember those who fought, and those who were lost for the love of our nation. We move forward more vigilant, more aware, and more determined. As we pay tribute to our nation's freedom fighters, we stand with a new pride in America. Our hopes and prayers go out to those who are deployed, even now, to carry the torch in the fight for freedom. At the dawning of a new day of uncertainty, we can look to the American values of freedom, justice, and equality to lead us to peace. We thank the countless heroes, our veterans, for giving their freedom and their lives, so that we may live free.

HONORING THE MARIAN MEDICAL CENTER WEST

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Mrs. CAPPS. Mr. Speaker, today I would like to pay tribute to the most recent addition of the Marian Medical Center, the Marian Medical Center West.

Since its inception on May 20, 1940, the Marian Medical establishment has found the perpetual need to keep expanding in order to better serve the growing community of Santa Maria, California. In 1940, eight Sisters of St. Francis of Penance and Christian Charity were assigned to Santa Maria to manage and staff a hospital for the growing community of approximately 8,000 people. The new facility was named Our Lady of Perpetual Help Hospital, by its first administrator, Sister Noella Dieringer.

Three years later, in 1943, the 1000th baby was born at the hospital, and it became apparent that the Santa Maria community was growing fast. Sister Marilyn Ingram worked hard to secure land in the Santa Maria area, and, through the generosity of Captain and Mrs. Allan Hancock, a new facility, Marian Hospital, was able to open its doors in 1967.

Today, the Marian Medical Center has expanded to include a 130 bed acute care hospital, a 95 bed extended care center, a dialysis unit, a home health agency, infusion services, a hospice program, and outpatient healthcare services. Yet as the Santa Maria community continues to grow, the medical center must expand as well. The addition of the Marian Medical Center West will help alleviate overcrowding in the hospital's main facility by providing 36 inpatient beds and expanded outpatient facilities.

The Marian Medical Center has provided services to thousands of Santa Maria residents over the last 60 years and with the addition of the new center thousands of more citizens can be served in the future. I am honored to have the opportunity of recognizing the Marian Medical Center West on its grand opening, and it pleases me that this facility continues to prosper.

HONORING JAMES KRAMER AND BRIAN COTTER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Mr. McINNIS. Mr. Speaker, all Americans have been going through very trying times since the terrorist attacks on September 11, 2001. Despite our struggle, we have pulled together and become a stronger nation due to the resolve of our citizens. Today, I would like to recognize two patriots from Pueblo, Colorado who have made significant contributions to our nation's recovery efforts.

Pueblo County Coroner James Kramer, and Brian Cotter, a mortician, were members of the Disaster Mortuary Response Team that went to New York City to aid in the recovery effort at the World Trade Center disaster site. They were at ground zero with other forensic pathologists helping to recover and identify the individuals who we lost in the disaster.

Mr. Speaker, James Kramer and Brian Cotter committed their expertise to our country during an overwhelming time of need. Just as we have seen with the rest of the country, both James and Brian provided some stability to our nation at a time of crisis. I am proud to have this opportunity to recognize these upstanding individuals for their significant contributions to the recovery and relief effort in New York City following the World Trade Center disaster. James Kramer and Brian Cotter deserve our recognition and praise.

TRIBUTE TO STUDENTS OF NORTH ELEMENTARY SCHOOL IN TAYLORVILLE, IL

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Mr. SHIMKUS. Mr. Speaker, I rise today to pay tribute to the students of North Elementary School in Taylorville, Illinois, and their important and heartwarming efforts to help those affected by terrorism.

On October 11th, 2001, President Bush made a request of the children of America. He challenged each of them to earn and send in one dollar. This money, sent by the kindness of the children of the United States, will be used to reach out to the unfortunate children in far off Afghanistan.

The students of North Elementary School heard and met that challenge. I recently received a check for $348.00, made out to America's Fund for Afghan Children—that's one dollar for each student in North Elementary. But this was only a part of the total money the students raised. In fact, through a variety of efforts in the month of October—including a Student Council penny drive and a PTA sponsored fundraising dinner—the students of North Elementary managed to gather an amazing sum: $1,668, over five times what our President requested, The remainder of the money, it was decided, will go to the Red Cross to aid victims of the September 11th tragedy here in the United States.

The students, parents, faculty, and members of the Taylorville community should be recognized for their fine efforts. The terrorists believed they could accomplish their goals with the murder of American innocents; but the American citizens have responded with aid to the innocents of Afghanistan. Nothing else could better show how utterly Al Qaeda has failed.

Mr. Speaker, as President Bush said in his announcement of the Fund for Afghan Children, ''One of the truest weapons that we have against terrorism is to show the world the true strength of character of the American people.'' The children of North Elementary have shown that character, and they deserve our thanks. May God bless them, and may God bless the United States of America.

TRIBUTE TO DR. CLARENCE ROMERO

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Mr. CALVERT. Mr. Speaker, it is an honor today to rise and pay tribute to Doctor Clarence Romero, associate professor of psychology, at Riverside Community College upon being named the 2001 United States Professor of the Year. My congressional district is privileged to have Dr. Romero teaching our young adults as he is one of only four awardees recognized each year for extraordinary dedication to undergraduate teaching.

Skillful, enthusiastic and innovative teachers change the lives of countless students for the better by encouraging curiosity and understanding and by contributing to the development of mind and spirit.

The United States Professors of the Year program, presented by The Carnegie Foundation for the Advancement of Teaching and directed by the Council for Advancement and Support of Education, is the nation's most highly respected program to recognize outstanding faculty. The Professor of the Year represents the thousands of dedicated university and college instructors throughout the nation who serve their students, their community and their state with vigor and talent.

Mr. Speaker, the United States has long supported excellence in undergraduate teaching through competitively funding faculty salaries and other initiatives making our system of higher education the envy of many nations.

The quality of life and the scope of opportunity for many future citizens will be determined by the quality of teaching in the classroom.

Therefore, I join with all of the citizens in my district in thanking and congratulating Dr. Clarence Romero as he is honored for his devotion to teaching the young minds of our future generations.

HONORING DANIEL S. GOLDIN AS THE LONGEST SERVING ADMINISTRATOR OF THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Mr. GORDON. Mr. Speaker, I rise today to commend Dan Goldin, who is leaving his position as administrator of the National Aeronautics and Space Administration. Dan, who was appointed on April 1, 1992, is the longest-serving administrator in the history of NASA. On March 5, 2001, his time in office surpassed that of James Fletcher, who held the previous record of nearly nine years during two separate terms.

As ranking member of the Committee on Science's Subcommittee on Space and Aeronautics, I have worked with Dan for many years. I have learned that his passion is not limited to the exploration of space. He also cares deeply about the possibilities of science and space to inspire life on Earth. I certainly know that many students in Middle Tennessee have been encouraged and inspired by Dan's vision for space exploration.

Dan initiated his tenure at NASA by leading an agency-wide process to define a NASA Strategic Plan as the consensus definition of the agency's mission and goals. The core guidance in this document states: ''NASA's mission success starts with safety. A commitment to safety permeates everything we do.'' Dan has not wavered in enforcing this priority in every aspect of the agency on the ground and in space.

During Dan's tenure, the International Space Station went from the drawing boards to a fully functional, permanently staffed orbital research laboratory. He directed the Space Station redesign, holding together the coalition of international participants while incorporating the former Soviet Union hardware elements into the design. By developing the cooperative Mir research program with Russia, he enabled Space Station partners to conduct long-term space flight research even before the International Space Station was operational.

Dan's comprehensive strategy for space exploration is exemplified by the ''Origins Program.'' He initiated this program with objectives to understand how the universe has evolved, to learn how life began on Earth, and to see if life exists elsewhere. He formulated a rescue plan for the installation of a ''contact lens'' on the Hubble Space Telescope, leading to startling discoveries of the cosmos. Dan has challenged the Origins scientists to search for Earth-like planets within 100 light years of Earth. He also has laid the foundation to complete the first scientific census of the solar system and to send the first probe into Interstellar space.

Dan has been a vigorous proponent for increased exploration of Mars. He has established a series of robotic missions that will visit the planet every two years for the next decade and has assured that the public will share in the excitement of Mars exploration. His direction to provide Internet access for the Mars Pathfinder mission resulted in more than three-quarters of a billion ''hits'' from people tuning in to the site.

In 1998, Aviation Week & Space Technology magazine honored Dan with the Laurel Award for outstanding achievement in aviation and aerospace. The award was presented along with the commentary that Dan has ''delivered on his promise to reshape NASA into a model government agency.

This year Dan was awarded one of one of France's highest and most distinguished honors: the ''Officer of the Legion of Honor.'' This award recognized his contribution to the development and broadening of American-French civil space cooperation through cooperative ventures including the International Space Station, Mars exploration, Earth observations, and the flight of French astronauts aboard the Space Shuttle.

Under Dan's leadership NASA has reached out to honor the victims of last month's terrorist attacks in New York. The next mission of the Space Shuttle Endeavour will carry ''Flags for Heroes and Families.'' Thousands of American flags will be carried into space by Endeavor and its seven member crew and, upon return to Earth, will be distributed to the victims' families and survivors of the September 11 attacks.

Dan always recognized NASA's potential to inspire students to elect careers in science mathematics and engineering. His personal leadership and the NASA programs that he supported have involved hundreds of students in hands-on research experiences. NASA's Summer High School Apprenticeship Research Program not only allows the students to actually participate in research, but it also pays them a salary as well. This intensive science and engineering apprenticeship program is specifically designed to attract and increase under-represented students' participation and success rates in mathematics, science, technology and engineering courses.

Mr. Speaker, the nation is fortunate to have such outstanding public servants as Administrator Goldin. He has led NASA and its international partners in exploring the frontiers of space and inspiring benefits to life on Earth. Accordingly, it is appropriate today that we recognize and highly commend Daniel Goldin as the longest serving administrator of NASA and that we express our appreciation for his leadership of the nation's space program.

ECONOMIC SECURITY AND RECOVERY ACT OF 2001

SPEECH OF

HON. BILL LUTHER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 24, 2001

Mr. LUTHER. Mr. Speaker, the events of September 11th have transformed the policy agenda for our nation. Over the past six weeks, we have witnessed truly heroic acts by individuals and organizations on behalf of the victims and their families. We have also seen this body work in a truly remarkable bipartisan fashion. In short, the nation has united behind a cause in a manner we have not seen in over a generation.

Our global campaign to root out terrorism will be a long-term commitment requiring patience and, most importantly, sacrifices from all involved. Previous generations have endured and prevailed in unified international efforts in the name of freedom and democracy—and they all required patience and sacrifices from the American people. In this vein, I believe any economic stimulus package passed by this Congress should reflect the reality that our top priority must be to drive the war effort while improving security and maintaining prosperity at home.

Unfortunately, H.R. 3090 is not that kind of package. $10 billion is devoted to reducing the capital gains tax, a proposal that Alan Greenspan recently told Congress would have virtually no stimulative economic value. In addition, not one dollar goes to important infrastructure improvements to secure our airports, seaports, dams and power plants, or to protect us from bioterrorism. A responsible stimulus package should include meaningful provisions to improve security for the American people. This would, in turn, contribute to consumer confidence and create a positive ripple effect through the economy.

This Congress needs to continue the bipartisan approach of the past few weeks and develop a stimulus package that truly serves the interests of our country. This is not the time to be passing legislation that is little more than a grab bag of goodies for special interests. Rather, this is the time to be appealing to the greater good of the American people. They are willing to do what it will take to win this war—we just need leadership in Congress that measures up to the courage and will of the American people.

TRIBUTE TO ROBERT ROUMIGUIERE

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Ms. WOOLSEY. Mr. Speaker, I rise today to honor Robert Roumiguiere, a Marin County political leader who served on the Board of Supervisors for 22 years. Mr. Roumiguiere died on November 5, 2001, of a heart attack.

Mr. Roumiguiere will be remembered especially for his role in creating parks in Central Marin and preserving open space on the County's ridgelines. He was also instrumental in securing acquisition of the Northwestern Pacific railroad right of way in hopes of creating commuter rail service and fought for improvements to the Highway 101 Freeway and use of Hamilton Field as a business hub.

As a fiscal watchdog, Mr. Roumiguiere sought to curb county spending. His tenacious negotiating style focused on bringing stakeholders together to find common ground. He was able to work with both Marin business community and environmentalists to achieve consensus.

After his 22 years as Supervisor, Mr. Roumiguiere served on the county employees' retirement board. He had a background in

the real estate business in Marin County and often shared the products of Roumiguiere Vineyards (Big Red), which he purchased in Lake County in 1980. His involvement with civic groups includes the Man'n Council of Boy Scouts of America, Marin Board of Realtors, Marin Shakespeare Festival, San Rafael High School PTA, and the Louise A. Boyd Marin Museum.

Mr. Speaker, I am proud to recognize Robert Roumiguiere for his many contributions to our community. His vision for Marin County will continue to inspire all of us—and he will be sorely missed.

RECOGNIZING PETER VANG

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize Peter Vang for receiving the Portraits of Success Award presented by KSEE–24 and Companies that Care. This award pays tribute to Mr. Vang's involvement in the Asian-American community. Peter's active involvement has made him a role model for the members of his local community.

Mr. Vang is currently a staff analyst for the Fresno County Human Services System, acting as a community liaison between the refugee community and the Human Services System. He also coordinates and hosts the Southeast Asian Talk Show series on Radio KVIF 900 AM.

Mr. Vang has served the Southeast Asian community through his innumerable undertakings. He has served in many different Southeast Asian organizations and is the founder of the Hmong American Citizens Alliance and Co-founder of the Laotian Chamber of Commerce.

His accomplishments have earned him a Portraits of Success Award, presented by KSEE–24 and Companies that Care in recognition of Asian-American Heritage Month.

Mr. Speaker, I rise to recognize Peter Vang for his commitment to improving the lives of the people in the community, I urge my colleagues to join me in wishing Mr. Vang many more years of continued success.

HONORING PASTOR JOSEPH W. AND JOYCE ELLWANGER

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Mr. BARRETT of Wisconsin. Mr. Speaker, I am honored to recognize the work of Pastor Joseph and Joyce Ellwanger as they retire from Cross Lutheran Church after more than thirty years of service to both their congregation and the people of Milwaukee.

Pastor Joe began his ministry at St. Paul Lutheran Church in Birmingham, Alabama, during the era of the civil rights movement. It was at this time that he became committed to serving the poor and supporting social justice issues, this mission would become the framework for his life. In 1965, he joined the Reverend Martin Luther King Jr., and several members of the Southern Christian Leadership Conference in meeting with then—President Lyndon B. Johnson and petitioned him to swiftly pass the Voting Rights Act.

The Ellwangers came to Milwaukee in 1967 to serve Cross Lutheran Church. They strengthened the faith and ministry of the Church and reached out to outlying communities. Through their leadership and vision, the congregation has become one known for its racial diversity, social justice, and emphasis on youth ministry.

Both Pastor Joe and his wife, Joyce, saw the necessity of working ecumenically with others to obtain justice ministry in the life of the faith community. Pastor Joe's commitment is made evident through the creation of MICAH (Milwaukee Innercity Churches Allied for Hope), and participation in AODA Treatment Committee and the Education Committee. Joyce's dedication to serving others has been made visible through her coordination of outreach programs in community organizations, such as the World Food Day for Hunger Task Force, and the Hope House.

During their 34 years in Milwaukee, Pastor Joe and Joyce have impacted our community in many positive ways, and they will be sorely missed. I am proud to join the members of Cross Lutheran Church in thanking them for their service to the people of Milwaukee, Wisconsin. Please join me in honoring Pastor Joseph and Joyce Ellwanger for their enormous contributions and wishing them well in the future.

125TH ANNIVERSARY OF THE AMERICAN CHEMICAL SOCIETY

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Mr. HOLT. Mr. Speaker, ''Some 2,500 years ago, the Greek philosopher Aristotle postulated that all matter is comprised of four basic elements: earth, water, air, and fire. The idea dominated science until the late 18th century, when revolutionaries from rival nations transformed chemistry from a jumble of medieval alchemy into a true science.''

This quotation, from the American Chemical Society's Frontiers of Knowledge, provides us with a perspective on chemistry's birth and its role as a cornerstone of modern science. I rise today to congratulate the American Chemical Society on the 125th anniversary of their establishment. The ACS has been both a symbol and active advocate for basic and applied research and the promotion of the benefits of a healthy and active chemical industry.

The interaction between science, government, and the vitality of our nation are closely linked. Developments in chemistry are reflected in policy and public priorities throughout the world. This was probably far from the thoughts of the founders when they first met in New York on April 6, 1876 to organize the Society. As late as 1901, one of ACS' past presidents predicted a membership of nearly 10,000 chemists on their 100-year anniversary in 1976. In fact, membership in ACS reached 10,603 in 1917 and is over 163,000 today. To put ACS' inaugural year in perspective, this same year saw the issuance of a U.S. patent on the telephone to Alexander Graham Bell, the defeat of General Custer at Little Big Horn, and the formation of the National League of Professional Baseball Clubs.

The need for a national organization to support chemists was reflected in an overwhelming number of early requests to form first a local New York City society and then a national society. The first regularly-scheduled meeting of the ACS took place on May 4, 1876. Annual dues were $5. ACS was still a New York corporation in 1937 when it reincorporated under an act of Congress, signed into law by President Franklin D. Roosevelt as Public Act 358. ACS headquarters soon found a home in Washington, DC. Proceedings of the meetings were communicated to the chemical community through the publication of the Journal of the American Chemical Society, beginning in 1879. This journal was created to keep chemists informed about developments on the chemical frontier and is still the primary forum to communicate achievements in chemistry today.

Developments in chemistry often paralleled national and global events. The impetus supplied by both World Wars I and II had an enormous impact on science and technology, and thus the nature of the ACS and the worldwide chemical enterprise. In fact, the end of WWII saw ACS as the new trustee of the Petroleum Research Fund, to be used solely to support advanced scientific education and fundamental research in the petroleum field. Petroleum security and supply remains one of the more crucial issues being addressed by professional chemists even today.

In the mid-1960s, the growing role of the federal government in funding scientific research caused ACS to intensify their work in public affairs. They began to develop congressional testimony and public statements of the Society's position on a number of important matters under consideration by Congress and other federal agencies, including the government's cutbacks in space and military research and development. ACS was instrumental in helping chemists protect their jobs during economic downturns in these industries and to enhance the professional image of the discipline.

In the late 20th century, significant developments in the field of electronics and microprocessor technology resulted in a sea change in analytical instrumentation, from chromatographs, both gas and liquid, to spectrometers, to wet chemistry systems. The development of fiber optic cables improved the storage and transmission of chemical data. As a result, ACS Division of Computers in Chemistry was formed in April 1974. Chemistry was becoming an integral part of the new global economy and information network. This is particularly relevant in northern New Jersey where ACS has spearheaded efforts to make this area a global leader in the development and production of pharmaceuticals.

Over the last several decades, ACS realized that the public's view of the chemical industry was becoming tainted by some high-profile cases of contamination, initially triggered by the publication of Rachel Carson's ''Silent Spring'' and further reinforced by chemical releases endangering public health at Love Canal and Bhopal, India. To offset these events, ACS encouraged the establishment of the Chemical Manufacturers Association's (now the American Chemistry Council) Responsible Care Program. The goals of the program are to improve the chemical industry's

performance on issues of health, safety, and environmental quality, and to improve the industry's response to public disquiet. ACS further responded to environmental concerns in January 2001 by making the Green Chemistry Institute part of their headquarter operations. GCI is designing new chemical products and processes that reduce or eliminate the generation and use of hazardous substances.

The success of ACS at their 125-year mark is demonstrated by a membership more than 163,000 strong, 33 discipline divisions, and the publication of 34 different professional journals and magazines which contain more than three million pages of original, peer-reviewed research findings. ACS has been a leader in promoting science and the chemical profession and I hope that this body will anticipate celebrating their bicentennial anniversary to mark the next 75 years of achievements.

PAYING TRIBUTE TO JOHN AND MERLE GLENN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to recognize John and Merle Glenn for their contributions to the American Red Cross. For over three years, the Glenns have volunteered their time and effort to their local Red Cross chapter.

While trying to stay active after their retirement, the Glenns began to volunteer their time and to contribute to their community. This year alone they have responded to over 150 calls from the organization. They have responded to disasters ranging from air crashes to wildfires, and the World Trade Center disaster. Recently they have donated their time to train New York state volunteers in the alleviation of fires in urban environments.

As is common in the Red Cross, volunteers only receive compensation for expenses while on assignment. The Glenns have often overlooked this formality in response to calls. They have amassed thousands of miles on their personal vehicles and have not sought reimbursement.

Mr. Speaker, it is a great honor to recognize John and Merle Glenn for their volunteer efforts to the American Red Cross. Their dedication to helping others in a time of need reflects positively upon themselves and their community.

PERSONAL EXPLANATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Mrs. MALONEY of New York. Mr. Speaker, on November 6, 2001, I was unavoidably detained and missed rollcall votes numbered 426, 427, and 428. Rollcall vote 426 was on the motion to suspend the rules and agree to Senate amendments to the Need-Based Educational Aid Act; rollcall vote 427 was on the motion to suspend the rules and pass, as amended, the Financial Services Antifraud Network Act; and rollcall vote 428 was on the motion to instruct conferees on the Aviation Security Act.

Had I been present I would have voted "yea" on rollcall votes 426, 427, and 428.

PASTOR ALBERT W. BAHR: FIFTY YEARS OF CHRISTIAN LEADERSHIP

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Mr. BARCIA. Mr. Speaker, I rise today to honor Pastor Albert W. Bahr upon the occasion of the 50th anniversary of his ordination in the Lutheran ministry and his many years of faithful service to the Lord as spiritual leader to Christian followers in New York, Missouri, Wisconsin, and Michigan, including the past 10 years as administrative pastor of Immanuel Lutheran Church in Sebewaing, MI. Pastor Bahr also served at St. John Lutheran Church in Port Hope, MI.

Those who know Pastor Bahr say his introduction to the Lord's grace and good works began at his mother's knee soon after his birth in Seaford, Long Island, NY on June 2, 1924. His formal religious training culminated with his ordination on November 11, 1951, at St. Martini's Church in Milwaukee, WI. Since then, Pastor Bahr has dedicated his life to directing people of all ages and backgrounds to our Savior. Pastor Bahr has positively enriched many lives beyond measure and his influence will be felt for generations to come.

It has been Pastor Bahr's mission to serve in a multitude of capacities at the Congregational, Circuit, District and Synodical levels of the Lutheran Church. His spiritual devotion has also called him to spread the word of God through Christian example in community activities outside the parameters of his ministry. During his 50 years of service, Pastor Bahr has achieved many successes and played a pivotal role in myriad projects, including leading efforts to build two magnificent churches. Pastor Bahr's faithfulness and dedication in sharing with others the good news of God's love in Christ has made him a beacon of hope and grace to the congregations to which he has ministered and to the larger communities where he has lived and preached.

Pastor Bahr would be the first to acknowledge that the love and support of his wife, Loide, has been an integral element in his success. Others know that the guiding hand of parental examples clearly led their six sons, Paul, John, Joel, Seth, Mark, and David, and their daughter, Mary, to active roles in the church. Six of the Bahr children are engaged full-time in church service and one is an active lay leader.

Finally, Mr. Speaker, I ask my colleagues to join me in praising Pastor Bahr for all he has done to meet the spiritual needs of his flock and in wishing him continued strength and good fortune in spreading God's word for years to come.

MEMORIAL TRIBUTE TO HOWARD HILL

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Mr. McKEON. Mr. Speaker, recently a wonderful friend of mine lost his life. On August 15, 2001, Howard Lydell Hill passed away at the age of 61. Howard's death is a great loss to his family and his friends, as well as to the entire community. He was a kind, caring, and capable man who was always generous with his time and talents in order to help others.

Howard was born on March 30, 1940 in Utah to Franke and William Hill. His family moved to California in 1941 and settled in Burbank. During his youth, he forged numerous life-long friendships. Many of those persons attended his burial, offering testimony to the high quality of his character.

Howard led an exemplary life as a longtime resident of Newhall. He and his wife, Carolyn, were married 39 years and raised seven children. He cherished his family and was a loving husband, father, and grandfather. Howard truly loved God, his family, and his fellow man.

Howard possessed a sharp mind and had a strong background in math and physics. He attended Brigham Young University, where he learned the compounding of plastics. After joining Keysor-Century as a production foreman, he held increasingly important managerial positions at plants in Delaware and in the Santa Clarita Valley. Howard assumed the position as CEO in 1982. He was an innovative man with a keen intellect and was able to manage the company extremely well.

In addition to his business endeavors, Hill was an invested community participant. He served as a governing board member for the Newhall School District from 1977–1985 and was one of the finest board members the Santa Clarita Valley has ever seen. He was a counselor for young singles at the Church of Jesus Christ of Latter-day Saints, Newhall, second ward, a former church bishop and counselor to the stake president, a Henry Mayo Newhall Memorial Hospital board member from 1986–1994 and a board member for the Santa Clarita Valley Boys and Girls Club. Howard had a genuine interest, and heartfelt concern for children and their education. He loved working with youth and young adults and was a father figure to many.

Although Howard leaves a legacy of service that will long be remembered by our community, his family and friends will remember him best as a great man with a kind heart and tremendous integrity—one who was devoted to making his world a better place.

TRIBUTE TO THE WORLD CHAMPION ARIZONA DIAMONDBACKS

HON. JOHN B. SHADEGG

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Mr. SHADEGG. Mr. Speaker, I rise today to honor and pay tribute to the World Champion Arizona Diamondbacks.

The 2001 World Series has left poets and historians searching for ways to digest where

it fits into the fabric of great sporting events we have witnessed in a lifetime. Unquestionably, it was the greatest sporting event I have ever witnessed and it's bound to have a lasting impression on my son who sat beside me at game seven. The 2001 World Series explained why they play, and why we watch.

The world found out on Sunday night that miracles do happen, they just don't always happen for the New York Yankees. Sunday was the Arizona Diamondbacks chance to be the ''Phoenix'' rising from the ashes in the ninth inning.

The Yankees three straight dramatic wins in New York supposedly had the Diamondbacks demoralized and beaten. It was only a matter of finishing the series and collecting the rings. But ''destiny'' and ''momentum'' only go as far as your last game.

The Diamondbacks showed tremendous talent and heart to overcome the magic of the Yankees comeback wins. The Yankees came to Arizona with seemingly insurmountable momentum. However, it evaporated in Phoenix on Saturday as the New Yorkers and their fans endured a 15–2 drubbing. The stage was now set for one of the most memorable game sevens in baseball history.

The game seven pitching match up of Curt Schilling and Roger Clemens had all the makings of a classic duel. Both had Cy Young Award worthy seasons and they both dominated throughout the post season. On top of that, Schilling attributes his success over the past few years to a ''talking to'' Clemens gave him. Before the game Schilling said he felt like he was in an essay contest with Hemingway or a ''paint-off' versus Picasso.

And then, on Sunday night, after the Yankees took a 2–1 lead late and appeared headed to their fourth straight world title, the Diamondback miracle happened: The Yankees had gotten the seventh game right to where they wanted it, with a one-run lead and the ball in the hands of their phenomenal closer, Mariano Rivera. But Rivera, virtually unhittable at all other times, gave up four hits, two runs, the lead, the game and the series. The Arizona Diamondbacks beat the best to become the best!!!

The Diamondback victory really comes down to the overwhelming desire of great baseball players to reach the pinnacle of their sport. From the first day of spring training, rookie manager Bob Brenly and D-Back players, had a goal of not just getting to the World Series but winning the World Series. They never looked away from it and emerged from a very dark moment until the light of triumph was blinding.

While the entire Diamondback franchise—from owner Jerry Colangelo to third base coach Chris Spier—played a part in their World Series victory, I want to single out two remarkable D-Backs who will go down in history as the most feared one-two pitching punch in baseball. Congratulations Randy Johnson and Curt Schilling for being awarded Co-MVPs of the World Series.

Mr. Speaker, I want to thank the Arizona Diamond Backs and the New York Yankees for treating fans across the country to a thrilling World Series. Two classy teams rose to the top of both leagues this year, and they gave us a World Series for the ages. They gave us the pure entertainment of a great sport played at its highest level and got this country's mind off darker concerns for a couple of weeks.

HONORING EMERGENCY SERVICE WORKERS DURING LOCAL HEROES WEEK

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Mr. EDWARDS. Mr. Speaker, it is particularly fitting, in the wake of the tragic events of September 11th, 2001 and the courageous and selfless acts of heroism by New York's police, firefighters and rescue workers which were witnessed and acclaimed by the world, that we extend our gratitude to police, fire and emergency service workers in all of America's communities. The citizens of Bell County and Copperas Cove, Texas in my congressional district are honoring these public servants, from November 18–24, during the 10th observance of Local Heroes Week.

This expression of appreciation to our local public safety workers for their service to Central Texas, which has grown every year since its inception in 1992, raises funds from area businesses and organizations to endow scholarships at Central Texas College for their immediate families.

As a community, we owe a special thanks to the police officers, fire fighters and emergency workers we honor and our sincere appreciation to those who organize Local Heroes Week. The recent tragedies at the World Trade Center in New York and at the Pentagon in Arlington, Virginia remind us that every day, in every city and county in the country, these men and women put their lives on the line to protect us from harm.

Mr. Speaker, I ask the Members of the House of Representatives to join me in honoring these local heroes, in Copperas Cove and Bell County, and across the nation. They define the spirit of public service and we are grateful.

COMMENDING DAVID AND META KLEIMAN FOR THEIR CIVIC COMMITMENT

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Ms. CARSON of Indiana. Mr. Speaker, these are times to especially honor civic commitment of the sort that serves as powerful example to all Americans. Today I am privileged to commend to the nation two distinguished citizens of Indianapolis, Indiana, David and Meta Kleiman, who will be specially honored this evening at the Indianapolis-Israel Dinner of State.

True friends of the city, the Kleimans have lived their lives as models of civic virtue for all to emulate. David has served on many Jewish organizations, including the Jewish Federation of which he was president from 1981–84. He has also served as president of the JCCA, the Indiana Jewish Historical Society, and B'nai B'rith Lodge No. 58.

A leading partner with the law firm Dann, Pecar, Newman & Kleiman, Mr. Kleiman's life has featured even greater commitment to the community at large, including distinguished service as Chairman of United Way, President of the Indiana Repertory Theater and leadership roles in diverse Indianapolis community organizations of great value to the life of the city.

Meta stands with David in her own commitment to civic virtue. She has served as President of IHC's Sisterhood and has chaired the Federation Women's Division and the Federation's Committee on Aging. Her advocacy for the elderly was marked, as well, by her service as President of Park Regency. On the national stage, Meta has served on the boards of the Association of Reform Zionists of America and the National Federation of Temple Sisterhoods, chairing the Sisterhood's Israel Committee.

The Kleimans have been recognized in their home community with the Mossler Community Service award and the Ivan Chalfie award, important honors in the city of Indianapolis. In addition, Meta has received the L.L. Goodman award and David has been recognized as B'nai B'rith Man of the Year.

Individually and together, the Kleimans'contributions to the United States, to Indiana, to Indianapolis and to Indiana's 10th Congressional District are in the highest tradition of selfless public service. I ask, Mr. Speaker, that you and my colleagues in the People's House join in commending each of the Kleimans for their lives of service, celebrating their civic virtue and commitment.

CONGRATULATING PATSY MILTON

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate Patsy Milton for receiving a 2001 Common Threads Award. This award is presented to women in agriculture who have made a remarkable contribution to their community through volunteer work and philanthropy.

Patsy Milton has been a passionate advocate for educating others on the importance of agriculture in their lives. Patsy, her husband Rick, and their family raise stone fruit and grapes in the area surrounding Parlier, California. She and her husband are highly involved in the Fresno County Farm Bureau. In the Farm Bureau, Patsy has been the coordinator of the Ag in the Classroom program since its inception in 1987. Her community involvement includes the Reedley Fresh Fruit Festival, Riverview School Parent Teacher Club, Reedley High School Band Boosters, Reedley Drama Club, and Christ Lutheran Church in Reedley. In 1995 she received the California Foundation for Agriculture in the Classroom Volunteer Award.

Mr. Speaker, I rise today to congratulate Patsy Milton for earning a 2001 Common Threads Award. She has shown outstanding involvement, not only in agriculture, but also in strengthening her community. I urge my colleagues to join me in wishing Ms. Milton a bright future and continued success.

PERSONAL EXPLANATION

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Mr. SHAYS. Mr. Speaker, on November 6, I was in Connecticut participating in our local elections and, therefore, missed three recorded votes.

I take my voting responsibility very seriously and would like the CONGRESSIONAL RECORD to reflect that, had I been present, I would have voted ''yes'' on recorded vote No. 426, ''yes'' on recorded vote No. 427, and ''yes'' on recorded vote No. 428.

PAYING TRIBUTE TO WILLIAM G. AIKEN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Mr. MCINNIS. Mr. Speaker, I would like to take this opportunity to recognize William G. Aiken and his contribution to this country during World War II. Bill began his service in 1943 at the invasion of Salerno, Italy and fought courageously to defend freedom and this great country.

Mr. Aiken operated mortars in the 84th Mortar Battalion of the 5th Army. He was tasked with the assignment of providing artillery field support to the invading allied forces. As such, Aiken's unit was often in the lead of several invading beach assaults; including nine tenuous days on the beaches at Salerno where they clung to the beachhead as the Nazis tried to repel Aiken's squad and the rest of the American units. Mr. Aiken returned to Colorado after the war and retired in 1978. Among his decorations are the Purple Heart for wounds he received in combat and the Bronze Star for valor.

Mr. Speaker it is a great privilege to recognize William G. Aiken for his service to this country. He served selflessly in a time of great need, bringing credit to himself and this nation. If it were not for men like Bill, we would not enjoy the freedoms we so value today.

HONORING JUDGE STANLEY A. MILLER

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Mr. BARRETT of Wisconsin. Mr. Speaker, I am honored to pay tribute to the work of Judge Stanley Miller. Through his service in the Milwaukee Courts, our city was provided with not only a fair arbitrator, but also a mentor who was deeply committed to improving our community.

Judge Miller's leadership was evident from the very beginning of his career. While attending the University of Wisconsin Law School, Miller was elected the first African American president of the Student Bar Association.

He went on to serve our community for more than 20 years on the Milwaukee Municipal Court and Milwaukee County Circuit Court. Judge Miller knew that justice began with equal representation of the community on the bench, and for this reason, he encouraged many African American attorneys to become judges.

Judge Miller believed in our youth. He stressed the importance of preventing crime and worked tirelessly to keep kids out of the court system. From the bench, he urged professionals to be more vigilant of the needs of children, before serious problems arise.

Through his years of work in the courts and in our community, Judge Miller set a high standard for those who will follow him, and he will be deeply missed. I join the residents of Milwaukee in extending our condolences to his family, and honoring this great man.

NATIONAL MEDICAL EMERGENCY PREPAREDNESS ACT OF 2001

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Mr. SMITH of New Jersey. Mr. Speaker, today I am introducing legislation, the ''National Medical Emergency Preparedness Act of 2001'' to create at least four new National Medical Preparedness Centers within the Department of Veterans Affairs. These centers would develop contemporary diagnostic and treatment programs, as well as teaching protocols to deal with the many possible chemical, biological and radiological threats that may confront our Nation at this dangerous time. I am joined by distinguished colleagues of the Veterans' Affairs Committee: LANE EVANS, our Ranking Member; MIKE BILIRAKIS, our Vice Chairman and Chairman of the Energy and Commerce Subcommittee on Health; STEVE BUYER, our Chairman of the Subcommittee on Oversight and Investigations; and CLIFF STEARNS, our former Chairman of the Subcommittee on Health and Chairman of the Energy and Commerce Subcommittee on Commerce, Trade and Consumer Protection.

As we watch with deep concern the unfolding events and investigations regarding anthrax in Florida and New York, in my own Congressional district in Trenton, New Jersey, and now here in Congress, in the Brentwood Post Office and a number of other locations, I believe that it is imperative that Congress ensure our Nation better prepare itself for incidents of terrorism. We need timely, effective, and comprehensive responses to protect the health of the American people, and that is why my colleagues and I are introducing this bill. The new centers would be under the general umbrella of the Department of Veterans Affairs, but would have special—even unique—missions that encompass a much larger role in protecting Americans.

The bill calls for the establishment of at least four geographically dispersed locations. Each center would independently study and work toward solutions to problems emanating from exposure to dangerous chemical, biological and nuclear weapons. Although the VA would oversee these new centers, their work products should provide for the general welfare of the people. Mr. Speaker, we have learned a great deal in the last month about our health system's ability to recognize and respond to a biological attack. It is clear to me and the cosponsors of this legislation that there needs to be a significant investment in teaching health professionals about the effects of chemical, biological and nuclear agents. While health care specialists in the Armed Forces have developed a substantial body of information, their mission does not extend to teaching and assisting community health care providers throughout the United States. Further, we have seen the limitations of the Centers for Disease Control and Prevention in responding to outbreaks and attacks. The VA health care system is an important piece to addressing the problems we currently face.

Perhaps what is most important about the VA's capability is that it already exists in the 54 states and territories. The VA consists of 171 hospitals, 800 outpatient clinics and other facilities with their 182,000 employees including 14,000 physicians, and 60,000 nursing personnel of whom 37,000 are registered nurses. This represents a federally-appropriated resource with centralized command and control leadership that is the largest fully integrated health care system in the United States. In past disasters, the VA hospital has sometimes been the only operational medical facility in affected localities. This widely dispersed but integrated healthcare infrastructure makes the VA an essential national asset in responding to potential biological, chemical, or radiological attacks. VA's existing medical capability could be quickly expanded and enhanced with only modest investments.

The mission of these centers would be to conduct research and develop methods of detection, diagnosis, vaccination, protection and treatment for chemical, biological, and radiological threats to public safety, such as anthrax, smallpox, bubonic plague, radiation poison and other hazards to human health that we may not be able to fathom today. My bill would authorize these centers to engage in direct research, coordinate ongoing and new research and educational activity in other public and private agencies, including research universities, schools of medicine, and schools of public health. The centers would act as clearinghouses for new discoveries and serve to disseminate the latest and most comprehensive information to public and private hospitals in order to improve the quality of care for patients who are exposed to these deadly elements. The skills and knowledge they produce would also help to protect health care workers, emergency personnel, active duty military personnel, police officers, and hopefully, all our citizens.

Through its extensive medical and prosthetic research and clinical care programs, VA already has expertise in diagnosing and treating viral and bacterial illnesses associated with previous serious health problems, such as the hepatitis C epidemic, the HIV pandemic, and in earlier generations, the tuberculosis crisis. In the early part of this century, a number of VA hospitals were created specifically to combat tuberculosis, which had a high incidence in the veteran population. VA currently operates two War-Related Illness Centers tasked with developing specialized treatments for those illnesses and injuries that result from veterans' combat and wartime exposures. VA has successfully launched new centers with expertise in geriatrics and gerontology, mental illness and Parkinson's disease. These centers are superb examples of what experts can do when

provided appropriate resources dedicated to specific goals. They show VA's ability to organize and develop programs and provide treatment for vexing health problems. In essence, these new National Medical Preparedness Centers would study those illnesses and injuries likely to come from terrorist attacks with weapons of mass destruction, or from another national environmental or biological emergency with similar risks.

As we have seen since the anthrax incidents occurred, in many instances we possess no real protection, few treatments and only rudimentary methods of detection or diagnosis—this situation is simply unacceptable, Mr. Speaker. We need to make a major effort, and provide funding to accomplish it, such as we have done in many other cases. Whether in putting a man on the moon 32 years ago, or in combating polio closer to home, it is incumbent upon this Congress to encourage and fund solutions—in this case, to prepare the Nation to prevent or respond to the new and very real threats from terrorist use of chemical, biological and radiological poisons.

Mr. Speaker, this is a time for all of us to think hard about what has happened to us, and what we need to do about it. The President has taken the right action by deploying our military forces in search of justice overseas. We need to help him with the right solutions here at home. These centers that our legislation would authorize are the right way to proceed in this important work. Please join with us in supporting our initiative to authorize four new National Medical Preparedness Centers, working within the Department of Veterans Affairs, but working for us all.

TRIBUTE TO RILEY'S

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Mr. SKELTON. Mr. Speaker, let me take this means to congratulate Riley's Irish Pub, of Lexington, Missouri, for being recognized in a recent issue of American Profile. Riley's has played an instrumental role in revitalizing the heritage of my hometown, keeping downtown alive with activity seven days a week.

Mr. Speaker, Riley's Irish Pub is a fine restaurant and an asset to Lexington. My friends, Shirley Childs and Katherine VanAmburg, the owners of Riley's, are doing a terrific job. I know that Members of the House will join me in wishing them all the best in the days ahead.

INTRODUCTION OF THE MEDICARE+CHOICE CONSUMER PROTECTION ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Mr. STARK. Mr. Speaker, I rise with a group of colleagues to introduce the Medicare+Choice Consumer Protection Act of 2001. Congress should enact this bill immediately to ensure overdue protections for Medicare+Choice enrollees who are seeing increasing costs, decreasing benefits, and fewer options to obtain affordable supplemental coverage for Medicare.

The Medicare+Choice program is an option that many seniors appreciate and it is an option that should remain viable in Medicare. Unfortunately, the problem of plan pullouts, benefit reductions, and cost increases, will never be solved by continuing to pour more money into HMOs. Even if their demands for ever higher payments are met, they will change yearly—just as our benefits do in the Federal Employee Health Benefits Program. This is because—unlike the rest of Medicare—these plans are private companies that make annual changes to their benefit offerings based on costs and other business decisions. The bottom line is that they are in business to make money. That's understandable, but it undermines program stability, and confuses beneficiaries.

The bill I am introducing today, along with a group of colleagues including Reps. GEPHARDT, RANGEL, DINGELL, WAXMAN, BROWN, KLECZKA, CARDIN, THURMAN and TIERNEY, will help senior citizens and other beneficiaries deal with the everchanging world of Medicare+Choice.

It doesn't heap any new money on the HMO industry.

Instead, it extends important consumer protection standards to Medicare beneficiaries who find themselves in a plan that no longer meets their needs. There are three major components to the bill:

(1) Eliminate the Medicare+Choice lock-in scheduled to begin going into effect in January 2002.

(2) Extend the existing Medigap protections that apply to people whose Medicare+Choice plan withdraws from the program to anyone whose Medicare+Choice plan changes benefits or whose doctor or hospital leaves the plan.

(3) Prohibit Medicare+Choice plans from charging higher cost-sharing for a service than Medicare charges in the fee-for-service program. This provision is crafted to continue to allow reasonable flat-dollar copayments.

The bill is endorsed by a host of senior and consumer advocacy organizations including: the National Committee to Preserve Social Security and Medicare, Alliance for Retired Americans, National Council on the Aging, Families USA, The Medicare Rights Center, California Congress of Seniors, and California Health Advocates. They've endorsed it because the three components are each important consumer protection improvements for beneficiaries in Medicare+Choice plans.

Eliminating the lock-in means that no one will be forced to stay in a health plan that doesn't meet their needs. When seniors get marketing material from an HMO and choose to join, they don't know what illnesses will befall them or what injuries may occur. If they picked a plan that suddenly doesn't meet their specific needs, they need to be able to get out. The lock-in prohibits that flexibility. Especially with the volatility of the Medicare+Choice marketplace over the past several years, it is important that seniors know that if they test an HMO and don't like it, they'll be able to leave and choose a Medicare option that better suits them. This is a provision that is agreed upon and strongly supported by both consumer advocates and the managed care industry.

Under current law, if your Medicare+Choice plan leaves your community or withdraws from Medicare all together, you can move into a select category of Medigap plans (A, B, C and F) without any individual health underwriting. This protection is obviously important because it makes more affordable Medigap options available to people who through no fault of their own can no longer remain members of the Medicare+Choice plan in which they had been enrolled.

Unfortunately, these protections do not extend to seniors whose plans make drastic changes, but stop short of completely withdrawing from the program. Many Medicare beneficiaries are getting letters from their HMOs describing changes to their plan for next year that are so dramatic that the plan no longer meets their financial needs, health needs—or both.

In my district, PacifiCare is pulling out of some parts of the county, but remaining in others. In the areas where they remain, they have instituted a new $400 hospital deductible for each covered admission (up from $100 last year), a new $50 copayment for dialysis where there had been none, and increased Medicare-covered inpatient injectible medication cost-sharing from $30 to $250 or the full cost of the drug, whichever is less. By any standard, these are dramatic increases. HealthNet, which also serves my district, will now have a hospital deductible of $750, and they have dropped all coverage of prescription drugs,, while more than doubling their premium from $30 to $85 a month.

These changes may well affect the ability of current enrollees to afford to continue in the plan—and certainly could impact their ability to get needed care. It is very likely that a Medigap supplemental policy might make better sense for these beneficiaries. Therefore, it is critical to extend the current Medigap protections for when a plan terminates Medicare participation to participants of plans that have made changes to their benefits like those described above.

Those same protections need to apply if a patient's doctor or hospital discontinues participation in the Medicare+Choice plan as well. There have never been any lock-in provisions for providers that require that they continue with a Medicare+Choice plan for the full contract year. Again, it is beyond a patient's control if their doctor or hospital withdraws from their HMO. They need to have the option to follow that doctor—and that likely means being able to join a Medigap supplemental plan and return to traditional fee-for-service Medicare.

The third provision of the bill may be the most important. I am truly shocked by the level of gamesmanship going on with the cost-sharing proposals being put forth by many HMOs in their Medicare+Choice plan outlines this year. I believe that the Secretary has the latitude in current law to prohibit many of these schemes from being put in place—and I encourage him to make ample use of that power. But, I think we need a change in law that makes it perfectly clear that Medicare+Choice plans cannot charge patients more for a service than the patient would face under the Medicare fee-for-service program.

Medicare+Choice guarantees beneficiaries the same benefits they get from Medicare—plus more. If a Medicare HMO is charging $50 for dialysis services that a patient needs to stay alive and those same costs would be approximately $23 in fee-for-service Medicare, that is not meeting Medicare's level of benefit

coverage. I can't understand why we would want to allow that. If Medicare covers home health care with no cost-sharing, why should we allow Medicare+Choice plans to diminish the value of that benefit by charging cost-sharing? The same is true with durable medical equipment, and the list goes on and on.

On top of being unfair, the ability to charge higher cost-sharing for services like DME, home health, and dialysis perpetuates the cherry picking and risk avoidance that is well-documented in the Medicare HMO program. It has the obvious unfair consequence of allowing Medicare+Choice plans to avoid patients that know they will need those services. Patients with specific health needs read the benefit package carefully to see what is covered before they enroll. They won't even apply for the plan if their needed services are too costly or not covered at all. That keeps the Medicare+Choice plans from enrolling costly patients. They've already won at delaying risk adjustment which would help solve that problem. We shouldn't let them begin to use cost-sharing as another mechanism to avoid risk.

These are common sense protections that would help beneficiaries feel more confident about their choices. Proponents of the Medicare+Choice program should support enactment of this legislation because it will reduce the uncertainty and fear factor that makes beneficiaries understandably skeptical about the Medicare+Choice program in the first place.

The bottom line is that the Medicare+Choice Consumer Protection Act is a simple, incremental bill that will help protect Medicare beneficiaries who choose to enroll in a Medicare+Choice option. We've made this option available to seniors, and I think it is our responsibility to assure that they don't lose other options in Medicare because they've taken us up on the offer. I urge all of my colleagues to join us in enacting this small, but important bill this year.

THE INJUSTICE THAT BEFELL THE UKRAINIAN PEOPLE

HON. MICHAEL R. McNULTY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Mr. McNULTY. Mr. Speaker, I condemn the horrible injustice that befell the Ukrainian people 68 years ago. Approximately seven million Ukrainians fell victim to the famine inflicted by the Soviet government to extinguish the Ukrainian struggle for freedom. The 1932–1933 famine was a premeditated effort to exterminate the national consciousness of the Ukrainian peasantry in order to stop their continuous resistance to Leninist/Stalinist ideals.

The causes of the famine had nothing to do with the harvest. Production of grain during those years remained at the usual levels. The government confiscated the grain in order to export it to gain money for industrialization in the former Soviet Union. Such was Stalin's undeclared war against the Ukrainians' right to independence and freedom. Many Ukrainians died heroically to preserve their right to live in a free and independent state. But their deaths were not in vain—the fight for Ukrainian freedom continued on and on August 24, 1991 Ukraine finally declared its independence from the Soviet Union.

The Ukrainian people have been fighting for their independence since the 16th century. With the arrival of the Marxist/Leninist ideas at the end of World War 1, their struggle continued and intensified because of the farm collectivization efforts. Stalin's government could not frighten or punish Ukrainians enough to make them give up their land and desert their ideal of freedom and nation-statehood. Instead, his government made a decision to exterminate the sense of nation among the Ukrainian people and as a result, Stalin''s government murdered a large portion of the population. Almost a quarter of all Ukrainians died in those dreadful years.

These abhorrent events were hidden from the public for the duration of the Soviet rule. Now it is our duty to bring them to the attention of the world in order to remind us all of the benefits of democracy and horrors that an oppressive government can perpetrate on its people. At this time of war, when the United States and the world battle terrorism, we once again were reminded that it is impossible for us to tolerate any oppressive regime. In the end, America came under fire because America is the beacon of democracy and freedom.

We, together with the Ukrainian American community, will commemorate the abhorrent acts of Stalin against the Ukrainian nation on November 17, 2001 in St. Patrick's Cathedral in New York. We will remember the victims of the cowardly terrorist attacks that took place in New York, Pennsylvania, and Washington on September 11, 2001. We will mourn together the losses of our two countries and come together to celebrate the spirit of freedom that will undoubtedly persevere.

68TH ANNIVERSARY OF THE UKRAINIAN FAMINE OF 1932 TO 1933

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Mr. LEVIN. Mr. Speaker, I rise today to commemorate the 68th anniversary of the Ukrainian Famine of 1932 to 1933, which took the lives of at least seven million Ukrainians.

It is too little known that 68 years ago leaders of the former Soviet Union deliberately employed the ruthless policies of forced collectivization and grain seizures to suppress and politically neutralize the Ukrainian people. The Soviets hoped to crush the nationalist spirit of Ukraine and replace it with a politically homogeneous Russian realm.

Historians have named this the ''harvest of sorrow.'' Harvests in the early 1930s yielded solid crops but the Soviets imposed such harsh levies on the crops that villages were often left with nothing. The situation worsened when border checkpoints were established to prevent starving Ukrainians from entering Russia, and to prevent any food from being brought into Ukraine.

More than seven million people were cruelly starved to death because of these repressive measures. Survivors spoke of eating weeds and the bark of trees to survive and of Red Army soldiers confiscating food and livestock from the people. Eyewitnesses reported the depopulation of entire villages.

Even today the Ukrainian population has not yet fully recovered. For decades after these events, the deaths were covered up and this man-made atrocity denied by the government of the former Soviet Union. Today we remember.

As Ukraine celebrates its 10th year of independence this year, public recognition of the famine is vitally important. A national commemorative service will be held on Saturday, November 17, 2001, at St. Patrick's Cathedral in New York.

We must remember and do everything we can to prevent similar tragedies from happening again.

RECOGNIZING THE SERVICE OF MARK BROXMEYER

HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Mr. CANTOR. Mr. Speaker, I rise today to recognize the remarkable service of Mark Broxmeyer. On Monday, November 12, 2001, Mr. Broxmeyer will be honored at the Holocaust Memorial and the Educational Center of Nassau County's 9th Annual Tribute Dinner. He will receive the distinguished ''Community Service Award.''

I have had the pleasure of working with Mark through his role as Chairman of the Jewish Institute for National Security Affairs (JINSA). Mark has worked tirelessly to provide timely, critical information to the Administration, Congress and the media on the national security of the United States and the important role of Israel in bolstering democracy in the Middle East. Israel is unique in the Middle East because it shares our values of democracy and freedom. Mark has been a vocal advocate of standing with our allies against terrorists, remaining strong in our resolve to work together to defeat them.

However, Mark's service is not limited by his dedication to defense and security issues. He continues his global service on the Board of Directors of the United Nation's Economic Development Corporation and works tirelessly for national causes including being named ''Man of the Year'' by the United Cerebral Palsy Association. Yet service begins at home and he serves the health and well-being of his community through his work as a trustee of the North Shore Long Island Jewish Health System Foundation. He is also a member of the Board of Hofstra University.

Mr. Speaker, Mark Broxmeyer understands the importance of community service. The Holocaust Memorial and Educational Center of Nassau County have chosen well in recognizing Mark. He has dedicated himself to reaching out to the global, national and local communities, truly making a difference. I hope you will join me in congratulating Mark on this remarkable achievement and in wishing him well as he continues his good work.

THE INTRODUCTION OF THE GIVE FANS A CHANCE ACT OF 2001

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Mr. BLUMENAUER. Mr. Speaker, This week, Major League Baseball owners voted to

eliminate two teams prior to the start of the 2002 season. If the owners have their way, two communities that have poured their hearts and money into their teams and stadiums will be feeling worse than the residents of Mudville after the mighty Casey struck out—at least the fans of the Mudville nine were able to look forward to next year.

The Give Fans a Chance Act of 2001 gives communities a voice when sports team owners attempt to relocate or eliminate a team. This legislation recognizes the fact that professional sports teams are an integral part of the fabric that makes up our communities. Fans often have more than just an emotional attachment to their teams. Taxpayers frequently pay hundreds of millions of dollars to finance stadiums to keep teams in place. For example, in Houston, the public financed $180 million of the $250 million Enron Field. In Seattle, Safeco Field was constructed at a cost of over $500 million with $340 million publicly financed. Additionally, fans spend millions of dollars on tickets, merchandise, and other services surrounding the operation of franchises.

There probably has never been a better example of the link between the spirit of a community and its sports teams than New York. The Yankees, Mets, Giants, Jets, Islanders, Rangers, and Knicks have all helped bring the community together and deal with the tragedy that struck the city on September 11, 2001. The memorable World Series just completed between the Arizona Diamondbacks and the New York Yankees has in fact helped the nation heal in the wake of the terrorist attacks.

The Give Fans a Chance Act accomplishes three important objectives. The bill: (1) eliminates league rules that disallow public ownership of sports team franchises; (2) gives communities a voice in team relocation decisions; and (3) ties broadcast antitrust exemptions to the bill's requirements.

This legislation makes professional sports leagues and their team owners appropriately consider the communities of which they are a part. Taxpayers and fans contribute soul and money to the teams of their communities and they deserve a voice when the threat of team relocation or elimination steps into the batter's box.

HONORING MR. AND MRS. JAMES BARNER

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Mr. TANNER. Mr. Speaker, I rise today in honor of my dear friends, the Barner family, who have worked as West Tennessee dairy farmers for more than four decades.

James and Lois Barner, married for 53 years now, began dairying on a farm in Kenton, TN, more than 40 years ago. Eight years later, they moved their operation to nearby Martin, TN, which has been home to Barner & Sons Dairy ever since.

The couple's three sons Donnie, Ray, and Doug now oversee most of the dairy farm's daily operations, but James and Lois Barner continue to help with the over 500 head of Holstein cattle currently raised at the farm. Mr. and Mrs. Barner have four grandsons and two granddaughters, whom they hope are the start of a third generation of successful Barner dairy farmers. Mr. Barner has said two of his grandsons, Dusty and Cody, often help with chores around the dairy.

The Barners often open the farm for hands-on lessons for visiting agriculture students from the University of Tennessee at Martin, as well as students visiting from nearby elementary and secondary schools.

Mr. Speaker, please join me in honoring Mr. and Mrs. James Barner and their family for their years of hard work on their Weakley County dairy farm and their dedicated service to their West Tennessee neighbors.

226TH BIRTHDAY OF THE UNITED STATES MARINE CORPS

HON. ANDER CRENSHAW

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Mr. CRENSHAW. Mr. Speaker, I rise today to honor the men and women of the United States Marine Corps in celebration of the Corps' 226th birthday. As our Nation reacts to the terrorist attacks of September 11, our armed forces have been asked to fight the first war of the 21st Century, a war like no other America has had to endure.

Marine Corps personnel are not adverse to new types of war, making up America's unique capability of an amphibious fighting force from the sea. United States Marines are symbols to the world of American honor, strength and character. Their lineage tells a story of the most difficult wars and conflicts the United States has ever fought.

I am honored to represent active duty, reserve, retired and former Marines in the 4th Congressional District of Florida. Their contribution to the local communities and overall mission of the armed forces enables the citizens of this great nation to reap the benefits of freedom.

The active duty Marines in my district perform the vital mission of supporting forward deployed Marine Corps personnel with sustainable wartime supplies out of Blount Island Command in Jacksonville, FL. These Marines are tasked with coordinating and executing a supply chain of warfighting tools required to perform their combat amphibious mission.

On November 10, the Marine Corps will celebrate the birth of an organization with a heroic legacy of protecting the values that built this great Nation. As we celebrate this birthday let us also remember those that have given the ultimate sacrifice for freedom.

To all Marines, I say Happy Birthday and offer the words of Admiral Nimitz regarding the make up of a United States Marine, ''Among the men who fought on Iwo Jima, uncommon valor was a common virtue.''

HONORING MARIE GALLO

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Mr. CONDIT. Mr. Speaker, I rise today to honor Marie Gallo as American Legion Post No. 74's ''Man of the Year.'' It is a distinct privilege to recognize Marie as a fine example of selfless service on behalf of her community.

It was once said that Marie Gallo is a giver, always. She is determined that her life has a purpose, and she sweeps the rest of us along with her. No project is too enormous; no challenge goes unmet.

The list of service organizations that she belongs to is impressive. She has been honored by the Modesto Symphony Guild for her many years of support and faithful service on the Board of Directors. Like the Gallo Foundation and other family members who support countless causes in Modesto, she's often a silent benefactor. As a board member she instituted the very successful ''Picnic at the Pops'' on the grounds of the Gallo Winery and is responsible for instituting the Symphony Guild's ''Holiday Overture'' which is held at the Gallo Winery administration building during the holiday season.

Marie is also involved in community activities including chairing projects, hosting luncheons, serving on boards, and ringing Salvation Army bells. She is a driving force behind funding and building the Gallo Performing Arts Center in Modesto.

She has been honored by the Anti Defamation League for her work in bringing all races and classes of people together. She is a founding member of the Auxiliary of the Sisters of the Cross and was instrumental in bringing the contemplative order to Stanislaus County. She also belongs to the Catholic Social Service Guild and Father John Silva Education Foundation.

Marie and her husband, Bob, along with their eight children have set examples for our communities to follow. I am proud to call Marie my friend and honor her for service to our community. I ask my colleagues to rise and join me in honoring Marie Gallo.

STATEMENT OF GRATITUDE

HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Mr. RYAN of Wisconsin. Mr. Speaker, the events of the past months have changed both our world and our lives. Without warning, this country's civilians found themselves on the front lines in the war against terrorism. But our American spirit has prevailed. Though unprecedented obstacles continue to confront us, Americans have joined together to overcome these difficulties. Where terrorists hoped to divide us in chaos, our dedication to persevere made us stronger than ever.

The Members and staff of the House Administration Committee along with the Chief Administrative Officer and his staff, the Attending Physician, and our friends at the General Accounting Office made a vital contribution to battling the recent terrorist strike on our country. When a suspicious letter containing anthrax caused members of Senate Majority Leader TOM DASCHLE, Senator RUSSELL D. FEINGOLD's staff, and members of the Capitol Police Department to test positive for exposure, the Capitol complex closed so that an environmental sweep of the buildings could be conducted as a precautionary measure. While the Congressional office buildings remained

closed much longer than had been originally expected, thanks to everyone's efforts, Congress itself was able to remain active and not fulfill the terrorists' goals.

I want to thank everyone who assisted in allowing my staff to conduct business from the GAO offices while our own offices in the Longworth building were closed. Because of their generosity and flexibility, the criminals behind the spread of anthrax failed in their attempt to disrupt democracy and bring the American government to a halt. In this way, they played an important role in the ongoing war on terrorism. I greatly appreciate their willingness to accept some inconveniences in order to achieve a greater goal—to keep America working.

MY AMERICA

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Mr. STUMP. Mr. Speaker, we are fortunate to have talented people all across this Country who are able to take the patriotism and appreciation each of us feel for America, our freedoms and liberty and translate them into word and song. Among those talented folk is Gary Davis, who I have had the pleasure of knowing for many years, and whose singing and songwriting career I have had the pleasure of following.

I proudly commend the lyrics of Gary's song, ''My America,'' to my colleagues as a wonderful expression of what makes our Country so great.

MY AMERICA

''She's always there to lend a hand
Where evil forces breed
An' she's the last to turn away
A friend in time of need
Her shoulders bear the burden
Of the helpless and the weak
That's why I love My America

''Her flag is first in battle
For the cause of liberty
Her children die on distant shores
So others' may live free
She's suffered more for freedom
Still, she turns the other cheek
And, that's why I love My America

''Her spirit never waivers
And, her heroes never cease
Her awesome wrath is tethered
By her greater love for peace
Her arms embrace the weary,
The hopeless, and the meek
And, that's why I love My America
(That's why I love My America)

''With her enduring courage
And, God's almighty hand
She'd storm the fiery gates of hell
And boldly, take command
Her victory bells would tell the world
'United, We Will Stand'
And, that's why I love My America.''

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INTERNATIONAL FUND FOR IRELAND

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Mr. CROWLEY. Mr. Speaker, I rise today in support of the gentlelady's motion.

Last year Mrs. LOWEY and I, working with Chairman CALLAHAN, Mr. WALSH and Speaker HASTERT were successful in obtaining an appropriation of $25 million for the International Fund for Ireland. Funding for this project has never been as integral to the viability of a lasting peace in Northern Ireland, as it is right now.

Since the creation of the Northern Ireland Assembly, the practice of crisis politics has been the norm, more often than the exception. In recent days, however, the Nationalists and the Unionists have finally arrived at a point that will allow them to move forward.

I commend the IRA for their historic announcement of disarmament.

I would also like to express my support for the election of Mark Durkan as Deputy First Minister, and the reelection of David Trimble as First Minister.

After several difficult days, I am pleased to see that the parties have resolved the latest impasse and returned to the bargaining table.

Despite the tremendous strides that have been made by both sides in Northern Ireland, it is difficult to celebrate these achievements while people are still being murdered in the streets of Belfast. When Ulster political leaders disagree, they debate, vote, and sometimes walk away from the bargaining table. When Unionists and Nationalists on the ground disagree, people die.

The International Fund for Ireland promotes contact, cooperation and reconciliation between Unionists and Nationalists in Northern Ireland.

By working together on issues of mutual concern such as building a strong economy, and maintaining safe neighborhoods, the fund helps secure peace where it must begin. Through person to person contact.

IFI is a crucial instrument in ending the cycle of hate and violence that has consumed Northern Ireland for far too long. Therefore, it is essential that the Committee continue to fund IFI in the amount of $25 million, and support the stronger language passed in the House version of this bill. The future of the children of Northern Ireland hangs in the balance. We cannot let them down.

I urge my colleagues to support this motion.

TRIBUTE TO DAVID R. HOLMES

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Mr. HALL. Mr. Speaker, I rise to honor David R. Holmes, an outstanding civic leader in Dayton, Ohio, within my district. David's vision, energy, and commitment have been a driving force for development in Dayton during the last decade, especially in the downtown area.

David was a founder and co-chairman of the Downtown Dayton Partnership. This nonprofit organization was established in 1991 to expand business in downtown Dayton and to make the city center a more pleasant place to live, work, and shop. The Partnership has also supported expanding cultural and entertainment opportunities in downtown.

David also served as chairman of the RiverScape Development Team and helped raise $28 million to revitalize the downtown river front area. The result is a beautiful scenic and recreational area along the Great Miami River that offers a variety of activities, programming, and sites, including a fountain that shoots streams of water 200 feet in the air as a backdrop for laser shows.

Under his direction, Reynolds and Reynolds spent millions of dollars restoring historic buildings in downtown Dayton near the company headquarters.

Several years ago, David asked to meet with me to generate support for the RiverScape project. I was deeply impressed with his plans and I immediately agreed to help. Looking back now, it is easy to forget that in those days it took a lot of courage to put so much energy into downtown Dayton development when so many people thought it was a lost cause.

David's other civic contributions include chairing Dayton's 1992 United Way campaign, one of the most successful United Way drives in Dayton history. He served on numerous boards of directors of local charitable and educational organizations.

David is currently chairman of the board for The Reynolds and Reynolds Company. He served as president and chief executive officer from 1989 until May 1999. At the same time he donated his time to Dayton, he was an outstanding businessman, leading Reynolds and Reynolds through explosive growth.

Tomorrow, on November 9, 2001, the Downtown Dayton Partnership will honor David during a ceremony at Dayton's RiverScape. I offer him my congratulations and thanks for the work he has done on behalf of our community. However, the real monument to his achievement is not our words, but the landscape of Dayton that will be forever changed because of his efforts.

VETERANS DAY

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Mr. SCHAFFER. Mr. Speaker, Abraham Lincoln once said ''let us have faith that right makes might; and in that faith let us to the end, dare to do our duty as we understand it.'' President Lincoln was no stranger to the price of liberty. The largest war on American soil was fought before his eyes.

During this time when Americans are again answering the call to protect our beloved nation, it is imperative the House appropriately recognize and thank those who so valiantly and selflessly served this great nation.

The comforts and prosperity enjoyed today have been dearly purchased with American blood. Freedom, justice, and liberty are more than mere slogans. They are principles that have drawn the ire of America's enemies beginning with King George and the British Army.

On November 11th, Veterans' Day, Americans pay solemn respects to the men and women in uniform who have served faithfully through peace, war, and now terror. Even though many have defined the present war on terrorism as uncharacteristic, the enemies are substantially the same. They are evil people who would attempt to change America's policies through fear and intimidation. History is replete with such tyrants.

Even after years of relative peace, the American military is the envy of the world. It is the best trained, the most technologically advanced, and the best equipped. Their cause has always been just. Without America's veterans, we would not have a nation worth defending today.

Yes, the challenge posed by the barbarians of terror is no match for the strength of our military, but it is also inferior to the spirit of the American people. This nation has not forgotten the heroism of its veterans. It cannot and will not ignore their contributions. This is what Veterans' Day is all about.

While we live in the most prosperous and blessed nation on earth, the events of September 11th are a solemn reminder that our struggle is not yet over. On November 11th, just one year ago, most Americans gathered and thanked God for giving our nation peace. From Him, America's veterans drew the full measure of courage during times of greatest peril.

Thanks to America's veterans, the children of tomorrow will give thanks again for living in a great nation at peace. The next generation will be part of a country that will not be intimidated by terrorism. They will inherit an America which refused to look the other way when confronted by evil.

On the eleventh hour, of the eleventh day, of the eleventh month, of 1918 the soldiers of ''The Great War'' said goodbye to battlefields with names like Flanders, Verdun, and Ardennes. Many believed WWI would be the ''war to end all wars.'' Unfortunately, they were perhaps, too optimistic, for aggression has been displaced.

At this time in our history, Americans no longer have the luxury of ignoring the price of liberty. The men and women at the Pentagon, the World Trade Center, and those who fight on land, sea, and air throughout the world have reminded all of us that we have all inherited a sacred privilege.

In a letter to the mother of fallen soldiers, Lincoln prayed comfort for the families of those who laid ''so costly a sacrifice upon the altar of freedom.'' As much as our thoughts and prayers are with those who have already been lost and the legions more who are entering this fight, each and every American should also turn their thoughts to those families who remain behind.

This year especially, as the nation celebrates Veterans' Day, it is important to give thanks and to take inspiration from the great sacrifices of the brave men and women who have delivered, and are today protecting our mighty nation. In commemorating the achievements of America's veterans, we should recommit our own lives, our fortunes, and our sacred honor to maintenance of liberty—just as the veterans we honor have so nobly done.

STATEMENT IN SUPPORT AND RECOGNITION OF THE DETROIT ECONOMIC SUMMIT

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Mr. DINGELL. Mr. Speaker, today I wish to call the House's attention to an important event that will take place next week in the heart of Michigan—the Detroit Economic Summit. On November 14–15, 2001, representatives of a variety of senior officials from Arab countries and political organizations, Michigan-based companies, and the leadership and rank-and-file members of the Arab American and community organizations in the Detroit and Dearborn area will assemble for a series of events devoted to promoting trade and economic ties between the United States and the countries of the Near East.

The Summit is being spearheaded by the American Arab Chamber of Commerce in Dearborn, which has worked hard to draw in the talents of like-minded organizations, businesses and institutions such as the Detroit Regional Chamber of Commerce, the CMS Energy Corporation, the Detroit Medical Center, the Ford Motor Company, and others. The Summit will feature the participation of the Secretary General of the Arab League, His Excellency Amre Moussa, who is leading a delegation consisting of the distinguished Ambassadors of the Arab countries. Working collectively, and drawing from their deep experience in both politics and commerce, the organizers and participants in these events are all working for a common, and in my view, very important objective: establishing the Detroit/Dearborn area as the gateway for American trade, investment and commerce with the Near East region.

As many of our colleagues know, Mr. Speaker, the Near East region holds a vast wealth of potential as an investment destination and trading partner for businesses, financial institutions and investors from the United States. Many of the governments of the region have made significant strides in adopting clearer and more transparent trade, investment and regulatory regimes and have made corresponding efforts to privatize state-owned industries and open up their economies. These efforts have helped to diversify and increase the levels of economic interaction between the United States and the region, and with the concerted efforts of those who are participating in the Summit, there is good cause to anticipate further growth and expansion.

The promotion of trade and investment is important not only for its impact on economic growth, employment, and standards of living in the United States and the Near East. Stronger economic ties also bring forth associated benefits, such as a greater appreciation of cultural and religious distinctions of the American and Arab peoples. As economic activity extends across borders in the region and with the United States, the prospects for peace, stability, and common understanding are likewise advanced. In times such as these, I trust that all of us will appreciate the importance of achieving these objectives.

As the home to hundreds of thousands of Arab Americans, the Detroit area is naturally suited to serve as a gateway for commerce between the United States and the Arab states. At the same time, Michigan-based companies are leading the way in increasing the volume of two-way trade and investment: everything from large-scale endeavors like CMS Energy's pioneering work in producing power and desalinated water in the Arabian Gulf or Ford's exports to the region, to small-scale imports of goods and wares from the region to the Detroit area.

Much like Miami has become the hub for economic ties between the United States and Latin America, The Detroit/Dearborn area is well on the path toward establishing itself as America's bridge to the Arab World. I urge my colleagues to join me welcoming the participants of the Economic Summit to Michigan and wishing them well as they continue with their vital work. I would also ask that the House acknowledge the hard work and vision of the organizers of this event, the Arab American Chamber of Commerce.

HUMAN-RIGHTS ACTIVIST DETAINED IN INDIA

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Mr. TOWNS. Mr. Speaker, the Indian government recently detained Mrs. Paramjit Kaur Khalra, widow of a human-rights activist and a human-rights activist in her own right, along with six other human-rights activists, including the Vice President of the Punjab Human rights Organization (PHRO), Kirpal Singh Randhawa. They were apparently arrested under TADA, the repressive ''Terrorist and Disruptive Activities Act, '' which expired in 1995. Now India has promulgated an even worse law, known as POTO, which would make advocating the breakup of India a ''terrorist offense'' and would allow the arrest of journalists for publishing information critical of the government. Is this the kind of law promulgated in a democratic and free society?

You may remember, Mr. Speaker, that the President of the PHRO, Judge Ajit Singh Bains, testified several years ago before the Human Rights Caucus of the House and was very impressive. After his testimony, you could have no doubt that Punjab under Indian rule is a very tyrannical state.

Mrs. Khalra is the widow of Jaswant Singh Khalra, who exposed the Indian government's policy of mass, secret cremations of Sikhs. This policy has been called ''worse than a genocide'' by the Punjab High Court. For exposing it, Mr. Khalra was kidnapped from his house in Amritsar in September 1995 and tortured to death. None of the police officers responsible has ever been punished. Now Mrs. Khalra's efforts to continue her husband's work have gotten her arrested. It is clear that she and the other human-rights activists were arrested to prevent their participation in political events and stop public protest. India still believes, after all the bloodshed, that it can intimidate the Sikhs and other minorities such as the Christians of Nagaland, the Muslims of Kashmir, and others into submission to Hindu supremacy.

It is not a good time to be a widow in India, Mr. Speaker. First the Indian government tried

to expel the widow of missionary Graham Staines from the country, and now they are harassing Mrs. Khalra. This is Indian democracy in action, and it is not pretty.

There was one eyewitness to the kidnapping of Jaswant Singh Khalra, a man named Rajiv Singh Randhawa. Last year, he was arrested in front of the Golden Temple in Amritsar for trying to hand a petition to the British Home Minister. In light of repeated incidents like this, India should be embarrassed to proclaim itself ''the world's largest democracy.''

Mr. Speaker, the United States should not sit idly by and let these acts of repression go on without consequences. Our government must immediately press for the release of Mrs. Khalra and the 52,000-plus Sikh political prisoners currently being held without charge or trial in India, as well as the thousands of other political prisoners of other nationalities. All of them must be released. If they are not, I urge them to secure their release by running for political office from their jail cells.

In addition, America should stop its aid to India and support an internationally-supervised vote on the political status of Punjab, Khalistan, of Kashmir, of Nagalim, and of all the countries seeking their independence. Remember that India promised in 1948 to hold a plebiscite in Kashmir, a promise it has not kept. It is time for India to start acting like a democracy. This vote would be a good way to start.

Mr. Speaker, I have here an Urgent Action Request from the Canadian branch of the World Sikh Organization demanding the immediate release of Mrs. Khalra. It was brought to me by Dr. Gurmit Singh Aulakh, President of the Council of Khalistan. I would like to place it in the RECORD to show my colleagues the real workings of Indian democracy.

URGENT ACTION REQUEST

OTTAWA, NOVEMBER 3, 2001.—The World Sikh Organization requests your immediate assistance to procure the release of Mrs. Laswant Singh Khalra and six other human rights activists and lawyers who were arrested by the Indian police on November 2, 2001. It is known that these individuals were arrested to prevent their participation in political events in Punjab, and to prevent public protest. Mrs. Khalra's husband, Jaswant Singh was the lead investigator who uncovered illegal cremation grounds maintained throughout Punjab by police. Mr. Khalra and Mr. Jaspal Singh Dhillon both leaders of the Human Rights Wing of the Shiromani Akali Dal were arrested, and presumably tortured by the very same Punjab Police they sought to prosecute. Mr. Khalra was tortured to death, and now Mrs. Khalra and six others have been arrested under a charge of ''threat to the peace''.

Soft-spoken and peaceful, Mr. and Mrs. Khalra visited with Canadian and American politicians, including Canadian Prime Minister Jean Chretien to apprize them of ongoing oppression in Punjab. Providing evidence of the disposal grounds for thousands of unidentified Sikhs murdered by Indian officials with the support of central government, Mrs. Khalra has been an outspoken activist since the murder of her husband. Nonetheless the central Indian government has been seeking general amnesty for the police officers involved in the cremation grounds and thousands of other illegal executions. Since the early nineteen eighties thousands of Sikhs have suffered illegal arrest, detention, torture, and murder at the hands of state and government officials. Arresting human rights activists like Mrs. Khalra and lawyers involved in important human rights cases, once again prevents public scrutiny of the realities of present day Punjab. Recently a professor by the name of Davinder Singh was prosecuted under the Terrorist and Disruptive Activities Act, an Act which was purportedly repealed in 1995. Despite the United Nations condemning India's laws, and evidence of coercion and torture of the accused for the purposes of extracting a confession, Mr. Singh has been sentenced to the death penalty. In India, the new Prevention of Terrorism Ordinance (POTO) seeks to fill the void created following the lapsing of TADA, and makes the TADA legislation look mild. POTO provides for suppression of information and therefore makes journalists subject to terrorism charges if they publish information unfavorable to the government. It makes the disclosure of information to police investigators mandatory with prison terms of up to three years for non compliance. Under the POTO citizens of Punjab will be forced to live in a police state that is even more brutal than the last two decades.

We need your urgent assistance to let the Indian government know that democratic nations will not tolerate such abuses of innocent citizens and such shameless violations of civilian rights from a Commonwealth partner. Please take every action possible to obtain the immediate release of Mrs. Khalra and six other lawyers, and to repeal the death penalty sentence against Davinder Singh. Your active and vocal response to these travesties of justice are imperative to the future of all civilians in India.

POEMS BY WENDELL PIGG AND EDYTHE OWSTON

HON. ED BRYANT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Mr. BRYANT. Mr. Speaker, I am proud to share with the Members of the House of Representatives two excellent poems written by my constituents. Both are members of Unit 19, American Legion Auxiliary in Columbia, TN. Post Commander Wendell Pigg, grew up on a farm in Maury County and served our Nation during the Korean war. Despite ill health at times, his love of country and devotion to his community has never waned. He was so moved by the happenings of September 11, 2001, that 3 days later he wrote a poem entitled ''Our Flag, Old Glory.''

OUR FLAG, OLD GLORY

(By Wendell Pigg)

You've been shelled and shot and battered around
Burned and cast upon the ground
You've had terrorists attack you and tear you down,
Lifted you up and bent you around.
You've been mistreated on land and on sea
You have always gotten up for us to see.
I saw you today, at half-mast you stood
I noticed you really didn't look so good.
Tears were seen falling as our Old Glory wept.
We could tell it had been a while since you had slept
Thank you, Old Flag, for seeing this through
Another crisis for me and you.
Old Glory they call you and, Oh, what a name
With all your splendor and all your fame.
You've stood with us and have held our hand
God Bless America, United We Stand!

Auxiliary member, Edythe Owston, is not a native Tennessean, but has become a vital part of the community since moving from California in 1994. The events of September 11 moved her to write a poem, entitled ''Our Great Country.''

OUR GREAT COUNTRY

(By Edythe Owston)

Our ancestors came from overseas,
When they landed here they fell to their knees.
They were given the freedom they did not know,
Thankfulness and prayers they had to show.
They made a great nation, for which we are proud,
Prejudice and hatred should not be allowed.
Now let's work together to keep this land blessed.
It will happen if we all do our best.
So three cheers for red, white, and blue,
This great country that belongs to me and you.

PAYING TRIBUTE TO JOHN CONWAY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 8, 2001

Mr. McINNIS. Mr. Speaker, it is with a solemn heart that I like to take this opportunity to pay tribute to one of the true pioneers in Colorado's ski industry. Mr. John Conway recently passed away from natural causes at the age of 84, and as his friends and family mourn his passing, it is only appropriate that we thank John for his contributions to the Vail area and the State of Colorado.

Mr. Conway was a major figure in the creation of the Vail ski area. He began by serving as a real estate appraiser in the 1950's. As the idea for creating the ski area that is now Vail took shape, John began finding land suitable for the resort.

John was tasked with the responsibility to personally convince ranchers and farmers of the need for a ski resort in the area. Working side-by-side with the landowners, John convinced the different owners to sell their land to the corporation that came to be known as Vail Associates. The steps that John took to put together the foundation for Vail ski area was a necessary step to making Vail ski area one of the premier ski destinations in the nation and the world.

Mr. Speaker, it is with profound sadness that we remember John Conway. His vision, dedication and service to the resort industry has allowed Vail to become a popular and successful ski area in the State of Colorado.

Daily Digest

HIGHLIGHTS

Senate passed Intelligence Authorization Act.

Senate agreed to VA/HUD Appropriations Conference Report.

The House agreed to the conference report on H.R. 2620, VA, HUD Appropriations.

Senate

Chamber Action

Routine Proceedings, pages S11567–S11635

Measures Introduced: Seventeen bills and one resolution were introduced, as follows: S. 1653–1669, and S. Con. Res. 81. **Pages S11611–12**

Measures Reported:

Special Report entitled ''Further Revised Allocation to Subcommittees of Budget Totals for Fiscal Year 2002''. (S. Rept. No. 107–95)

Report to accompany S. 1319, to authorize appropriations for the Department of Justice for fiscal year 2002. (S. Rept. No. 107–96)

S. Res. 23, expressing the sense of the Senate that the President should award the Presidential Medal of Freedom posthumously to Dr. Benjamin Elijah Mays in honor of his distinguished career as an educator, civil and human rights leader, and public theologian.

S. 1094, to amend the Public Health Service Act to provide for research, information, and education with respect to blood cancer, with an amendment in the nature of a substitute.

S. 1459, to designate the Federal building and United States courthouse located at 550 West Fort Street in Boise, Idaho, as the ''James A. McClure Federal Building and United States Courthouse''.

S. 1630, to extend for 6 additional months the period for which chapter 12 of title 11, United States Code, is reenacted.

S.J. Res. 28, suspending certain provisions of law pursuant to section 258(a)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Page S11611

Measures Passed:

Intelligence Authorization Act: By a unanimous vote of 100 yeas (Vote No. 332), Senate passed H.R. 2883, to authorize appropriations for fiscal year 2002 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, after striking all after the enacting clause and inserting in lieu thereof the text of S. 1428 (Senate companion measure), and after agreeing to the committee amendments and the following amendments proposed thereto: **Pages S11568–90**

Adopted:

Graham/Shelby Amendment No. 2115 (to Amendment No. 2114), of a perfectingnature.

Page S11583

Smith (NH) Amendment No. 2114, to provide for new procedures for the removal of alien terrorists and the protection of United States citizens from international terrorism. **Pages S11576–83**

Graham Amendment No. 2116, to instruct the Director of Central Intelligence to provide any technical modifications to existing legal authorities needed to facilitate Intelligence Community counterterrorism efforts. **Page S11583**

Senate insisted on its amendment, requested a conference with the House thereon, and the Chair was authorized to appoint the following conferees on the part of the Senate: Senators Graham, Levin, Rockefeller, Feinstein, Wyden, Durbin, Bayh, Edwards, Mikulski, Shelby, Kyl, Inhofe, Hatch, Roberts, DeWine, Thompson, and Lugar; and from the Committee on Armed Services: Senators Reed and Warner. **Page S11592**

Welcoming India's Prime Minister: Senate agreed to S. Con. Res. 81, expressing the sense of Congress to welcome the Prime Minister of India, Atal Bihari Vajpayee, on the occasion of his visit to

the United States, and to affirm that India is a valued friend and partner and an important ally in the campaign against international terrorism.

Pages S11630, S11633

VA/HUD APPROPRIATIONS—CONFERENCE REPORT: By 87 yeas to 7 nays (Vote No. 334), Senate agreed to the conference report on H.R. 2620, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002, clearing the measure for the President. **Pages S11594–S11603**

Nomination—Agreement: A unanimous-consent-time agreement was reachedproviding for the consideration of the nomination of Edith Brown Clement, of Louisiana, to be United States Circuit Judge for the Fifth Circuit, at 2:15 p.m., on Tuesday, November 13, 2001, with a vote on confirmation of the nomination to occur at 2:30 p.m. **Page S11590**

Messages From the President: Senate received the following message from the President of the United States:

Transmitting, pursuant to law, the Calendar Year 1999 reports on activities under the National Traffic and Motor Vehicle Safety Act of 1966, the Highway Safety Act of 1966, and the Motor Vehicle Information and Cost Savings Act of 1972; to the Commerce, Science, and Transportation. (PM–55)

Page S11610

Nominations Confirmed: Senate confirmed the following nominations:

By unanimous vote of 98 yeas (Vote No. 333), Terry L. Wooten, of South Carolina, to be United States District Judge for the District of South Carolina. **Pages S11590–92**

Marvin R. Sambur, of Indiana, to be an Assistant Secretary of the Air Force.

Frederico Juarbe, Jr., of Virginia, to be Assistant Secretary of Labor for Veterans' Employment and Training. (Prior to this action, Committee on Health, Education, Labor, and Pensions was discharged from further consideration.)

Jay B. Stephens, of Virginia, to be Associate Attorney General.

Mary L. Walker, of California, to be General Counsel of the Department of the Air Force.

Sandra L. Pack, of Maryland, to be an Assistant Secretary of the Army.

Dale Klein, of Texas, to be Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs.

R. L. Brownlee, of Virginia, to be Under Secretary of the Army. **Page S11635**

Nominations Received: Senate received the following nominations:

David W. McKeague, of Michigan, to be United States Circuit Judge for the Sixth Circuit.

Susan Bieke Neilson, of Michigan, to be United States Circuit Judge for the Sixth Circuit.

Henry W. Saad, of Michigan, to be United States Circuit Judge for the Sixth Circuit.

Ralph R. Beistline, of Alaska, to be United States District Judge for the District of Alaska.

Claude M. Bolton, Jr., of Florida, to be an Assistant Secretary of the Army.

2 Air Force nominations in the rank of general.

A routine list in the Army. **Page S11635**

Messages From the House: **Page S11610**

Executive Communications: **Pages S11610–11**

Executive Reports of Committees: **Page S11611**

Additional Cosponsors: **Page S11612**

Statements on Introduced Bills/Resolutions: **Pages S11612–30**

Additional Statements: **Pages S11609–10**

Amendments Submitted: **Pages S11630–31**

Authority for Committees to Meet: **Pages S11631–32**

Privilege of the Floor: **Page S11632**

Record Votes: Three record votes were taken today. (Total–334) **Pages S11587, S11592, S11603**

Adjournment: Senate met at 10 a.m., and adjourned at 6:02 p.m., until 10 a.m., on Friday, November 9, 2001. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S11635.)

Committee Meetings

(Committees not listed did not meet)

NEW FEDERAL FARM BILL

Committee on Agriculture, Nutrition, and Forestry: Committee met and approved Titles VI (Rural Development) and VII (Agricultural Research, Education, and Extension and Related Matters) of S.1628, to strengthen the safety net for agricultural producers, to enhance resource conservation and rural development, to provide for farm credit, agricultural research, nutrition, and related programs, to ensure consumers abundant food and fiber.

Committee will meet again on Tuesday, November 13.

U.S. POSTAL SERVICE

Committee on Appropriations: Subcommittee on Treasury and General Government concluded hearings to

examine the financial conditions and requests for emergency funding relating to costs incurred as a result of the attacks of September 11, 2001 and the business impact of these incidents on the U.S. Postal Service, after receiving testimony from John E. Potter, CEO, Postmaster General, U.S. Postal Service.

NOMINATIONS

Committee on Armed Services: Committee ordered favorably reported the nominations of Dale Klein, of Texas, to be Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs, R. L. Brownlee, of Virginia, to be Under Secretary of the Army, Marvin R. Sambur, of Indiana, to be an Assistant Secretary of the Air Force, Sandra L. Pack, of Maryland, to be an Assistant Secretary of the Army, and Mary L. Walker, of California, to be General Counsel of the Department of the Air Force.

NOMINATIONS

Committee on Armed Services: Committee concluded hearings on the nominations of R. L. Brownlee, of Virginia, to be Under Secretary of the Army, Dale Klein, of Texas, to be Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs, and Peter B. Teets, of Maryland, to be Under Secretary of the Air Force, after the nominees testified and answered questions in their own behalf. Mr. Brownlee was introduced by Senator Warner, Mr. Klein was introduced by Senator Hutchison, and Mr. Teets was introduced by Senator Levin.

NOMINATION

Committee on Commerce, Science, and Transportation: Committee concluded hearings on the nomination of Conrad Lautenbacher, Jr., of Virginia, to be Under Secretary of Commerce for Oceans and Atmosphere, after the nominee testified and answered questions in his own behalf.

BUSINESS MEETING

Committee on Environment and Public Works: Committee ordered favorably reported the following business items:

S. 835, to establish the Detroit River International Wildlife Refuge in the State of Michigan, with an amendment;

S. 990, to amend the Pittman-Robertson Wildlife Restoration Act to improve the provisions relating to wildlife conservation and restoration programs, with an amendment in the nature of a substitute;

S. 1459, to designate the Federal building and United States courthouse located at 550 West Fort Street in Boise, Idaho, as the ''James A. McClure Federal Building and United States Courthouse'';

S. 1593, to authorize the Administrator of the Environmental Protection Agency to establish a grant program to support research projects on critical infrastructure protection for water supply systems, with an amendment in the nature of a substitute;

S. 1608, to establish a program to provide grants to drinking water and wastewater facilities to meet immediate security needs, with an amendment in the nature of a substitute;

S. 1621, to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize the President to carry out a program for the protection of the health and safety of community members, volunteers, and workers in a disaster area;

S. 1622, to extend the period of availability of unemployment assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act in the case of victims of the terrorist attacks of September 11, 2001;

S. 1623, to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to direct the President to appoint Children's Coordinating Officers for disaster areas in which children have lost 1 or more custodial parents;

S. 1624, to establish the Office of World Trade Center Attack Claims to pay claims for injury to businesses and property suffered as a result of the attack on the World Trade Center in New York City that occurred on September 11, 2001, with an amendment in the nature of a substitute;

S. 1637, to waive certain limitations in the case of use of the emergency fund authorized by section 125 of title 23, United States Code, for repair or reconstruction of highways, roads, and trails that suffered serious damage as a result of the attack on the World Trade Center in New York City that occurred on September 11, 2001;

S. 1631, to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to direct the Director of the Federal Emergency Management Agency to conduct a study to determine the resources that are needed for development of an effective nationwide communications system for emergency response personnel, with an amendment;

S. 1632, to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to extend the deadline for submission of State recommendations of local governments to receive assistance for predisaster hazard mitigation and to authorize the President to provide additional repair assistance to individuals and households;

H.R. 643, to reauthorize the African Elephant Conservation Act;

H.R. 645, to reauthorize the Rhinoceros and Tiger Conservation Act of 1994;

H.R. 700, to reauthorize the Asian Elephant Conservation Act of 1997, with an amendment;

S. Con. Res. 80, expressing the sense of Congress regarding the 30th anniversary of the enactment of the Federal Water Pollution Control Act; and

The nominations of William Baxter, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority, Kimberly Terese Nelson, of Pennsylvania, to be an Assistant Administrator of the Environmental Protection Agency, and Steven A. Williams, of Kansas, to be Director of the United States Fish and Wildlife Service, Department of the Interior.

ECONOMIC RECOVERY

Committee on Finance: Committee continued in evening session to mark up H.R. 3090, to provide tax incentives for economic recovery, focusing on the proposed substitute entitled Economic Recovery and Assistance for American Workers Act.

NOMINATIONS

Committee on Foreign Relations: Committee ordered favorably reported the nominations of Sichan Siv, of Texas, to be Representative of the United States of America on the Economic and Social Council of the United Nations, with the rank of Ambassador, and an Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations during his tenure of service as Representative of the United States of America on the Economic and Social Council of the United Nations, Richard S. Williamson, of Illinois, to be Alternate Representative of the United States of America for Special Political Affairs in the United Nations, with the rank of Ambassador, and to be an Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations during his tenure of service as Alternate Representative of the United States of America for Special Political Affairs in the United Nations, and Eric M. Javits, of New York, for the rank of Ambassador during his tenure of service as U.S. Representative to the Conference on Disarmament.

NOMINATIONS

Committee on Foreign Relations: Committee concluded hearings on the nominations of Eric M. Javits, of New York, for the rank of Ambassador during his tenure of service as U.S. Representative to the Conference on Disarmament, Christopher Bancroft Burnham, of Connecticut, to be Assistant Secretary of State for Resource Management and Chief Financial Officer, Sichan Siv, of Texas, to be Representative of the United States of America on the Economic and Social Council of the United Nations, with the rank of Ambassador, and an Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations during his tenure of service as Representative of the United States of America on the Economic and Social Council of the United Nations, and Richard S. Williamson, of Illinois, to be Alternate Representative of the United States of America for Special Political Affairs in the United Nations, with the rank of Ambassador, and to be an Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations during his tenure of service as Alternate Representative of the United States of America for Special Political Affairs in the United Nations, after the nominees testified and answered questions in their own behalf. Mr. Javits was introduced by Senator Dodd, and Mr. Burnham was introduced by Senators Dodd and Lieberman.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the following business items:

S. 1630, to extend for 6 additional months the period for which chapter 12 of title 11, United States Code, is reenacted;

S. Res. 23, expressing the sense of the Senate that the President should award the Presidential Medal of Freedom posthumously to Dr. Benjamin Elijah Mays in honor of his distinguished career as an educator, civil and human rights leader, and public theologian; and

The nominations of Terry L. Wooten, to be United States District Judge for the District of South Carolina, and John P. Walters, of Michigan, to be Director of National Drug Control Policy.

NOMINATION

Committee on Veterans' Affairs: Committee ordered favorably reported the nomination of Frederico Juarbe, Jr., of Virginia, to be Assistant Secretary of Labor for Veterans' Employment and Training.

House of Representatives

Chamber Action

Measures Introduced: 20 public bills, H.R. 3252–3271; and 6 resolutions, H. Con. Res. 266, and H. Res. 282–285 were introduced.

Pages H7958–60

Reports Filed: Reports were filed today as follows: **Page H7958**

H.R. 2062, to extend the effective period of the consent of Congress to the interstate compact relating to the restoration of Atlantic salmon to the Connecticut River Basin and creating the Connecticut River Atlantic Salmon Commission, amended (Rept. 107–274, Pt. 1).

Guest Chaplain: The prayer was offered by Rabbi Carole Meyers, Temple Sinai of Glendale, Glendale, California. **Page H7911**

Journal: Agreed to the Speaker's approval of the Journal of Wednesday, Nov. 7 by a yea-and-nay vote of 363 yeas to 47 nays with 1 voting "present," Roll No. 433. **Pages H7915–16**

Labor, HHS, and Education Appropriations—Go to Conference: The House disagreed with the Senate amendment to H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and agreed to a conference. Appointed as conferees: Chairman Young of Florida and Representatives Regula, Istook, Dan Miller of Florida, Wicker, Northup, Cunningham, Granger, Peterson of Pennsylvania, Sherwood, Obey, Hoyer, Pelosi, Lowey, DeLauro, Jackson of Illinois, and Kennedy of Rhode Island. **Pages H7916–18, H7942**

Agreed to the Obey motion to instruct conferees to insist on the House position to provide no less than a total of $51,749,765,000 for the Department of Education by a yea-and-nay vote of 367 yeas to 48 nays, Roll No. 435. **Pages H7941–42**

District of Columbia Appropriations Act—Go to Conference: The House disagreed with the Senate amendment to 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 agreed to a conference. Appointed as conferees: Chairman Young of Florida and Representatives Knollenberg, Istook, Cunningham, Doolittle, Sweeney, Vitter, Obey, Fattah, Mollohan, and Olver. **Pages H7918–19**

Agreed to the Fattah motion to instruct conferees to insist on the House position regarding assistance with Federal funds for education and training programs in the District of Columbia. **Page H7919**

Late Report—Commerce, Justice, State Appropriations: Conferees received permission to have until Midnight on Friday, Nov. 9 to file a conference report on H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002. **Page H7918**

Late Report and Order of Business—Agriculture Appropriations Conference Report: Conferees received permission to have until Midnight on Friday, Nov. 9 to file a conference report on H.R. 2330, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002. Further agreed that it be in order at any time on the legislative day of Tuesday, November 13, to consider the conference report, that all points of order against it and against its consideration be waived, and that it be considered as read when called up. **Page H7918**

VA, HUD Appropriations Conference Report: The House agreed to the conference report on H.R. 2620, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002, by a yea-and-nay vote of 401 yeas to 18 nays, Roll No. 434.

Pages H7919–41

Earlier, the House agreed to H. Res. 279, the rule that waived points of order against the conference report by voice vote. **Page H7919**

Legislative Program: The Majority Leader announced the Legislative Program for the week of Nov. 13. **Page H7942**

Committee on Veterans' Affairs: The House agreed to H. Res. 282, specifying that Representative Lynch shall rank after Representative Shows on the Committee on Veterans' Affairs. **Page H7943**

Committee Election: The House agreed to H. Res. 283, electing Representative Jeff Miller of Florida to the Committees on Armed Services and Veterans' Affairs. **Page H7943**

Meeting Hour—Friday, Nov. 9: Agreed that when the House adjourns today, it adjourn to meet at 10 a.m. on Friday, Nov. 9 in pro forma session.

Page H7943

Meeting Hour—Tuesday, Nov. 13: Agreed that when the House adjourns on Friday, Nov. 9, it adjourn to meet at 12:30 p.m. on Tuesday, Nov. 13, 2001 for morning hour debate. **Page H7943**

Calendar Wednesday: Agreed to dispense with the Calendar Wednesday business of Wednesday, Nov. 14. **Page H7943**

Visit of the Prime Minister of India, Atal Bihari Vajpayee, to the United States: The House agreed to H. Con. Res. 264, expressing the sense of Congress to welcome the Prime Minister of India, Atal Bihari Vajpayee, on the occasion of his visit to the United States, and to affirm that India is a valued friend and partner and an important ally in the campaign against international terrorism. **Pages H7943–45**

Commerce, Justice, State Appropriations—Motion to Instruct Conferees: The House completed debate on the Rohrabacher motion to instruct conferees on H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies to insist on language contained in Section 626 of the House-passed bill and Section 623 of the Senate amendment, prohibiting the use of funds in the bill by the Justice Department or the State Department to file a motion in any court opposing a civil action against any Japanese person or corporation for compensation or reparations in which the plaintiff alleges that, as an American prisoner of war during World War II, he or she was used as slave or force labor. Further proceedings on the motion were postponed. **Pages H7945–50**

British-American Interparliamentary Group: The Chair announced the Speaker's appointment of Representatives Bereuter, Taylor of North Carolina, Horn, Green of Wisconsin, Brown of South Carolina, Spratt, Price of North Carolina, Pomeroy, Clyburn, and Allen. **Page H7950**

Presidential Message—Activities of the Department of Transportation: Read a message from the President wherein he transmitted the Department of Transportation calendar year 1999 reports on activities under the National Traffic and Motor Vehicle Safety Act of 1966, Highway Safety Act of 1966, and the Motor Vehicle Information and Cost Savings Act of 1972. Referred to the Committees on Transportation and Infrastructure and Energy and Commerce. **Page H7953**

Senate messages: Messages received from the Senate appear on page H7951.

Quorum Calls—Votes: Three yea-and-nay votes developed during the proceedings of the House today and appear on pages H7915–16, H7940–41, H7941–42. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 4:14 p.m.

Committee Meetings

IMPACT AID

Committee on Education and the Workforce: Subcommittee on Education Reform held a hearing on Impact Aid: Ensuring All Children Receive a Quality Education. Testimony was heard from public witnesses.

PREVENTING IDENTITY THEFT BY TERRORISTS OR CRIMINALS

Committee on Financial Services: Subcommittee on Oversight and Investigations and the Subcommittee on Social Security of the Committee on Ways and Means held a joint hearing on preventing the identity theft by terrorists or criminals. Testimony was heard from Philip Bond, Under Secretary, Technology, Department of Commerce; the following officials of the SSA: James G. Huse, Jr., Inspector General; and Fritz Streckewald, Acting Assistant Deputy Commissioner, Disability and Income Security Programs; Barbara Bovbjerg, Director, Education, Workforce and Income Security, GAO; Thomas Sadaka, Special Counsel, Office of Statewide Prosecution, State of Florida; and public witnesses.

HOLOCAUST VICTIMS AND HEIRS–STATUS OF INSURANCE RESTITUTION

Committee on Government Reform: Held a hearing on "The Status of Insurance Restitution for Holocaust Victims and Their Heirs." Testimony was heard from Ambassador J.D. Bindenagel, Special Envoy for Holocaust Issues, Department of State; Lawrence S. Eagleburger, former Secretary of State; and public witnesses.

OVERSIGHT–INTELLECTUAL PROPERTY LITIGATION

Committee on the Judiciary: Subcommittee on Courts, the Internet, and Intellectual Property held an oversight hearing on "Intellectual Property Litigation." Testimony was heard from public witnesses.

NATIONAL SEA GRANT COLLEGE PROGRAM AMENDMENTS

Committee on Resources: Subcommittee on Fisheries Conservation, Wildlife and Oceans held a hearing on the following measures: H.R. 1071, National Sea Grant College Program Authorization Enhancement Act; and the National Sea Grant College Program Act Amendments of 2001. Testimony was heard from David Evans, Assistant Administrator, Oceanic and Atmospheric Research, NOAA, Department of Commerce; and public witnesses.

DECONTAMINATION OF ANTHRAX AND OTHER BIOLOGICAL AGENTS

Committee on Science: Held a hearing on the Decontamination of Anthrax and Other Biological Agents. Testimony was heard from public witnesses.

EPA RULEMAKING

Committee on Small Business: Subcommittee on Regulatory Reform and Oversight held a hearing entitled ''EPA Rulemaking: Do Bad Analyses Lead to Irrational Rules?'' Testimony was heard from public witnesses.

OVERSIGHT–RIGHT–TO–KNOW AFTER SEPTEMBER 11TH

Committee on Transportation and Infrastructure: Subcommittee on Water Resources and Environment held an oversight hearing on Right-to-Know after September 11th. Testimony was heard from Elaine Stanley, Director, Office of Information Analysis and Access, Office of Environmental Information, EPA; and public witnesses.

CHARITABLE ORGANIZATIONS RESPONSE TO TERRORIST ATTACKS

Committee on Ways and Means, Subcommittee on Oversight held a hearing on the Response by Charitable Organizations to the Recent Terrorist Attacks. Testimony was heard from Steven Miller, Director, Exempt Organizations Division, IRS, Department of the Treasury; Eliot Spitzer, Attorney General, State of New York; and public witnesses.

Joint Meetings

APPROPRIATIONS—AGRICULTURE

Conferees agreed to file a conference report on the differences between the Senate and House passed versions of H.R. 2330, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002.

APPROPRIATIONS—COMMERCE/JUSTICE/STATE

Conferees agreed to file a conference report on the differences between the Senate and House passed versions of H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002.

COMMITTEE MEETINGS FOR FRIDAY, NOVEMBER 9, 2001

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

Committee on Government Reform, Subcommittee on Government Efficiency, Financial Management, and Intergovernmental Relations, hearing on ''Computer Security in the Federal Government: How do the Agencies Rate?'' 10 a.m., 2154 Rayburn.

Next Meeting of the Senate

10 a.m., Friday, November 9

Senate Chamber

Program for Friday: Senate will be in a period of morning business.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Friday, November 9

House Chamber

Program for Friday: Pro forma session.

Extensions of Remarks, as inserted in this issue.

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