The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. ISAKSON).

DESIGNATION OF THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore laid before the House the following communication from the Speaker:

I hereby appoint the Honorable JOHNNY ISAKSON to act as Speaker pro tempore on this day.

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

PRAYER
The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:
O Lord, You are our God. We will extol You and praise Your name, for You have fulfilled Your wonderful plans of old, faithful and true.

From the barren earth You bring forth new life. From injustice and disaster You draw forth goodness and promises that reshape the world. We look to You, O Lord, ever faithful, in the midst of darkness and fear, to give birth to wisdom, at a time pregnant with insecurity, and promise to breathe forth integrity.

Bless this Congress with Your almighty power and gentle grace. Let not today’s problems be left for tomorrow, rather lead this Nation to take steps that prepare the way for Your swift coming with justice and peace. Fulfill in our day Your true promise of abundant life and lasting security. We praise Your holy name both now and forever. Amen.

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

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

PLEDGE OF ALLEGIANCE
The SPEAKER pro tempore. Will the gentleman from California (Mr. DOOLEY) come forward and lead the House in the Pledge of Allegiance.

Mr. DOOLEY of California 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.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore. The Chair will entertain 15 1-minutes from each side.

FAILED SCIENTIFIC PROCESS
(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, well, here we go again. Last week, the Department of Energy changed the ground rules once again for judging the suitability of Yucca Mountain.

How convenient for them to change the guidelines after scientists began to conclude the natural features of the mountain would not work.

You cannot change the rules of the game once the game has begun, Mr. Speaker. The audacity of the Department of Energy is deplorable. First, their own Inspector General cites 9 years of possible collusion of a corrupt law firm; then, the GAO warns that the plans the DOE has shown to Congress and the Nevadans may not describe the facility the GAO would actually build and develop. And now, after changing the regulations to suit their science, we, the American people, are supposed to trust them?

The Department of Energy should be ashamed of itself. It is time to put the safety of Nevadans and Americans ahead of their own desire to win at any cost.

NOTICE
Effective January 1, 2002, the subscription price of the Congressional Record will be $422 per year or $211 for six months. Individual issues may be purchased for $5.00 per copy. The cost for the microfiche edition will remain $141 per year with single copies remaining $1.50 per issue. This price increase is necessary based upon the cost of printing and distribution.

Michael F. DiMario, Public Printer
TRIBUTE TO WASHINGTON, WEST ALLEGHENY, AND ROCHESTER HIGH SCHOOL FOOTBALL TEAMS  
(Mr. MASCARA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)  
Mr. MASCARA. Mr. Speaker, I rise today to recognize a very special group of high schools in western Pennsylvania: Washington, West Allegheny, and Rochester High Schools. All three became Pennsylvania State football champions in their respective divisions.  
The Washington High School Little Prexies defeated Pen Argyl 19 to 12 to win their first Pennsylvania State championship. The Little Prexies finished their season with a perfect record of 15 and 0, the only team in their division to finish their season without a loss. They are also the first team in Washington County to win a State championship game.  
Mr. Speaker, the West Allegheny Panthers defeated Strath Haven 28 to 13, breaking Strath Haven’s 44-game winning streak. This is the third consecutive year these two teams have met in the State finals, and West Allegheny’s first win.  
The Rochester Rams defeated Southern Columbia 16 to 0 to win their third Pennsylvania State championship, only the fourth team ever to do so.  
Mr. Speaker, I know the entire House of Representatives joins me in congratulating the Washington High School Little Prexies, the West Allegheny Indians, and the Rochester Rams on their well-deserved State championships.  

IN HONOR OF PHILIP LAMONACO  
(Mr. LOBIONDO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)  
Mr. LOBIONDO. Mr. Speaker, I rise today in honor of a fallen New Jersey State Trooper, a man who served our State proudly. Twenty years ago Friday, Trooper Philip Lamonaco was shot and killed by two self-avowed revolutionaries during a traffic stop on a stretch of highway in Warren County. Trooper Lamonaco, who was named “Trooper of the Year” in 1979, left behind a wife and three children.  
His murder sparked a dogged manhunt for his killers, and they were tracked down and jailed. Philip Lamonaco was the kind of law enforcement professional that inspires others to take up the fight to protect our communities. Since Philip’s murder, his wife Donna, who I have met at several functions, has worked tirelessly as an advocate for police and their families. And earlier this year, Trooper Lamonaco’s son Michael joined the New Jersey State Police, following the example of his father.  
To the Lamonaco family, his friends and colleagues, I extend my condolences on this sad anniversary, and I extend the thanks of the people of New Jersey for his service. Philip Lamonaco will never be forgotten.  

FAA MAILS PILOT LICENSES TO FOREIGN COUNTRIES  
(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)  
Mr. TRAFICANT. Mr. Speaker, while Congress continues to push airline security measures, pilot licenses are flying to foreign countries faster than bin Laden’s been running.  
Unbelievable, but check this out. My investigation shows the FAA regularly sends pilot licenses in the mail to places like Afghanistan, Iran, Iraq, Libya and Pakistan. Now, if that is not enough to drench some fire hydrant, these licenses are being sent to post office boxes, no less. Beam me up. I am asking that the GAO investigate this madness.  
I yield back the fact that the FAA may have supplied bin Laden with an air force legally certified to attack America.  

CAPTURING THE QUEST FOR EXCELLENCE IN TEACHING, RESEARCH, AND SERVICE  
(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, capturing the quest for excellence in teaching, research and service is the motto of the famed Tuskegee University, home of the World War II Tuskegee Airmen. And under the direction of University President Benjamin Payton, his faculty and staff, they have stood by this motto in the academic arena for years.  
In 1990 by Booker T. Washington, the School’s distinguished list of accomplishments include the number one producer of African-American aerospace engineers in the nation, provider of more African-American general officers to the military than any other institution, and alma mater to over 75% of the African-American veterinarians in the world.  
This year, Tuskegee University Golden Eagles have captured the quest for excellence in the athletic world, as well, by being named the 2001 Football Champions of the Southern Intercollegiate Athletic Conference. With an athletic record that includes 533 victories, 19 SIAC championships, 7 black college national championships, and 15 post-season bowl appearances, Tuskegee University has rightly been named the Nation’s winningest historically black college.  
As their representative, I have a lot of pride in this institution. Please join me in congratulating them in their processes and wishing them the best of luck as they travel to Atlanta to compete in the Pioneer Bowl on December 22.  

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE  
The SPEAKER pro tempore. Pursuant to clause 2 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX. Any record votes on postponed questions will be taken later today.  

TERRORIST BOMBINGS CONVENTION IMPLEMENTATION ACT OF 2001  
Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3275) to implement the International Convention for the Suppression of Terrorist Bombings to strengthen criminal laws relating to attacks on places of public use, to implement the International Convention of the Suppression of the Financing of Terrorism, to combat terrorism and defend the Nation against terrorist acts, and for other purposes, as amended.  

Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3275) to implement the International Convention for the Suppression of Terrorist Bombings to strengthen criminal laws relating to attacks on places of public use, to implement the International Convention of the Suppression of the Financing of Terrorism, to combat terrorism and defend the Nation against terrorist acts, and for other purposes, as amended.  

The Clerk read as follows:  

H.R. 3275  
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,  

TITLE I—SUPPRESSION OF TERRORIST BOMBINGS  
SEC. 101. SHORT TITLE.  
This title may be cited as the ‘‘Terrorist Bombings Convention Implementation Act of 2001’’.  
SEC. 102. BOMBING STATUTE.  
(a) OFFENSE.—Chapter 113B of title 18, United States Code, relating to terrorism, is amended by inserting after section 2332e the following new section:  

§ 2332f. Bombings of places of public use, government facilities, public transportation systems and infrastructure facilities  
(1) the offense takes place in the United States and—  
(A) is with the intent to cause death or serious bodily injury, or  
(B) with the intent to cause extensive destruction of such a place, facility, or system, where such destruction results in or is likely to result in major economic loss, shall be punished as prescribed in subsection (c).  
(2) ATTEMPTS AND CONSPIRACIES.—Whoever attempts or conspires to commit an offense under paragraph (1) shall be punished as prescribed in subsection (c).  
(B) JURISDICTION.—There is jurisdiction over the offenses in subsection (a) for—  
(1) the offense takes place in the United States and—  
(A) the offense is committed against an other state or a government facility of such state, including its embassy or other diplomatic or consular premises of that state;  

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"(A) a perpetrator is a national of the United States or is a stateless person whose habitual residence is in the United States;

"(B) a victim is a national of the United States;

"(C) a perpetrator is found in the United States;

"(D) the offense is committed in an attempt to compel the United States to do or abstain from doing any act; or

"(E) a perpetrator is a national of another state or a stateless person;

"(F) a victim is a national of another state or a stateless person;

"(G) was directed toward or resulted in the offense being committed on board an aircraft which is operated by the United States or is a stateless person; or

"(H) a national of another state or a stateless person;

"(I) a perpetrator is found outside the United States;

"(J) a perpetrator is a national of another state or a stateless person;

"(K) a victim is found in the United States; or

"(L) the offense is committed against a state or government facility of the United States, including an embassy or other diplomatic or consular premises of the United States; or

"(M) a perpetrator is found on board a vessel flying the flag of the United States or an aircraft which is registered under the laws of the United States at the time the offense is committed; or

"(N) the offense is committed on board a vessel flying the flag of the United States or an aircraft which is registered under the laws of the United States at the time of the offense."
“(C) was directed toward or resulted in the carrying out of a predicate act against—

“(i) any property that is owned, leased, or used by the United States or by any department or agency of the United States, including an embassy or other diplomatic or consular premises of the United States;

“(ii) any person or property within the United States;

“(iii) any national of the United States or the property of such national; or

“(iv) any property of any legal entity organized under the laws of the United States, including any of its States, districts, commonwealths, territories, or possessions;

“(3) the offense is committed on board a vessel registered under the laws of the United States at the time the offense is committed;

“(4) the offense is committed on board an aircraft which is operated by the United States; or

“(5) the offense was directed toward or resulted in the carrying out of a predicate act committed in an attempt to compel the United States to do or abstain from doing any act,

“(d) PENALITIES.—

“(1) Whoever violates subsection (a) shall be fined under this title, imprisoned for not more than 20 years, or both.

“(2) Whoever violates subsection (b) shall be fined under this title, imprisoned for not more than 10 years, or both.

“(e) DEFINITIONS.—As used in this section—

“(1) the term ‘funds’ means assets of every kind, whether tangible or intangible, movable or immovable, however acquired, and legal documents or instruments in any form, including electronic or digital, evidencing title to, or interest in, such assets, including coin, currency, bank credits, traveler’s checks, bank checks, money orders, shares, securities, bonds, drafts, and letters of credit;

“(2) the term ‘government’ means any permanent or temporary facility or conveyance that is used or occupied by representatives of a state, members of a government, the legislature, or the judiciary, or by officials or employees of a state or any other public authority or entity by or employees or officials of an intergovernmental organization in connection with their official duties;

“(3) the term ‘proceeds’ means any funds derived from or obtained, directly or indirectly, through the commission of an offense set forth in subsection (a);

“(4) the term ‘predicate act’ includes giving, directing, and transmitting;

“(5) the term ‘collects’ includes raising and receiving;

“(6) the term ‘predicate act’ means any act referred to in subparagraph (A) or (B) of subsection (a)(1);

“(7) the term ‘treatment’ means—

“(A) for the purposes of the Suppression of Unlawful Seizure of Aircraft, done at The Hague on December 16, 1970;

“(B) for the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on September 23, 1970; and

“(C) for the Convention on the Physical Protection of Nuclear Material, adopted at Vienna on March 3, 1980;

“(P) the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplemented by the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on February 24, 1988;

“(Q) the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, done at Rome on March 10, 1988;

“(R) the Protocol for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, done at Rome on December 16, 1970;

“(S) [omitted];

“(T) the International Convention for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms located on the Continental Shelf, done at Rome on March 10, 1988; or


“(V) the term ‘international organization’ includes international organizations;

“(W) the term ‘international organization’ has the same meaning as in section 1116(b)(5) of this title;

“(X) the term ‘armed conflict’ does not include internal disturbances and tensions, such as riots, isolated and sporadic acts of violence, and other acts of a similar nature; and

“(Y) the term ‘serious bodily injury’ has the same meaning as in section 1365(g)(3) of this title;

“(Z) the term ‘international organization’ has the same meaning as in title 18, section 1916(a)(22); and

“(AA) the term ‘state’ has the same meaning as in title 18, section 1916(a)(22); and

“(BB) the term ‘national’ has, in that capacity, committed an offense described in section 1956(a)(1)(A) of title 18 of the United States Code, which shall become effective on the date that the International Convention for the Suppression of Financing of Terrorism enters into force, or which constitutes or is derived from proceeds traceable to a violation of section 2339C of this title.

“The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin, Mr. Sensenbrenner, and the gentleman from Virginia (Mr. Scott) each will control 20 minutes.

“The Chair recognizes the gentleman from Wisconsin (Mr. Sensenbrenner).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on H.R. 3275, the bill under consideration.

The SPEAKER pro tempore. There was no objection.

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

Mr. Speaker, as we have learned in recent months, the only effective way to fight terrorism is to fight it on a global scale. In order to accomplish this, it is important that we build an international framework for combating terrorism in all its forms. The first and most important piece of this framework is international cooperation. Passage of the bill before us today will allow the United States to reinforce the international community’s intolerance for and condemnation of terrorist acts and their financing.

Mr. Speaker, on December 5, 2001, the Senate gave its advice and consent to ratify the International Convention for the Suppression of Terrorist Bombings and the International Convention for the Suppression of Financing of Terrorism. H.R. 3275 makes appropriate changes to Title 18 of the United States Code in order to implement these treaties so that they can be ratified by the President.

The Terrorist Bombings Convention addresses the most utilized form of terrorism, the bombings of public places, State or government facilities, public transportation systems or infrastructure facilities, with the intent to cause death or serious bodily injury. H.R. 3275 enacts a new statute which would criminalize these acts if they have an international nexus, such as the bombing of a foreign embassy located in the United States. Nations who are a party to this treaty agree to extradite or
prosecute persons accused of such offenses, and also agree to provide assistance in connection with the investigation of such crimes. I am sure everyone is aware that there are already State and Federal laws that criminalize terrorist bombings. This legislation will supplement those laws and close any loopholes that an accused terrorist may try to exploit in a court of law. Furthermore, the legislation covers biological, chemical, and radiological weapons, as well as conventional explosives.

The Terrorist Financing Convention addresses a common element of every terrorist act, financing and other support. This treaty recognizes that the financial backers of terrorism are just as responsible as those who commit the terrorist acts themselves. H.R. 3275 makes it a crime to unlawfully and willingly provide or collect funds with the intention or knowledge that such funds are to be used to carry out any act intended to cause death or serious bodily injury to a civilian. As with the Terrorist Bombing Convention, there must be some international nexus with the terrorist financing, such as someone operating outside of the United States. Likewise, nations who are a party to this treaty also agree to extradite or prosecute and assist in criminal investigations.

The Terrorist Bombing and Terrorist Financing Conventions follow the general model of prior terrorism conventions negotiated by the United States. These conventions will significantly strengthen the network of anti-terrorist treaties built over the last 30 years by requiring nations to criminalize terrorist conduct identified in the treaties and to cooperate in the investigation and prosecution of the offenses. Given the global way that terrorists operate, it is imperative that we make sure that as many countries as possible have comparable laws against terrorism for an effective framework of investigation, extradition, and prosecution.

Mr. Speaker, I urge all Members to support this bill.

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

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

Mr. Speaker, I rise in opposition to H.R. 3275 which would implement the international convention for the suppression of terrorist bombings, and the international convention for the suppression of the financing of terrorism. I am not opposed to the bill because of the treaties themselves, but because of the extraneous items that are in the treaties. These treaties have been pending for some time, and I applaud the President for his present resolve in having the treaties ratified and put into effect.

There are many extraneous provisions in the bills that are not necessary, however, to ratify either of the treaties. The treaties require that we have such laws on the books which would do such things like criminalize terrorist bombings and the financing of terrorist activities.

A few weeks ago, we passed legislation which was represented by the administration as the anti-terrorism bill designed to cover the full gamut terrorist threats in this country, as well as the support of terrorist activities. Upon that representation, we provided unprecedented extensions of wiretap, RICO asset forfeitures, and other provisions that were enacted into law. Now we are told that additional laws have to be passed.

One of the provisions that requires us to have a law prohibiting bombing of foreign embassies in the United States cannot possibly be necessary. It is obviously against the law in the United States to bomb any building, much less a foreign embassy. A lot of these statutes are not needed.

The provisions before us do not constitute the treaties. The treaties are embodied in other documents. There are provisions, for example, that are actually counterproductive. This bill includes certain death penalties. The death penalty actually works against some of the treaties because countries will not extradite their criminals to the United States because we have the death penalty. There are other provisions that are not necessary. We were told by the administration that the death penalty provisions were, in fact, not dealing to implement the treaties, and yet here they are in the bill.

Given this situation, Mr. Speaker, and other provisions in the bill that are not necessary to implement the treaties, I would hope that we would defeat the bill and reconsider the bill just providing the provisions that are necessary to implement the treaty.

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

Mr. SENSENBRENNER. Mr. Speaker, I have no further requests for time, and am prepared to close if the gentleman from Virginia has no further speakers.

Mr. SCOTT. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Texas (Ms. JACKSON-LEE).

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the ranking member for his kindness in yielding me this time, and I would also like to thank the gentleman from Wisconsin (Chairman SENSENBRENNER). I know that the chairman is working on a number of legislative initiatives that are coming to the floor of the House, and that the gentleman is being required to move these legislative initiatives rather quickly. In fact, I also know that the gentleman has been working to help us provisions toward dealing with the access to legalization of immigrants, and I know that we have had some difficulties with that, but I thank him for his leadership and concern on those issues.

I say that because I do not think any Member has opposition to an international convention that deals with the suppression of terrorist bombings, and that is why we recognize the key importance of the international convention of the suppression of the financing of terrorism. There is not one iota of difference, I believe, with Members on both sides of the aisle on the importance of moving forward on finding terrorists, bringing terrorists to justice, and ensuring that our international colleagues, our friends around the world, the nations that are our allies around the world, should have a convention and treaty that puts us on the same page in fighting terrorism.

At the same time, I think it is important to note as we move forward on this, that I have a number of caution flags, for me to again offer my concerns about the existence of military tribunals without any set criteria and regulations upon which they are utilized. Members might ask the question where does this go in connection with this legislation, but I think if we refuse to bring this up and continue in silence to accept the existence of military tribunals with what the other body has annulled is not in place, meaning that the other body asked the questions what kind of regulation, what kind of requirements, what kind of criteria do you use to try people at military tribunals? If we do not raise that issue even as we bring to the floor of the House this legislation, then we have a problem.

I acknowledge my concern with the quiet violation of the 6th Amendment, and that is individuals who are being listened to as their attorney is providing them counsel. If we do not raise these issues on the floor of the House, my concern about those policies is they have no criteria, they have no regulation, they have no governance. Mr. Speaker, how can we claim to want to fairly deal with laws and pass an international convention on terrorism where we want everyone to join in around consistent rules and regulations, when we have these provisions in the United States with seemingly no basis and no need.

It is interesting that we are now going to try one of the terrorists found in the United States by a civil court, a judicial system under the United States. I think that is commendable. It says that we are unsure of the reasons for the military tribunal, and whether or not we need to use it. And we have found that our judicial system, the judicial branch of the government, is more than adequate to be able to try one of the alleged horrific terrorists that was involved in the September 11 attacks.

As it relates to this legislation, I would add my concerns to the passage of this legislation, without any commentary pro or con on the death penalty. I think it is important that we
make the point that many of those who would be adhering to this treaty have great concern that we have language dealing with the death penalty, and that we could have cleaned this particular legislation up by accepting the amendment offered by the gentleman from Massachusetts (Mr. DELAHUNT) and the gentleman from Virginia (Mr. SCOTT) to delete the language, leaving in place the provision authorizing a maximum sentence of life imprisonment, which would make this a more legitimate piece of legislation, in recognition of the fact that many of those who would join in on this treaty are absolutely opposed to the death penalty.

One of our known allies, France, in dealing with bringing people to justice who find themselves in France, is the refusal of that country to deport individuals for trial here in the United States. It is a country that holds the death penalty, that we would have an easier time working with our allies who have opposition to a death penalty provision, and at the same time, we have an administration that says this is not necessary. I am hoping as this legislation moves along, that we will take into consideration the fact that the death penalty provision, and at the same time, we have an administration that says this is not necessary.

I am hoping as this legislation moves along, that we will take into consideration the point of view of some of our closest allies who have routinely refused to honor extradition requests by the United States unless their judicial authorities can be assured that the defendants will not face execution.

We have been harboring criminals who would not extradite them because of the death penalty.

Mr. Speaker, in closing, tomorrow I will be holding a briefing dealing with the treaty to bring those individuals or the children of Afghanistan who are being treated because I believe all Americans are concerned about two sides of the coin, the humanitarian side and the fighting terrorism side. This is good legislation, but I think it could have been better. I think not, particularly if those who are concerned about two sides of the coin, the humanitarian side and the fighting terrorism side. This is good legislation, but I think it could have been better. I think it could have been better.

The overwhelming majority of the American people support the death penalty, particularly when it is with respect to a terrorist act. We should not let the voice of any other country in the world make a determination on what the appropriate penalty is for those who are accused of these heinous crimes and are convicted by a unanimous verdict of 12 jurors who believe beyond a reasonable doubt that the defendant committed the crimes that are mentioned.

We already have provisions in the United States code providing for the death penalty for terrorist act that result in death. Without making this law parallel to the other penalties in the United States code, we are setting up a dual system of justice. If a defendant is indicted for violating one section, the defendant is subject to the death penalty. If a defendant is indicted for violating another section of the code as created by this bill, the defendant is not. That, I think, is the wrong message that we ought to send both domestically and internationally with respect to this provision.

I remind Members, Mr. Speaker, that since 1972, the death penalty is not automatic upon conviction of a crime. The same jury that has convicted someone of a capital defense is reexamined and hears aggravating and mitigating evidence, and makes a determination whether or not the death penalty should be imposed. Who is better equipped to do that but the jurors that listened to the trial on the merits, saw the demeanor of the defendant in court, whether or not the defendant testified in his or her own behalf, decided which witnesses were telling the truth and which witnesses were not, and were able to see the demeanor of every other participant in that trial. I think that the message that we have to send, purely and simply, is that the elected representatives of the American people will decide what these penalties are, not people in France or in Italy or in Germany or anywhere else. I think that the American people want the death penalty for these types of crimes as an option when a defendant is indicted.

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

Mr. Speaker, I cannot believe what I just heard. We are told that we should not put a death penalty in this bill that the United States is expected to sign the Convention against terrorist bombings where a death or serious injury occur because the French do not like it. Well, the last time I read the United States Constitution, the elected representatives of the American people legislate for America, not the elected representatives of the French people. This is an issue of our national sovereignty and whether or not we believe that the death penalty is an appropriate option for those who are accused of crimes under the convention designed to combat terrorist bombings.

Mr. Speaker, this bill is designed to facilitate the fight against terrorism and working with our allies in that fight, and it is, frankly, not helpful in that process to have situations where our allies will not cooperate with us because of the death penalty.

Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Speaker, I think the gentleman for yielding me time.

Mr. Speaker, I have to respectfully disagree with the chairman of the committee for the same reasons that were articulated by both the gentlewoman from Texas and the ranking member of the subcommittee. I think we have to put this in context and understand exactly what is required in terms of the Convention. The administration itself has acknowledged that this death penalty provision is not required to implement the Convention.

I have no disagreement with the gentleman’s premise that it is the United States Congress that imposes or reflects, if you will, the will of the majority of the American people. At the same time, this provision is going to cause serious problems. In fact, not only is it not required under the Convention, but, as the gentleman from Virginia (Mr. SCOTT) indicated, it will actually impair the fight against international terrorism by making it harder for the Justice Department to secure extradition in these kinds of cases.

Our continued resort to the death penalty has brought condemnation from nations across the globe. Even some of our closest allies routinely refuse to honor extradition requests by the United States unless their judicial authorities can be assured that the defendants will not face execution. We have seen how serious the United States is when a defendant is indicted for violating another section of the code as created by this bill, the defendant is not. That, I think, is the wrong message that we ought to send both domestically and internationally with respect to this provision.

Earlier this year, the Supreme Court of Canada ruled that the Canadian Charter of Rights and Freedoms precludes extradition, and that United States authorities give assurances that the death penalty will not be imposed. Similar rulings have been made by governments and courts in France, South Africa and elsewhere.

I do not see how it serves American interests to enact additional provisions that do not exist currently in the law that will further complicate our ability to prosecute terrorists and further marginalize the U.S. within the family of nations.
crimes. That, I am sure, is accurate. But the fact that the current law presents an obstacle to our law enforcement objectives is hardly a persuasive argument for compounding the problem.

Reasonable people may continue to disagree with whether the death penalty serves as a deterrent to some categories of crimes, but I am at a loss to see how anyone can seriously believe that the prospect of the death penalty will deter suicide missions of the kind that the Nation witnessed on September 11. I dare say it will have no effect whatsoever, and I believe the administration implicitly concedes as much when it says that this new provision merely replicates existing death penalty provisions, provisions which did nothing to prevent those attacks from occurring.

Now, again, I support the Convention. I believe it should be ratified and implemented with all reasonable dispatch. But I have a responsibility to achieve that goal in a way that generally advances our national interests. I hope the Senate will fix this legislation so that that can happen.

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

Mr. Speaker, this bill is designed to implement a treaty. In order to be limited to that purpose, the bill goes well beyond what needs to be done, and, in fact, contains provisions that may be counted effective. I therefore urge my colleagues to oppose the legislation.

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

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

Mr. Speaker, we have now heard the proposition that passing this bill as it is with the death penalty provisions contained in it is somehow going to render ineffective the foreign policy of the United States. I would draw the attention of the gentleman from Massachusetts, in particular, to House document 107–139, which is a legislative proposal transmitted by the President of the United States to Congress on October 25, 2001, containing the death penalty. Now, under the Constitution, it is the President who conducts the foreign policy of the United States, and if he believed that the death penalty features in this legislation which involved terrorist bombings would somehow hamper his ability to put together an international coalition to fight the al Qaeda or any other terrorist organization, I am sure he would have said so in this message that he sent to the Congress. But he did not.

Giving prosecutors the opportunity to ask for the death penalty when there is a particularly heinous crime I think is something that should be an arrow in the quiver of the Justice Department. I regret that the opponents of this legislation have made their philosophical opposition to the death penalty a reason to vote down the implementation of a treaty designed to combat international terrorism such as bombing of public facilities that we have seen occur at our embassies in Africa and which, unfortunately, occur on an almost daily basis in Israel, but I think that the President is right that the preponderance of us should see the option of having a death penalty as one of the penalties, should someone be indicted, tried and convicted.

I would urge the membership to support this bill overwhelmingly.

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

The SPEAKER pro tempore. Mr. ASAKSON. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 3275, as amended.

The question was taken.

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

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

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 3427, the Afghanistan Freedom and Reconstruction Act.

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

The SPEAKER pro tempore. The Speaker recogniz...
many years of service. Born in Knox County, Kentucky in 1808, the young James Early served as the first Postmaster for the community of Whitley Courthouse, now known as Williamsburg, Kentucky. He went on to serve the community in the Kentucky State Legislature as a member of the Whig party in 1844 at the same time that he maintained a farm near Rockhold, Kentucky.

However, his greatest contribution to the community might well be his service as a doctor for nearly 30 years. Dr. Early practiced as a civilian doctor for the Union Army during the Civil War and continued as a country doctor until his death at the age of 77.

Married twice, Dr. Early helped raise 15 children, four of whom went on to serve this country in their own right by joining the Union Army during the war. Some of his descendants still live in Kentucky and continue to serve our commonwealth and this great nation in numerous ways.

Dr. James Harvey Early was a man who provided great service to his community through the trying and difficult times of war in this country, and it is fitting that we honor him today with this plaque.

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

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I yield back the balance of my time.

The Speaker pro tempore. The question is on the motion offered by the gentleman from Virginia (Mrs. JO ANN DAVIS) that the House suspend the rules and pass the Senate bill, S. 1714.

The question was taken. The Speaker pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

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

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

The point of no quorum is considered withdrawn.

MAJOR LYN McIntosh POST OFFICE BUILDING

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1432) to designate the facility of the United States Postal Service located at 3698 Inner Perimeter Road in Valdosta, Georgia, as the “Major Lyn McIntosh Post Office Building”.

The Clerk read as follows:

H.R. 1432

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

SECTION 1. MAJOR LYN McIntosh POST OFFICE BUILDING

(a) Designation—The facility of the United States Postal Service located at 3698 Inner Perimeter Road in Valdosta, Georgia, shall be known and designated as the “Major Lyn McIntosh Post Office Building”.

(b) References.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Major Lyn McIntosh Post Office Building.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Virginia (Mrs. JO ANN DAVIS) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Virginia (Mrs. JO ANN DAVIS).

GENERAL LEAVE

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1432.

The Speaker pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker. H.R. 1432 would designate the post office located at 3698 Inner Perimeter Road in Valdosta, Georgia, as the Major Lyn McIntosh Post Office Building.

Lyn Davis McIntosh was born in Valdosta, Georgia, on October 11, 1946. He went to school in Valdosta, graduating from Valdosta State College in 1968. He taught mathematics at Valdosta Junior High School. He enlisted in the Air Force and served overseas in Thailand.

After returning to the United States, he was stationed at Travis Air Force Base, California, serving as a National Security Officer. Major McIntosh returned to flying, joining the 8th Special Operations Squadron as an aircraft commander in 1979. On November 4, 1979, Iranians seized the U.S. Embassy in Tehran, taking 66 Americans hostage. Major McIntosh volunteered for the rescue mission. This extremely dangerous and complex rescue attempt ended in disaster in an Iranian desert on April 25, 1980. Major McIntosh was among those who lost their lives during this rescue mission.

In 1966, Major McIntosh married Ann Dixon and they had three sons, Scott, Mark and Stewart. Ann Dixon passed away on February 17, 2001.

This bill is a fitting tribute to this American patriot. I commend the gentleman from Georgia (Mr. BISHOP) and the other members of the Georgia delegation for sponsoring this bill.

Mr. Speaker, I urge adoption of this bill.

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consumne.

Mr. Speaker, as a member of the Committee on Government Reform, I am pleased to join my colleague in the House consideration of H.R. 1432, which names a Post Office in Valdosta, Georgia, after Major Lyn McIntosh. H.R. 1432 was introduced by my good and colleague, the gentleman from Georgia (Mr. BISHOP) on April 4, 2001. This bill, which meets the committee policy, is cosponsored by the entire Georgia delegation.

□ 1045

I commend the gentleman from Georgia (Mr. BISHOP) for seeking to honor Major McIntosh.

Major McIntosh grew up in Valdosta and received his education in his hometown. He enlisted in the United States Air Force and completed his pilot training. As a member of the Eighth Special Operations Squadron, he commanded an MC-130 aircraft. He later volunteered for a rescue mission to recover the hostages seized in Iran at the U.S. embassy in Tehran, Iran, in 1979. Sadly and unfortunately, he was killed on a ground aircraft collision on April 25, 1979. Here is another example of an individual who was willing to give all that he had for his country; and I think it is certainly fitting, proper and appropriate that we honor him by naming a post office in his honor. I urge my colleagues to vote in the affirmative for the passage of this resolution.

Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. BISHOP), the author of this legislation.

Mr. BISHOP. Mr. Speaker, I thank the gentleman for yielding me this time. I thank the committee for the hard work on both sides that have been done to bring this bill to the floor. It is a very, very important and emotional piece of legislation for the people of south Georgia.

If one visits the city of Valdosta in deep central south Georgia and happens to be on the corner of North Ashley Street and Woodrow Wilson Drive, one will see a memorial that includes an F-86 fighter plane and a plaque commemorating the life of Major Lyn David McIntosh.

Lyn McIntosh was an extraordinary American.

He was raised in Valdosta; and he attended the public schools there, where he was involved in football and tennis, drama and student government, and as sports editor of the school paper. He graduated from Valdosta State College; for a while he served as a reporter for the Valdosta Daily Times; later, he would earn a master's degree from the University of California.

Moody Air Force Base is located in Valdosta, and this outstanding young man decided that military service is what he wanted to do with his life. In 1969, two big things happened: he was married to Ann Dixon of Valdosta, and he joined the Air Force. In the years that followed, he became the father of three sons; and he served as an Air Force pilot and a commander throughout much of the world, and he earned a long list of commendations, including the Air Force Commendation Medal...
with two Oak Leaf Clusters. He flew with the Eighth Special Operations Squadron as an MC-130 aircraft commander in June of 1979.

As my colleagues know, on November 4, 1979, the Iranians seized the United States Embassy in Tehran, taking 66 Americans hostage. An extremely complex rescue mission was formed and Lyn volunteered for the mission. The rescue attempt began April 24, 1980; and it ended in a disaster in an Iranian desert on April 25. Lyn was among those who died in their lives in an on-ground aircraft collision. Unfortunately, this mission was aborted; and Lyn, unfortunately, was among those who died in this very, very tragic accident.

But today, we are here, grateful for Lyn’s service to our country, grateful for his commitment, and we want to say “thank you” to his family; we want to say “thank you” in the way that Americans will always do for eternal gratitude for those who give that last full measure of devotion for our country. Today, I would like to urge my colleagues to pass H.R. 1432, a bill to name the United States Post Office on the Inner Harbor Redwood in Valdosta, Georgia, as the Major Lyn McIntosh Building in memory of a brave American. Lyn was indeed a great American. Greater love hath no man but that he lay down his life for his friends. Lyn was a friend to all Americans. He flew himself for those 66 hostages; and for that, we will be forever grateful.

Mr. Speaker, I urge passage of this resolution as a memorial to Lyn and his family and to all those who knew and all Americans who benefited from his service to our great country.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I reserve the balance of my time.

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

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Georgia (Mr. KINGSTON), my distinguished colleague.

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

I wanted to say that the gentleman from Georgia (Mr. BISHOP), my good friend, has introduced a very timely resolution. As the gentleman from Georgia (Mr. KINGSTON) alluded to in his remarks, the McIntosh family personally, as does the McIntosh family, is a great American. Lyn was indeed a great American. Greater love hath no man but that he lay down his life for his friends. Lyn was a friend to all Americans. He gave himself for those 66 hostages; and for that, we will be forever grateful.

Mr. Speaker, I urge passage of this resolution as a memorial to Lyn and his family and to all those who knew and all Americans who benefited from his service to our great country.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I reserve the balance of my time.

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

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Georgia (Mr. KINGSTON), my distinguished colleague.

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

I wanted to say that the gentleman from Georgia (Mr. BISHOP), my good friend, has introduced a very timely resolution. As the gentleman from Georgia (Mr. KINGSTON) alluded to in his remarks, the McIntosh family personally, as does the gentleman from Georgia (Mr. BISHOP), but if one looks at the history of the United States of America in the last 10 or 15 years, it is clear that Mr. McIntosh has been a part of that history and has served his country well. During that very trying period in 1979 when there was the lingering situation in Iran, for somebody to step forward and volunteer on a rescue mission I think speaks volumes of his patriotism, love, and devotion for our country.

I look forward to supporting my colleagues on this and working with him and the folks in the Senate to get this thing passed. I also look forward to getting to know the McIntosh family, I thank the gentleman from Georgia for introducing this piece of legislation. Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, having no other speakers, I urge all of my colleagues to join me in supporting the passage of H.R. 1432.

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

The SPEAKER pro tempore (Mr. ISAKSON). The question is on the motion offered by the gentleman from Virginia (Mrs. JO ANN DAVIS) that the House suspend the rules and pass the bill, H.R. 1432.

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

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered. The yeas and nays were ordered. The Speaker pro tempore. Pursuant to clause 8 of rule XX and the prior announcement, further proceedings on this motion will be postponed.

OFFICE OF GOVERNMENT ETHICS AUTHORIZATION ACT OF 2001

Mrs. MORELLA. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1202) to amend the Ethics in Government Act of 1978 (5 U.S.C. App.) to extend the authorization of appropriations for the Office of Government Ethics through fiscal year 2006.

The Clerk read as follows:

S. 1202
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 “Office of Government Ethics Authorization Act of 2001”.

SEC. 2. EXTENSION OF AUTHORIZATION OF APPROPRIATIONS.


The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mrs. MORELLA) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration. The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.
they do business. OGE has played an essential and significant role in fostering the public’s trust in the integrity of government.

Mr. Speaker, there is no component of government more important than that of assuring the public’s trust. OGE helps to build and maintain that kind of trust that is essential for an orderly, ethical, and respectable conduct of the Nation’s business. For those reasons, I urge swift passage of this bill.

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

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

I want to thank the gentleman from Illinois (Mr. DAVIS) for his words and tell him that I do value working with him on the Subcommittee on Civil Service and Agency Organization. I also want to thank Senator LIEBERMAN who chairs the Senate Committee on Governmental Affairs for his sponsorship of this bill. Indeed, accedes to the gentleman from Indiana (Mr. BURTON), the chairman of the committee on Government Reform and Oversight, and the gentleman from California (Mr. WAXMAN), the ranking member, for their support of this legislation. Also, thanks should go to the gentleman from Wisconsin (Mr. SENSENBERGER), the chairman of the Committee on the Judiciary, for his cooperation in expediting consideration of this measure.

Mr. Speaker, promoting high ethical standards in the Federal Government is critically important if the citizens of this country are to have confidence in its operation. For this reason, I urge all Members to support S. 1202 and the reauthorization of the Office of Government Ethics.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Maryland (Mrs. MORELLA) that the House suspend the rules and pass the Senate bill, S. 1202. The motion prevailed. The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

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

The SPEAKER pro tempore. Pursuant to clause 8, rule XX and the Chair’s prior announcement, further proceedings on this motion will be postponed. The point of no quorum is considered withdrawn.

DISTRICT OF COLUMBIA FAMILY COURT ACT OF 2001

Mrs. MORELLA. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 2657) to amend title 11, District of Columbia Code, to redesignate the Family Division of the Superior Court of the District of Columbia as the Family Court of the Superior Court, to recruit and retain trained and experienced judges to serve in the Family Court, to promote consistency and efficiency in the administration of the United States District Court and in the consideration of actions and proceedings in the Family Court, and for other purposes.

Mr. Speaker, I yield back the balance of my time.
“(3) the individual certifies to the chief judge that the individual will participate in the ongoing training programs carried out for judges of the Family Court under section 11-1104(c); and

(4) the Superior Court meets the requirements of section 11-1501(b).

(c) TERM OF SERVICE.—

(1) In general.—Except as provided in paragraph (2), an individual assigned to serve as a judge of the Family Court of the Superior Court shall serve for a term of 5 years.

(2) Exception to term of service for judges serving on Family Court transitional court. —

(A) In general.—An individual assigned to serve as a judge of the Family Court of the Superior Court who is serving as a judge of the Superior Court on the date of the enactment of such Act and who is serving as a judge of the Family Court shall serve for a term of not fewer than 3 years.

(B) Exception.—In the case of a judge of the Superior Court who is serving as a judge in the Family Division of the Court on the date of the enactment of the Local Government Reform of the House of Representatives Act of 2001, the term of service of such judge shall be reduced by the length of any period of consecutive service as a judge in that Division immediately preceding the date of the enactment of such Act.

(3) Plan for additional service in Family Court. —

After the term of service of a judge of the Family Court (as described in paragraph (1)) expires, at the judge’s request and with the approval of the chief judge, the judge may be assigned for an additional term of service on the Family Court for a period of such duration (consistent with section 431(c) of the District of Columbia Home Rule Act) as the chief judge may provide.

(4) Permitting service on Family Court for entire term. —

(A) In general.—At the request of the judge and with the approval of the chief judge, a judge may serve as a judge of the Family Court for the judge’s entire term of service as a judge of the Superior Court under section 431(c) of the District of Columbia Home Rule Act.

(B) Reassignment to other divisions. —

The chief judge may reassign a judge of the Family Court to any division of the Superior Court if the chief judge determines that in the interest of justice the judge is unable to continue serving in the Family Court.

(B) PLAN FOR FAMILY COURT TRANSITION.—

(1) IN GENERAL.—Notwithstanding any other provision of this Act or any amendment made by this Act and except as provided in subparagraph (C), no child abuse or neglect action shall move to the Family Court upon the expiration of 18 months after the filing of the transition plan required under paragraph (2).

(2) RULE OF CONSTRUCTION.—The chief judge of the Superior Court shall make every effort to provide for the earliest practicable disposition of such actions. Nothing in this subparagraph shall preclude the immediate transfer of cases to the Family Court, particularly cases which have been filed with the court for less than 6 months prior to the date of enactment of this Act.

(3) RETAINED CASES.—Child abuse and neglect cases that were initiated in the Family Division but remain pending before judges, including any transition plan prepared under subsection (b) —

(A) the chief judge’s determination of the number of individuals serving as judges of the Superior Court who —

(i) meet the qualifications for judges of the Family Court of the Superior Court under section 11-908A, District of Columbia Code (as added by subsection (a)); and

(ii) are willing and able to serve on the Family Court;

(B) the chief judge determines that the number of individuals described in subparagraph (A) is less than 15, a request that the Judicial Nomination Commission recruit and the President nominate (in accordance with section 431 of the District of Columbia Home Rule Act) such additional number of individuals to serve on the Superior Court who meet the qualifications for judges of the Family Court of the Superior Court under section 11-908A, District of Columbia Code, as may be required to enable the chief judge to make the required number of appointments.

(C) PROGRESS REPORTS.—For purposes of section 431(d)(1) of the District of Columbia Home Rule Act, the submission of a request from the chief judge of the Superior Court of the District of Columbia under paragraph (1)(B) shall be deemed to create a number of vacancies in the position of justice of the superior court equal to the number of additional appointments so requested by the chief judge, except that the deadline for the submission of the request by the District of Columbia Judicial Nomination Commission of nominations for such vacancies shall be 90 days after the creation of such vacancies. In carrying out this paragraph, the District of Columbia Judicial Nomination Commission shall recruit individuals for possible nomination and appointment to the Superior Court who meet the qualifications for judges of the Family Court of the Superior Court.

(D) REPORT BY COMPTROLLER GENERAL.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall prepare and submit to Congress a report on the implementation of this Act including the implementation of section 11-908A, District of Columbia Code, and shall include in the report the following:
(A) An analysis of the procedures used to make the initial appointments of judges of the Family Court under this Act and the amendments made by this Act, including an analysis of the time required to make such appointments and the effect of the qualification requirements for judges of the Court (including requirements relating to the length of service on the Court) on the time required thereby to dispose of cases which are assigned to the Family Court under section 606 of this Act.

(B) An analysis of the impact of magistrate judges for the Family Court (including the expedited initial appointment of magistrate judges for the Court under section 606 of this Act) on the work–load of judges and other personnel of the Court.

(C) An analysis of the number of judges needed for the Family Court, including an analysis of the effect of any jurisdictional limitation imposed on the Superior Court; and an analysis of the effect on the Superior Court of any child born out of wedlock.

(D) An analysis of the timeliness of the resolution and disposition of pending actions and proceedings required under the transition plan (as described in paragraphs (1)(I) and (2) of subsection (b)), including an analysis of the effect of the availability of magistrate judges on the time required to resolve and dispose of such actions and proceedings.

(2) SUBMISSION TO CHIEF JUDGE OF SUPERIOR COURT.—Prior to submitting the report under paragraph (1) to Congress, the Comptroller General shall request the Superior Court to certify the report to the chief judge of the Superior Court and shall include any comments and recommendations of the chief judge into consideration in preparing a final version of the report.

(e) CONFORMING AMENDMENT.—The first section of title 11–908(a), District of Columbia Code, is amended by striking “The chief judge” and inserting “Subject to section 11–908A, the chief judge”.

(f) CLERICAL AMENDMENT.—The table of sections for chapter 9 of title 11, District of Columbia Code, is amended by inserting, after the item relating to section 11–908 the following new item:

“11–908A. Special rules regarding assignment and service of judges of Family Court.”

SEC. 4. IMPROVING ADMINISTRATION OF CASES AND PROCEEDINGS IN FAMILY COURT

(a) IN GENERAL.—Chapter 11 of title 11, District of Columbia, is amended by striking section 1101 and inserting the following:

§ 11–101. Jurisdiction of the Family Court

(a) IN GENERAL.—The Family Court of the District of Columbia shall have jurisdiction over cases and proceedings in the Family Court for the use of the Superior Court, and appropriate nonjudicial personnel, judges, attorneys who practice in the Family Court, and appropriate nonjudicial personnel, and shall include in the program information and instruction regarding the following:

(A) Child development.

(B) Family dynamics, including domestic violence.

(C) Relevant Federal and District of Columbia laws.

(D) Permanency planning principles and practices.

(E) Recognizing the risk factors for child abuse.

Any other matters the presiding judge considers appropriate.

(2) USE OF CROSS-TRAINING.—The program carried out under this section shall use the resources of Federal and local professionals, social workers, and experts in the field of child development and other related fields.

(4) ACCESSIBILITY OF MATERIALS, SERVICES, AND PROCEDURES FOR FAMILIES OF FAMILY-FRIENDLY ENVIRONMENT.—

(1) IN GENERAL.—To the greatest extent practicable, the chief judge and the presiding judge of the Superior Court shall ensure that the materials and services provided by the Family Court are understandable and accessible to the individuals and families served by the Family Court, and that the Family Court carries out its duties in a manner which reflects the special needs of families with children.

(B) ALL CASES INVOLVING AN INDIVIDUAL.—If an individual who is a party to an action or proceeding assigned to the Family Court for the use of the Superior Court, and appropriate nonjudicial personnel, the Family Court carries out its duties in a manner which reflects the special needs of families with children.

(C) FAMILY COURT CASE RETENTION.—The Family Court, and appropriate nonjudicial personnel, the Family Court carries out its duties in a manner which reflects the special needs of families with children.

(D)別の文書の内容を以下に示す

All cases involving an individual shall be conducted at locations readily accessible to the parties involved.

(e) INTEGRATED COMPUTERIZED CASE TRACKING AND MANAGEMENT SYSTEM.—The Executive Officer of the District of Columbia courts under section 11–701 shall work with the chief judge of the Superior Court to:

(1) to ensure that all records and materials of cases and proceedings in the Family Court are complete and maintained in an electronic format accessible by computers for the use of judges, magistrates judges, and nonjudicial personnel of the Family Court, and for the use of other appropriate offices of the District government in accordance with the plan for integrating computer systems prepared by the Mayor of the District.

(2) to establish and operate an electronic tracking and management system for cases and proceedings in the Superior Court for the use of judges and nonjudicial personnel of the Family Court, using the records and materials stored and maintained pursuant to paragraph (1) and

(3) to carry out the provisions for protection involving intrafamily offenses, instituted pursuant to chapter 10 of title 16.
§11-105. Social services and other related services

"(a) ON SITE COORDINATION OF SERVICES AND INFORMATION.—

"(1) IN GENERAL.—The Mayor of the District of Columbia, in consultation with the chief judge of the Superior Court, shall ensure that representatives of the appropriate offices of the District of Columbia Department of Human Services and other related services to individuals and families served by the Family Court (including the District of Columbia Public Schools, the District of Columbia Department of Health, the Office of the Corporation Counsel, the Metropolitan Police Department, the Department of Health, and other appropriate offices of the District government which provide social services and other related services to individuals and families served by the Family Court) shall provide on a continuing basis information to the Family Court regarding the services available from the District government to the individuals and families served by the Family Court. The Mayor shall provide an ongoing basis information to the chief judge of the Superior Court and the disembling of the Family Court regarding the services available from the District government to the individuals and families served by the Family Court.

"(2) DUTIES OF HEADS OF OFFICES.—The head of each office described in paragraph (1), including the Superintendent of the District of Columbia Public Schools and the Director of the District of Columbia Housing Authority, shall provide the Mayor with such information, assistance, and services as the Mayor may require to carry out such paragraphs.

"(b) APPOINTMENT OF SOCIAL SERVICES LIAISON WITH FAMILY COURT.—The Mayor of the District of Columbia shall appoint an individual to serve as a liaison between the Family Court and the District government for purposes of subsection (a) and for coordinating the delivery of services from the District government with the activities of the Family Court and for providing information to the judges, magistrate judges, and nonjudicial personnel of the Family Court regarding the services available from the District government to the individuals and families served by the Family Court. The Mayor shall appoint an individual serving as a hearing commissioner as of the date of the enactment of this Act who was appointed as a hearing commissioner prior to the effective date of section 11-1732(d), District of Columbia Code, except that any individual serving as a hearing commissioner as of the date of the enactment of this Act who was appointed as a hearing commissioner prior to the effective date of section 11-1732 of the District of Columbia Code shall be retained by the District of Columbia to be eligible to be reappointed.

§11-1106. Reports to Congress

"Not later than 90 days after the end of each calendar year, the chief judge of the Superior Court shall submit a report to Congress on the activities of the Family Court during the year, and shall include in the report the following:

"(1) The chief judge's assessment of the productivity and success of the use of alternative dispute resolution practices pursuant to section 11-1002; and

"(2) Goals and timetables as required by the Adoption and Safe Families Act of 1997 to improve the Family Court's performance in the following:

"(3) Information on the extent to which the Family Court met deadlines and standards applicable under Federal and District of Columbia law to the review and disposition of actions and proceedings under the Family Court's jurisdiction during the year.

"(4) Information on the progress made in establishing locations and appropriate space for the Family Court that are consistent with the mission of the Family Court until such time as the location and space are established.

"(5) Information on any factors which are not under the control of the Family Court which interfere with or prevent the Family Court from carrying out its responsibility in an effective manner.

"(6) Information on the number of judges serving on the Family Court and as of the end of the year;

"(7) The number of cases retained outside the Family Court;

"(8) The number of reassignments to and from the Family Court;

"(9) The number of cases in which the Family Court awards judgment; and

"(10) The number of cases that the Family Court dismisses for lack of jurisdiction.

"(11) Information concerning the hearing commissioners and magistrate judges.

"(c) SERVICE OF CURRENT HEARING COMMISSIONERS.—Those individuals serving as hearing commissioners and magistrate judges, as the case may be, shall serve on the Commission for a term of 3 years, renewable by the President at the time of appointment, or until otherwise determined by the Mayor of the District of Columbia.

"(d) SERVICE OF CURRENT MAGISTRATE JUDGES.—Those individuals serving as magistrate judges, as appropriate, shall serve on the Commission for a term of 3 years, renewable by the President at the time of appointment, or until otherwise determined by the Mayor of the District of Columbia.

§11-105. Social services and other related services

"(a) ON SITE COORDINATION OF SERVICES AND INFORMATION.—

"(1) IN GENERAL.—The Mayor of the District of Columbia, in consultation with the chief judge of the Superior Court, shall ensure that representatives of the appropriate offices of the District of Columbia Department of Human Services and other related services to individuals and families served by the Family Court (including the District of Columbia Public Schools, the District of Columbia Department of Health, the Office of the Corporation Counsel, the Metropolitan Police Department, the Department of Health, and other appropriate offices of the District government which provide social services and other related services to individuals and families served by the Family Court) shall provide on a continuing basis information to the Family Court regarding the services available from the District government to the individuals and families served by the Family Court. The Mayor shall provide an ongoing basis information to the chief judge of the Superior Court and the disembling of the Family Court regarding the services available from the District government to the individuals and families served by the Family Court.

"(2) DUTIES OF HEADS OF OFFICES.—The head of each office described in paragraph (1), including the Superintendent of the District of Columbia Public Schools and the Director of the District of Columbia Housing Authority, shall provide the Mayor with such information, assistance, and services as the Mayor may require to carry out such paragraphs.

"(b) APPOINTMENT OF SOCIAL SERVICES LIAISON WITH FAMILY COURT.—The Mayor of the District of Columbia shall appoint an individual to serve as a liaison between the Family Court and the District government for purposes of subsection (a) and for coordinating the delivery of services from the District government with the activities of the Family Court and for providing information to the judges, magistrate judges, and nonjudicial personnel of the Family Court regarding the services available from the District government to the individuals and families served by the Family Court. The Mayor shall appoint an individual serving as a hearing commissioner as of the date of the enactment of this Act who was appointed as a hearing commissioner prior to the effective date of section 11-1732(d), District of Columbia Code, except that any individual serving as a hearing commissioner as of the date of the enactment of this Act who was appointed as a hearing commissioner prior to the effective date of section 11-1732 of the District of Columbia Code shall not be required to be retained by the District of Columbia to be eligible to be reappointed.

SEC. 6. SPECIAL RULES FOR MAGISTRATE JUDGES OF FAMILY COURT.

"(a) IN GENERAL.—Chapter 17 of title 11, District of Columbia Code, is amended by inserting after section 11-1732 the following new section:

"§11-1732A. Special rules for magistrate judges of the Family Court of the Superior Court and the Domestic Violence Unit

"(1) USE OF SOCIAL WORKERS IN ADVISORY MERIT SELECTION PANEL.—The advisory selection merit panel used in the selection of magistrate judges for the Family Court of the Superior Court under section 11-1732(b) shall include certified social workers specializing in child welfare matters who are residents of the District and who are not employees of the District of Columbia.

"(2) SPECIAL QUALIFICATIONS.—Notwithstanding section 11-1732(c), no individual shall be appointed or assigned as a magistrate judge for the Family Court of the Superior Court or as a magistrate judge for the Domestic Violence Unit without otherwise being the full-time resident of the Family Court unless that individual-

"(A) is a citizen of the United States;

"(B) is an active member of the unified District of Columbia Bar;

"(C) has not fewer than 3 years of training or experience in the practice of family law as a lawyer or judicial officer; and

"(D) is a bona fide resident of the District of Columbia and has maintained an actual place of abode in the District for at least 90 days immediately prior to appointment, and retains such residency during service as a magistrate judge; or

"(E) is a bona fide resident of the areas consisting of Montgomery and Prince George's Counties in Maryland, Arlington and Fairfax Counties, and the City of Alexandria in Virginia, has maintained an actual place of abode in the District for at least 90 days immediately prior to appointment, and retains such residency during service as a magistrate judge; or

"(F) is a service of current hearing commissioners and magistrate judges.—Those individuals serving as hearing commissioners and magistrate judges, as the case may be, shall serve on the Commission for a term of 3 years, renewable by the President at the time of appointment, or until otherwise determined by the Mayor of the District of Columbia.
commissioners under section 11-1732 on the effective date of this section who meet the qualifications described in subsection (b)(4) may request to be appointed as magistrate judges for the Family Court of the Superior Court under such section.

(d) **FUNCTIONS OF FAMILY COURT AND DOMESTIC VIOLENCE UNIT MAGISTRATES.**—A magistrate judge, when specifically designated by the chief judge in consultation with the appropriate presiding judge to serve in the Family Court or the Domestic Violence Unit and subject to the rules of the Superior Court and the right of review under section 11-1732(k), may perform the following functions:

(1) Administer oaths and affirmations and take acknowledgments.

(2) Subject to the rules of the Superior Court and applicable Federal and District of Columbia law, conduct hearings, make findings and enter interim and final orders or judgments in uncontested or contested proceedings within the jurisdiction of the Family Court and the Domestic Violence Unit of the Superior Court (as described in section 11-1011), excluding jury trials and trials of felony cases, as assigned by the appropriate judge.

(3) Subject to the rules of the Superior Court, enter an order punishing an individual for contempt, except that no individual may be detained in violation of this paragraph for longer than 180 days.

(e) **LOCATION OF PROCEEDINGS.**—To the maximum extent feasible, safe, and practicable, the Superior Court shall conduct proceedings at locations readily accessible to the parties involved.

(f) The chief judge, in consultation with the presiding judge of the Family Court of the Superior Court, shall ensure that all magistrate judges of the Family Court receive training to enable them to fulfill their responsibilities, including specialized training in family law and related matters.

(g) **FUNDING FOR TRAINING.**—(1) Section 1732(c), District of Columbia Code, is amended by inserting after “the duties enumerated in subsection (i) of this section” the following: “(or, in the case of magistrate judges for the Family Court or the Domestic Violence Unit of the Superior Court, the duties enumerated in section 11-1732A(d))”.

(2) Section 11-1732(c), District of Columbia Code, is amended by striking “No individual” and inserting “Except as provided in section 11-1732A(b), no individual”.

(h) **COMMISSIONERS AND JUDGES.**—Section 11-1732(k), District of Columbia Code, is amended—

(1) by striking subsection (i), and inserting the following in lieu thereof:

“(i) a person (or persons) appointed pursuant to this subsection shall be construed to preclude magistrate judges for the Family Court or Domestic Violence Unit serving as a judge of the Superior Court in accordance with the requirements of sections 11-1732 and 11-1732A of the District of Columbia Code (as added by subsection (a)), for the purpose of assisting with the implementation of the transition plan under section 11-1732A(d) of this Act, and in particular so as to facilitate the transition or disposal of actions or proceedings pursuant to section 11-1732A(d) of this Act.

(b) **TRANSITION RESPONSIBILITIES OF INITIALLY APPOINTED FAMILY COURT MAGISTRATES.**—The chief judge of the Superior Court and the presiding judge of the Family Division of the Superior Court (acting jointly) shall first assign the magistrate judges of Family Court appointed under this paragraph to work with judges to whom the cases are currently assigned in making case disposition or transfer decisions as follows:

(i) The action or proceeding involves an allegation of abuse or neglect.

(ii) The judge to whom the action or proceeding is assigned as of the date of enactment of this Act is not assigned to the Family Division.

(iii) The action or proceeding was initiated in the Family Division prior to the 2-year period which ends on the date of enactment of this Act.

(c) **RULE OF CONSTRUCTION.**—Nothing in this subsection shall be construed to preclude magistrate judges appointed pursuant to this subsection from performing upon appointment any or all of the functions of magistrate judges of the Family Court or Domestic Violence Unit as set forth in subsection 11-1732A(d).

SEC. 7. SENSE OF CONGRESS REGARDING BORDERS BETWEEN MARYLAND AND VIRGINIA.

It is the sense of Congress that the State of Maryland, the Commonwealth of Virginia, and the District of Columbia should work together to end border disputes and to provide for more accessible and effective services to the inhabitants of all three jurisdictions.

SEC. 8. SENSE OF THE SENATE REGARDING THE USE OF COURT APPOINTED SPECIAL ADVOCATES.

It is the sense of the Senate that the Chief Judge of the Superior Court and the presiding judge of Family Court of the Superior Court should take all necessary steps to encourage, support, and improve the use of Court Appointed Special Advocates (CASA) in family court actions or proceedings.

SEC. 9. INTERIM REPORTS.

Not later than 12 months after the date of enactment of this Act, the Chief Judge of the Superior Court and the presiding judge of Family Court of the Superior Court:

(1) in consultation with the General Services Administration, shall submit to Congress a feasibility study for the formation of appropriate permanent courts and facilities for the Family Court; and

(2) shall submit to Congress an analysis of the success of the Superior Court judges under the expedited appointment procedures established under section 6(d) in reducing the number of pending actions and proceedings within the judicial district of the Family Court (as described in section 11-902(d), District of Columbia).

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated—

(a) for the courts of the District of Columbia and the District of Columbia such sums as may be necessary to carry out the amendments made by this Act.

(b) To the maximum extent possible, these temporary emergency judges are encouraged to volunteer to serve in this capacity to the greatest extent possible.

(c) The provisions may be extended to the District of Columbia Code to allow the chief judge of the Superior Court to exceed the overall cap of 59 judges if necessary to maintain a full complement of 15 judges in Family Court.

SEC. 11. EFFECTIVE DATE.

The amendments made by this Act shall take effect upon enactment of this Act.

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

There was no objection.

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

Mr. Speaker, I urge all Members to concur in the Senate amendment to H.R. 2657, the District of Columbia Family Court Act of 2001. These Senate amendments have been approved by the sponsor of the legislation, the gentleman from Texas (Mr. DELAY), and the original cosponsors of the legislation, the gentleman from Virginia (Mr. DAVIS), the gentleman from District of Columbia (Ms. MORELLE), and myself, following diligent work between staff of both houses.

The Senate amendments before us raise the ceiling of the number of judges in the District of Columbia Family Court to 15 judges. This provision would enable the chief judge to address unforeseeable needs if judges and magistrates are not able to keep up with the caseload.

The amended bill further allows for emergency temporary assignment of certain judges who are qualified to serve on the Family Court and who would not be subject to the length of term, should the 15 Family Court judges not be able to keep up with the workload.

These temporary emergency judges are encouraged to volunteer to serve in this capacity to the greatest extent possible.

These provisions modify the restrictions in the District of Columbia Code to allow the chief judge of the Superior Court to exceed the overall cap of 59 judges if necessary to maintain a full complement of 15 judges in Family Court.

The amendments further provide that cases outside of the Family Court be allowed an 18-month transition period to return to the Family Court, and provide limited exception based on the records of the case.

Additionally, the amended bill establishes a priority for expediting the backlog of cases to the Family Court within the transition period, and requires that when a Family Court judge leaves the bench, all the cases must remain in the Family Court, except for extraterritorial cases.

The judge may have 6 months or 12 months, if it can be demonstrated to the chief judge that the taking of the case outside of the Family Court will lead to permanent accomplishment of the chief judge more quickly than if the case remained in the court.

These cases must be in compliance with the Adoption and Safe Families Act.
Act. It is hoped that only a small number of cases will be retained under this provision.

The Superior Court is required to report to Congress at 6-month intervals for 2 years. This provision will enable Congress to monitor the implementation of the reforms intended in the bill, including the transfer of cases back to the Family Court. Other reports are required by the Comptroller General, the chief judge, and the presiding judge of the Family Court at varying intervals.

The Senate amendments to the House measure, H.R. 2657, maintain the requirement of one family-one judge in cases decided by the Family Court, which include divorces, alimony, child support, adoptions, custody, writs of habeas corpus, and other proceedings. The core of this legislation is to serve the children and the families of our Nation's capital.

This legislation has been the culmination of many individual efforts, but I especially thank the gentleman from Texas (Mr. DELAY) for his leadership in making this legislation a reality.

Mr. Speaker, I urge all Members to concur in the Senate amendments to H.R. 2657 and I reserve the balance of my time.

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

Mr. Speaker, I rise in strong support of H.R. 2657, and to ask the support of this Chamber for the District of Columbia Family Court Act of 2001, a bill written as a bipartisan effort by the gentleman from Texas (Mr. DELAY) and me.

The bill provides for several amendments that I informed the House on September 20 I could not add at that time because of the rush to get this bill to the floor in time to secure the necessary appropriation. I want to thank the Senate for assuring that these changes were included as Senate amendments to this bill.

I especially want to thank the current chairman of the Subcommittee on the District of Columbia, the gentlewoman from Maryland (Mrs. MORELLA), and the former chair, the gentleman from Texas (Mr. DELAY), for their leadership on this bill, but particular thanks are due to my friend and partner on this bill, the majority whip, the gentleman from Texas (Mr. DELAY).

The gentleman from Texas worked long and hard with me on this bill, and kept at it through tough negotiations when we had differences for more than a year until we both could agree on a final version. I appreciate the collegial way in which the gentleman from Texas (Mr. DELAY) worked with me throughout, and he has my special gratitude for the extra $24 million that has been appropriated to fund the reforms that this bill mandates.

The Mayor and the City Council appreciate and support the work of the gentleman from Texas (Mr. DELAY) on the bill, as well, and the respect he has shown for home rule throughout his negotiations with me on this bill.

The need to update the family division became a priority after the tragic death of Brianna Blackmond, an infant who was returned to her troubled mother without a hearing after it was alleged that lawyers representing all the parties, the social workers and the guardians ad litem had certified that the child should be returned.

I must continue to emphasize that the D.C. City Council is far more familiar with the children and families of the city than we in Congress, and of course I would love to write this bill. However, when the Home Rule Act was passed in 1973, Congress withheld jurisdiction over D.C. courts. Therefore, I asked the Council to pass a resolution in support of the reforms in this bill, after scrutinizing it and offering recommendations for changes.

We have also worked closely with Mayor Anthony Williams and Chief Judge Rufus King and the judges of the Superior Court in writing the bill. We respected the concerns of the District in negotiating this bill.

The D.C. Family Court Act of 2001 is the first overhaul of our family division since 1970, when it was upgraded to be part of the Superior Court of the District of Columbia. No court or other institution should go a full 30 years without a close examination of its strengths and weaknesses. I know that the subcommittee will assure that there is appropriate oversight to the implementation of the bill by our subcommittee.

The Family Division has not been able to meet adequately intractable societal problems and additionally has had to depend on an outside agency, the Child Family Services Agency, which until recently had been in a Federal court receivership.

Our bill incorporates what we found in our investigation to be the best practices from successful independent family courts that are integrated into general jurisdiction courts all across the country.

These courts have in common these basic reforms: An independent family court or division; ample family court judges to handle family matters; terms for judges in the family court; family court judges, magistrate judges, and other court personnel trained or expert in family law; ongoing training of family court judges; alternative dispute resolution or mediation in family cases; no catch-22 cases; all family cases only in the Family Court; magistrate judges to assist family court judges with their caseloads; and special magistrate judges to assist judges with current pending cases.

The D.C. Family Court Act incorporates all these best practices.

Mr. Speaker, let me conclude by saying that I am particularly pleased that in the amendments to the bill we were able to address several problems with the House bill that I first raised on this floor.

These Senate amendments are important to ensure that, for example, the necessary work of disposing of a large volume of pending cases and continuing intake of new cases coming into the new Family Court does not overwhelm the new court, while it meets timetables mandated in the bill. In addition, the Senate amendments will ensure that the jurisdiction of the court's successful domestic violence unit is not undermined.

We have all agreed that the successful disposition of these matters resolved with our Senate partners have produced a strong bipartisan consensus bill. I want to, once again, thank the gentleman from Texas (Mr. DELAY) for his tireless efforts and partnership with me on this bill, and for his great concern for the children and families of the District of Columbia; a concern that was always there, always evident, and that energized his hard work with me throughout; and, of course, the Chair of the subcommittee, the gentleman from Virginia (Mr. Davis), as well as my good friend, the gentleman from Texas (Mr. DELAY), who is not the sponsor but the leader of H.R. 2657, and for all the work that she put into this bill.

Mr. Speaker, it is my pleasure to urge all Members to concur in the Senate amendments to H.R. 2657, and I reserve the balance of my time.

Mr. DELAY. Mr. Speaker, I thank the ranking member of the Subcommittee on the District of Columbia, the gentlewoman from the District of Columbia (Ms. Norton), for her wonderful comments and for all the work that she put into this bill.

Mr. Speaker, it is my pleasure to yield such time as he may consume to the gentleman from Texas (Mr. DELAY), who is not the sponsor but the genesis of this bill in terms of responding to the great needs in the District of Columbia, and he has been tenacious.

Mr. DELAY. Mr. Speaker, I thank the gentlewoman for your kind words to me, and congratulate her on a whole year of very hard work, the work she put in to bring this bill to the floor today.

I also want to add my thanks to the gentlewoman from the District of Columbia (Ms. Norton), who was tireless in standing up for the abused and neglected children of the District of Columbia, understanding that the District desperately needs to focus on the welfare of these children and the best interests of these children.

She understands that, and in the name of Brianna Blackmond, and maybe we should have named this bill for Brianna Blackmond, because this is the beginning of what I hope is a total reform effort to bring the kind of services and safe and permanent homes for children that are seriously abused.

I also thank the staff that worked on it, particularly on my staff, Dr. Cassie Bevan, who is tenacious in her efforts to make sure that these children get the kind of services that they deserve.

These are children, Mr. Speaker, that are the most oppressed, the most
abused, not just in the District of Columbia, but all over the United States. The effort all over the United States is sort of focused here in our Nation’s capital in trying to do the best we can.

There are 4,500 cases that are currently supervised outside the Family Division of the District that will be brought in by the Family Division of the Superior Court upon the signature of the President of this bill, so maybe we can start working on this backlog and develop a system, a model system for the Nation’s capital to take care of these children.

These are children that are dying, these are children that have been forgotten, in many cases. I remind my colleagues that this came to our attention not just through the death of Brianna Blackmond, but the child welfare system of the District was in receivership. It was in a mess.

The gentlewoman from the District of Columbia (Ms. NORTON) understood this and worked with us closely, and was the driving force in making this happen.

But I have to tell my colleagues, this is only the first step in a reform effort in the District of Columbia that is desperately needed. Just this last summer, over 100 files were lost, 100 files. Let me explain what that means.

A child makes an outcry, he or she is being abused and neglected in one way or another; and the stories that we hear of what is happening to children, not just in the District of Columbia, but all across the Nation are horrendous.

But this child makes an outcry for help, and looking for someone to help them, and a file is created on this child and then lost. We do not even know what has happened to these children. The perpetrator of the abuse and neglect on this child knows now that the child made an outcry, and who knows what has been done to that child that made the outcry.

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This is abhorrent and we can not stand for it any longer and we are not. And by passing this bill, this is the beginning of what I hope is once and for all a process that we will go through in the District of Columbia to bring these children out of an abusive situation, give them the services that they need and, most importantly, find them a safe and permanent home where they can look forward and have hope for a future that other children enjoy today. I think that is vitally important.

This is going to be a showcase hopefully for the Nation. And, colleagues, children and families need a court that focuses exclusively on their welfare and their best interest. To realize this objective, the family court absolutely has to keep cases within its boundaries in order to be effective. This bill before us requires that the backlog of 4,500 cases have to be returned; and, second, that these cases which are currently under supervision of judges in the family division, remain there even after the individual judges leave the family bench. But most importantly, it gives us the opportunity to recruit judges that want to deal in this area of the law, that want to work with these children and these families to give these children the kind of future they deserve.

This bill also requires that each year a report is prepared to Congress that includes the number of cases retained outside the family court. But the D.C. appropriations bill, as the gentlewoman from the District of Columbia (Ms. NORTON) has said, there is $241 million that has been appropriated to implement this legislation, to upgrade our computer systems, to expand its courtroom facilities and increase the number of judicial personnel to handle this huge backlog of cases.

The reforms required in this legislation combined with the money appropriated to support these reforms was designed with a single vital purpose, and that is to save the lives of abused and neglected children in the District of Columbia who are endangered by the status quo.

I am very proud to be associated with the gentlewoman from Maryland (Mrs. MORELLA), the gentleman from Virginia (Mr. TOM DAVIS), the delegation that serves the D.C. metroplex and, particularly, the gentlewoman from the District of Columbia (Ms. NORTON) who has done an outstanding job in working all this out and bringing this bill to the floor. The children will appreciate it in the future. We have dedicated it to Brianna Blackmond.

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

Mr. Speaker, before I yield back the balance of my time, I would like to thank two staff members by name, the gentleman from Texas (Mr. DELAY), staff member Cassie Bevan, and my own staff member, John Bouker, because in a very real sense, when Members are as deeply involved as the gentleman from Texas (Mr. DELAY), we do not think there would be a bill. And so this is an example of something that has come from a lot of hard work.

Again, I commend the gentlewoman from Texas (Mr. DELAY) for his leadership in making sure that this bill was negotiated throughout to come to this point, and also to the gentlewoman from the District of Columbia (Ms. NORTON) for the work, her tenaciousness in having this bill again crafted and reach this point. The gentleman from Virginia (Mr. Davis) has always been involved with it, and I am certainly pleased that we have reached this point.

I want to thank the staff also, John Bouker. Certainly Cassie Statuto Bevan has been there every inch of the way. My staff, Russell Smith and Heea Viranani-Fales and the others who worked on it.

Mr. Speaker, I identify myself with the idea that when you touch a rock, you touch the past; and when you touch a flower, you touch the present; but when you touch a child, you touch the future. And that is just what this bill does. So I urge all our colleagues to wholeheartedly endorse this bill.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise in support of H.R. 2657, the District of Columbia Family Court Act of 2001, as amended. This is an important bill that will provide the Family Court with the structural and management reforms it needs to efficiently and effectively serve the children in the District’s child welfare system.

After the tragic death of 23-month-old Brianna Blackmond, the D.C. Subcommittee held two hearing last year, which revealed the dire need for reforms to the various components of the District’s child welfare system, including the Family Court. The recent series of articles in The Washington Post highlight long-term systemic problems in the child welfare system, and reemphasize the need for Court reform.
The Family Court must be equipped with the strategic tools and resource to assure the safety and well-being of the city’s most vulnerable children. H.R. 2657 accomplishes this objective. It mandates longer judicial terms of service to ensure greater continuity in the handling of cases. New appointees to the Superior Court who are assigned to the Family Court are not required to reapply for their positions. The bill requires that judges appointed to serve on the Family Court have committed themselves to the practice of family law. Furthermore, it creates magistrate judges, who will be responsible for handling the backlog of 4,500 cases.

The bill imposes the critically important “one family, one judge” requirement on the Family Court to ensure that a judge is familiar with a family’s history in order to make appropriate decisions regarding the safety and placement of the child.

The Court will create its own integrated computer system for use by judges, magistrate judges, and nonjudicial personnel, allowing them access to all pending cases related to children and their families. The bill also provides the judges and magistrate judges with access to information regarding the myriad social services available in D.C.

In addition to these key provisions, I support the Senate amendments. These include a provision requiring that when judges leave the Family Court, all of their cases remain in the Family Court. However, the bill does allow the judges an additional 6 months, and under extraordinary circumstances and additional 12 months, to retain a case if they can demonstrate to the Chief Judge that removing the child’s case from the Family Court will result in more expeditious permanent placement. Let me emphasize that the application of this provision is only intended in rare situations.

The critical reforms in this legislation will help ensure that the Family Court can meet the needs of the city’s children. I urge all of my colleagues to support H.R. 2657, as amended.

Mrs. MORELLA. Mr. Speaker, I yield the balance of my time. The SPEAKER pro tempore (Mr. ISAACSON). The question is on the motion made by the House to agree with the Senate amendment to the bill, H.R. 2657.

The question was taken.

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

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

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

The point of no quorum is considered withdrawn.
address the needs of mothers and children, and related education programs; (4) assistance for displaced and orphaned children; (5) programs for maternal and child health, including programs under Title II of prior Acts making appropriations for malaria, tuberculosis, and polio and other infectious diseases; and (6) family planning/reproductive health: Provided further, That none of the funds appropriated under this heading may be made available for nonproject assistance, except that funds may be made available for such assistance for ongoing health programs: Provided further, That none of the funds appropriated under this heading, not to exceed $25,000,000, in addition to funds otherwise available for such purposes, may be used to provide overseas aid to combat malaria; $435,000,000 for family planning, maternal and child health programs, include the following requirements: (1) service providers or organizations providing services, must not be sanctioned, or denied any right or benefit, including the right of access to participate in any program of general welfare or the right of access to health care, and must comply with the requirements contained in paragraph (1), (2), or (3) of this provision, or a pattern or practice of violations of the requirements contained in such paragraphs: Provided further, That the Administrator shall submit to the Committees on Appropriations of the Senate and the House of Representatives, a report containing a description of such violations and the corrective action taken by the Agency: Provided further, That in awarding grants for natural family planning under section 104 of the Foreign Assistance Act of 1961 no applicant shall be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning; and, additionally, all such applicants shall conform to the requirements of the previous proviso: Provided further, That for purposes of this or any other Act authorizing or appropriating funds for foreign operations, export financing, and related programs, the term "motivate", as it relates to family planning assistance, shall not be construed to prohibit the provision, consistent with local law, of information or counseling with respect to abortion: Provided further, That nothing in this paragraph shall be construed to alter any existing statutory prohibition: Provided further, That none of the funds appropriated under this heading may be made available for a project which is not included in the list of projects receiving funds made available under the previous proviso for the purposes of section 104 of the Foreign Assistance Act of 1961: DEVELOPMENT ASSISTANCE: For necessary expenses to carry out the provisions of sections 103, 105, 106, and 131, and for assistance pursuant to section 491 of the Foreign Assistance Act of 1961, $1,178,000,000, to remain available until September 30, 2003: Provided, That $150,000,000 should be allocated for children's basic needs and education: Provided further, That none of the funds appropriated under this heading may be made available for a project which is in violation of the Convention on International Rights of the Child, 1989: Provided further, That none of the funds appropriated under this heading may be made available for assistance programs for displaced and orphaned children and victims of war, or for assistance programs for such purposes, that are otherwise available for such purposes, may be used to monitor and provide oversight of child welfare and development activities: Provided further, That such funds shall be made available only for micro and small enterprise programs which further the purposes of section 104 of the Act: Provided further, That during fiscal year 2002, commitments to guarantee loans shall not exceed $2,300,000,000: Provided further, That such funds shall be made available only for projects of micro and small enterprise programs which further the purposes of section 104 of the Act: Provided further, That during fiscal year 2002, commitments to guarantee loans shall not exceed $2,300,000,000: Provided further, That such funds shall be made available only for projects of micro and small enterprise programs which further the purposes of section 104 of the Act.
Provided further, That not less than $15,000,000 of the funds appropriated under this heading shall be made available for Cyprus to be used only for scholarships, administrative support of overseas projects, medical and agricultural assistance projects, and measures aimed at reunification of the island and designed to reduce tensions and promote peace and cooperation between the two communities of the island. That not less than $25,000,000 of the funds appropriated under this heading shall be made available for assistance to Lebanon to be used, inter alia, for the construction of roads and direct support of the American educational institutions in Lebanon: Provided further, That notwithstanding section 341(a) of this Act, funds appropriated under this heading for programs made available for assistance for the Central Government of Lebanon shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That the Government of Lebanon should enforce the custody and international pickup orders, issued during calendar year 2001, of Lebanon’s civil courts regarding abducted American children in Lebanon: Provided further, That of the funds appropriated under this heading, up to $10,000,000 may remain available until expended for security-related costs.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For necessary expenses to carry out the provisions of section 667, $21,199,000,000, to remain available until September 30, 2003, which shall be available for the Office of the Inspector General of the United States Agency for International Development.

OTHER BILATERAL ASSISTANCE

ECONOMIC SUPPORT FUND

For necessary expenses to carry out the provisions of chapter 4 of part II, $2,199,000,000, to remain available until September 30, 2003, which shall be available as Commodity Import Program assistance: Provided, That none of the funds appropriated under this heading may be made available to finance the construction (including architect and engineering services), purchase, or long term lease of offices in a report submitted to the Committees on Appropriations at least 15 days prior to the obligation of these funds: Provided further, That the previous proviso shall not apply where the total cost of construction (including architect and engineering services), purchase, or long term lease of offices in a report submitted to the Committees on Appropriations at least 15 days prior to the obligation of these funds: Provided further, That of the funds appropriated under this heading, up to $10,000,000 may remain available until expended for security-related costs.

INTERNATIONAL FUND FOR IRELAND

For necessary expenses to carry out the provisions of chapter 4 of part II, $25,000,000, which shall be available for the United States contribution to the International Fund for Ireland and shall be made available in accordance with the provisions of the Anglo-Irish Agreement Support Act of 1998: Provided further, That such amount shall be expended at the minimum rate necessary to make timely payment for projects and activities: Provided further, That funds made available under this heading shall remain available until September 30, 2003.

ASSISTANCE FOR EASTERN EUROPE AND THE BALTS

(a) For necessary expenses to carry out the provisions of the Freedom Support Act of 1991 and the Support for East European Democracy (SEED) Act of 1989, $621,000,000, to remain available until expended: Provided further, That funds made available under this heading shall be made available for assistance for Kosovo from funds appropriated under this heading and under the provisions of this Act and prior Acts: Provided further, That the funds made available under this Act for assistance to Kosovo shall not exceed 15 percent of the total resources pledged by all donors for calendar year 2001 for assistance for Kosovo as of March 31, 2001: Provided further, That none of the funds made available under this Act for assistance to Kosovo shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act for the use of economic assistance.

(b) Funds appropriated under this heading or in prior appropriations Acts that are or have been made available for an Enterprise Fund may be deployed by such Fund in interest-bearing accounts prior to the Fund’s disbursement of such funds for program purposes. The Enterprise Fund may retain for such program purposes any interest earned on such deposits without returning such interest to the Treasury of the United States without further appropriation by the Congress: Provided further, That funds made available for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

(c) Funds appropriated under this heading shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act for the use of economic assistance.

(d) With regard to funds appropriated under this heading for the economic revitalization program in Bosnia and Herzegovina, and local currencies generated by such funds (including the conversion of funds appropriated under this heading into currency used by Bosnia and Herzegovina as local currency and local currency returned or repaid under such program) the Administrator of the United States Agency for International Development shall provide written approval for grants and loans prior to the disbursement and expenditure of such funds for such purposes, and prior to the use of funds that have been returned or repaid to any lending facility or grantee.

(e) The provisions of section 529 of this Act shall not apply to funds made available by subsection (d) and to funds appropriated under this heading: Provided, That notwithstanding any provision of this or any other Act, including provisions in this subsection regarding the application of section 529 of this Act, local currencies generated by, or converted from, funds appropriated by this Act and by previous appropriations Acts and made available for the economic revitalization program in Bosnia may be used in Eastern Europe and the Baltic States to carry out the provisions of the Foreign Assistance Act of 1961 and the Economic Support for Eastern Europe Democracy (SEED) Act of 1989.

(f) The President is authorized to withhold funds appropriated under this heading made available for economic revitalization programs in Bosnia and Herzegovina and certifies to the Committees on Appropriations that the Federation of Bosnia and Herzegovina has not complied with article III of Annex A of the General Framework Agreement for Peace in Bosnia and Herzegovina concerning the withdrawal of foreign forces, and that intelligence cooperation on training, investigations, and related activities between Iranian officials and Bosnian officials has not been terminated.
(a) For necessary expenses to carry out the provisions of chapters 11 and 12 of part 1 of the Foreign Assistance Act of 1961 and the SOUTHCOM Support Act, for assistance for the Independent States of the former Soviet Union and for related programs, $784,000,000, to remain available until September 30, 2003: Provided, That the provisions of such chapters shall apply to funds appropriated by this paragraph: Provided further, That the funds made available for this heading, not less than $15,000,000 should be available only to meet the health and other assistance needs of victims of trafficking in persons: Provided further, That of the funds appropriated under this heading, not less than $17,500,000 shall be made available solely for the Russian Federation: Provided further, That, notwithstanding any other provision of law, the President may make available subject to the provisions of the Freedom Support Act, Public Law 102–511, not less than $49,000,000 should be made available for assistance for the purposes for which the grant was made: Provided further, That of the funds appropriated by this paragraph, not less than $154,000,000 should be made available for the purposes for which the grant was made: Provided further, That of the funds appropriated under this heading, $90,000,000 should be made available for assistance for Armenia.

(b) Of the funds appropriated under this heading, not less than $90,000,000 shall be made available for assistance for Georgia. (c) Of the funds appropriated under this heading, not less than $217,000,000 shall be made available for assistance for Armenia.

(d) Of the funds appropriated under this heading, not less than $35,000,000 for the Andean Counterdrug Initiative, to remain available until expended: Provided, That in addition to the funds appropriated under this heading for project purposes when authorized by the President, the Department of State shall submit to the Committees on Appropriations a report on progress by the Government of Colombia in implementing and providing ongoing military training and assistance to the Government of Colombia pursuant to paragraph (2); Provided further, That the status of negotiations for a peaceful settlement between Armenia and Azerbaijan and the impact of United States assistance on balance, and the status of negotiations for a peaceful settlement between Armenia and Azerbaijan and the impact of United States assistance on those negotiations.

INDEPENDENT AGENCIES

INTER-AMERICAN FOUNDATION

For expenses necessary to carry out the functions of the Inter-American Foundation in accordance with the provisions of section 401 of the Foreign Assistance Act of 1969, and to make commitments without regard to fiscal year limitations, as provided by 31 U.S.C. 9104(b)(4), $11,106,950.

AFRICAN DEVELOPMENT FOUNDATION

For expenses necessary to carry out title V of the International Security and Development Cooperation Act of 1980, Public Law 96–531, and to make commitments without regard to fiscal year limitations, as provided by 31 U.S.C. 9104(b)(3), $16,542,000: Provided, That funds made available for grants may be invested pending expenditure for project purposes when authorized by the President of the Foundation: Provided further, That interest earned shall be used only of the funds associated with such grants: Provided further, That any funds made available for grants may be used to supplement funds appropriated by this Act: Provided further, That funds appropriated by this Act shall not apply to activities to support democracy or assistance under title V of the FREEDOM Support Act and section 1424 of Public Law 104–201 or non-proliferation assistance, or the President may make available subject to the provisions of the Southcom Support Act, Public Law 102–511, not less than $49,000,000 should be made available for assistance for the purposes for which the grant was made: Provided further, That any funds appropriated under this heading shall remain available until September 30, 2003.

PEACE CORPS

For necessary expenses to carry out the provisions of the Peace Corps Act of 1961, 22 U.S.C. 612, $275,000,000, including the purchase of not to exceed five passenger motor vehicles for administrative purposes for use outside of the United States: Provided, That the funds appropriated under this heading shall be used to pay for administrative expenses: Provided further, That such funds shall remain available until September 30, 2002.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For necessary expenses to carry out section 401 of the Foreign Assistance Act of 1961, $217,000,000, to remain available until expended: Provided, That any funds made available under this heading for anti-crime programs and activities shall be made available subject to the regular notification procedures of the Committees on Appropriations: Provided further, That during calendar year 2001, the Department of State may also use the authority of section 608 of the Foreign Assistance Act of 1961, without regard to its restrictions, to receive excess property and funds made available under this Act for the purpose of providing it to a foreign country under chapter 8 of part I of that Act subject to the regular notification procedures of the Committees on Appropriations: Provided further, That the funds appropriated under this heading, $10,000,000 should be made available for anti-trafficking in persons programs, including trafficking prevention, assistance for victims, and prosecution of traffickers: Provided further, That funds appropriated under this heading, not more than $21,738,000 may be available for administrative expenses.

ANDEAN COUNTERDRUG INITIATIVE

For necessary expenses to carry out section 401 of the Foreign Assistance Act of 1961 solely to support counterdrug activities in the Andean region of South America, $625,000,000, to remain available until expended: Provided, That in addition to the funds appropriated under this heading, the President may make available subject to the regular notification procedures of the Committees on Appropriations, the President may increase the amount of such funding for the purpose of providing such assistance: Provided further, That funds appropriated under this heading, not less than $215,000,000 shall be apportioned directly to the United States Agency for International Development, to be used for economic and social programs: Provided further, That funds appropriated by this Act that are used for the establishment of coca fumigation programs may be made available for such programs only if the Secretary of State, after consultation with the Administrator of the Environmental Protection Agency, the Secretary of the Department of Agriculture, and, if appropriate, the Director of the Center for Disease Control and Prevention, determines and reports to the Committees on Appropriations that (1) there is a compelling public health interest, (2) fumigation is in accordance with Co- lombian laws; (3) the chemicals used in the application of a technology, equipment and procedures shall be full access to international non-governmental organizations; (4) the Federal Government or any entity of the Federal Government, will provide, in accordance with regulatory controls required by the Environmental Protection Agency as labeled in accordance with the regulations of the Colombian Government, that the fumigation is in accordance with Colombian laws; (2) the chemicals used in the application of the technology, equipment and procedures shall be used, applied, do not pose unreasonable risks or adverse effects to humans or the
$80,000,000 of the funds made available under this heading shall be made available for refugees from the former Soviet Union and Eastern Europe and other refugees resettling in Israel.

**United States Agency for International Development and Migration Assistance Fund**

For necessary expenses to carry out the provisions of section 2(c) of the Migration and Refugee Assistance Act of 1966, as amended by section 3109 of title 5, United States Code, and inserting in lieu thereof—

- $16,000,000, to remain available until expended: Provided, That the funds made available under this heading are appropriated notwithstanding the provisions contained in section 129 of the Foreign Assistance Act of 1961 for anti-terrorism assistance, chapter 7 of the Export-Import Bank Act of 1945, by countries that are eligible for debt reduction pursuant to title V of H.R. 3425 as enacted into law by section 1002(g) of Public Law 106–113, $229,000,000, to remain available until expended: Provided, That not less than $5,000,000 of the funds appropriated under this heading shall be made available to carry out the provisions of part V of the Foreign Assistance Act of 1961, and up to $20,000,000 of unobligated balances of funds available under this heading from prior year appropriations acts should be made available to carry out such provisions: further, That amounts paid to the HIPC Trust Fund may also be used for the purposes of sections 2(b) and 2(c) of the Compact of Free Association of Pacific Island States.

**Nonproliferation, Anti-terrorism, Demining, and Related Programs**

For necessary expenses for nonproliferation, anti-terrorism and related programs and activities, $331,500,000, to carry out the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961 for anti-terrorism assistance, chapter 3 of the Arms Export Control Act or the Foreign Assistance Act of 1961 for demining activities, the clearance of unexploded ordnance, the destruction of small arms, and related activities; notwithstanding the provisions of section 482(b) of the Foreign Assistance Act of 1961 for assistance to the International Atomic Energy Agency (IAEA) and a voluntary contribution to the Korean Peninsula Energy Development Organization (KEDO), and for a United States contribution to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission: Provided, That the Secretary of State shall inform the Committees on Appropriations prior to the obligation of funds for the Comprehensive Nuclear Test Ban Treaty Preparatory Commission: Provided, That the amount not to exceed $14,000,000, to remain available until expended, may be made available for the Nonproliferation and Disarmament Fund, notwithstanding any other provision of law, to promote bilateral and multilateral activities relating to nonproliferation and disarmament: Provided, That such funds may also be used for such countries other than the Independent States of the former Soviet Union, and international organizations, when it is in the national security interest of the United States to do so following consultation with the appropriate committees of Congress: Provided further, That funds appropriated under this heading may be made available for the International Atomic Energy Agency only if the Secretary of State determines (and so reports to the Congress) that Israel is not being denied its right to participate in the activities of that Agency: Provided further, That the funds made available for demining and related activities, not exceeding $6,500,000, to remain available until expended, which shall be available notwithstanding any other provision of law.

**MIGRATION AND REFUGEE ASSISTANCE**

For expenses, not otherwise provided for, necessary expenses to carry out the provisions of the Migration and Refugee Assistance Act of 1966, as amended by section 3109 of title 5, United States Code, and inserting in lieu thereof—

- $300,000,000, to remain available until expended: Provided, That the funds made available under this heading are appropriated notwithstanding the provisions of section 2(c) of the Compact of Free Association of Pacific Island States.

**DEPARTMENT OF THE TREASURY**

**International Affairs Technical Assistance**

For necessary expenses to carry out the provisions of section 129 of the Foreign Assistance Act of 1961 (relating to international affairs technical assistance activities), $6,500,000, to remain available until expended, which shall be available notwithstanding any other provision of law.

**DEBT RESTRUCTURING**

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying loans and loan guarantees, as the President shall determine, that may have been appropriated or otherwise made available for programs within the International Affairs Budget Function 150, including the cost of selling, reducing, or canceling amounts owed to the United States as a result of concessionary loans made to eligible countries, pursuant to parts IV and V of the Foreign Assistance Act of 1961, and of modifying concessionary credit agreements with least developed countries, as authorized under section 411 of the Agricultural Trade Development and Assistance Act of 1954, by countries that are eligible for debt reduction pursuant to title V of H.R. 3425 as enacted into law by section 1002(g) of Public Law 106–113, $229,000,000, to remain available until expended: Provided, That not less than $5,000,000 of the funds appropriated under this heading shall be made available to carry out the provisions of part V of the Foreign Assistance Act of 1961, and up to $20,000,000 of unobligated balances of funds available under this heading from prior year appropriations acts should be made available to carry out such provisions: further, That amounts paid to the HIPC Trust Fund may be used only to fund debt re-
upon those previously available for such purposes:

Provided further, That any limitation of subsection (c) of section 411 of the Agricultural Trade Development and Assistance Act of 1954 shall not apply to funds appropriated under this heading: Provided further, That none of the funds appropriated under this heading shall be made available for Sudan or Burma unless the Secretary of State determines and notifies the Committees that a democratically elected government has taken office.

TITLE III—MILITARY ASSISTANCE
Funds Appropriated to the President
International Military Education and Training

For necessary expenses to carry out the provisions of section 541 of the Foreign Assistance Act of 1961, $70,000,000, of which up to $3,000,000 may remain available until expended: Provided, That the civilian personnel for whom military education and training may be provided under this heading may include civilians who are not members of a government whose participation would contribute to improved civil-military relations, civilian control of the military, or respect for human rights: Provided further, That funds appropriated for the heading may be obligated for necessary expenses for India and Guatemala may only be available for expanded international military education and training and for countries for which assistance was justified for the fiscal year 2002 pursuant to section 43(b) of the Arms Export Control Act: Provided further, That none of the funds appropriated under this heading shall be made available for human rights, arms control, or assistance programs in the amount not to exceed $35,000,000 of the funds appropriated under this heading, for procurement of defense articles, defense services or design and construction services that are not sold by the United States to the Arms Export Control Act: Provided further, That funds appropriated under this heading shall be obligated upon apportionment of such funds in an amount not to exceed $3,000,000 of the funds appropriated under this heading.
States share of the paid-in portion of the increase in capital stock, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL

The United States Governor of the European Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable capitalization of the United States share of such capital stock in an amount not to exceed $123,237,803.

CONTRIBUTION TO THE INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT

For the United States contribution by the Secretary to increase the resources of the International Fund for Agricultural Development, $20,000,000, to remain available until expended.

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

For necessary expenses to carry out the provisions of section 301 of the Foreign Assistance Act of 1961, and of section 2 of the United Nations Environment Program Participation Act of 1973, $200,500,000: Provided, That none of the funds appropriated under this heading may be made available to the Korean Peninsula Energy Development Organization (KEDO) or the International Atomic Energy Agency (IAEA): Provided further, That not less than $6,000,000 should be made available to the World Food Program.

TITLE V—GENERAL PROVISIONS

OBLIGATIONS DURING LAST MONTH OF AVAILABILITY

SEC. 501. Except for the appropriations entitled “International Disaster Assistance”, and “United Nations Emergency Refugee and Migration Assistance Fund”, not more than 15 percent of any appropriation item made available by this Act shall be obligated or expended to finance direct representation allowances: Provided further, That of the funds made available by this Act for the Peace Corps, not to exceed $50,000 shall be available for representation allowances: Provided further, That of the funds made available by this Act for the Inter-American Foundation, not to exceed $2,000 shall be available for entertainment expenses: Provided further, That of the funds made available by this Act for the Trade and Development Program, not to exceed $5,000 shall be available for representation allowances: Provided further, That of the funds made available by this Act for the International Fund for Agricultural Development, not to exceed $2,000 shall be available for entertainment allowances: Provided further, That of the funds made available by this Act for the Peace Corps, not to exceed $2,000 shall be available for entertainment expenses: Provided further, That of the funds made available by this Act for the Peace Corps, not to exceed $2,000 shall be available for entertainment expenses.

PROHIBITION ON FINANCING NUCLEAR GOODS

SEC. 506. None of the funds appropriated or made available (other than funds for “Nonproliferation, Anti-terrorism, Demining and Related Programs”) pursuant to this Act, for carrying out the provisions of the Foreign Assistance Act of 1961, may be used, except for purposes of nuclear safety, to finance the export of nuclear equipment, fuel, or technology.

PROHIBITION AGAINST DIRECT FUNDING FOR MILITARY COUPS

SEC. 507. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance to any country whose duly elected head of government has been deposed by a coup d’etat or military coup: Provided, That this prohibition shall not apply to assistance to any country which is in default during the current fiscal year: Provided further, That assistance to such country shall be obligated or expended to finance directly any assistance to any country which is in default during the current fiscal year.

MILITARY COUPS

SEC. 508. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance to any country whose duly elected head of government has been deposed by a coup d’etat or military coup: Provided, That this prohibition shall not apply to assistance to any country which is in default during the current fiscal year: Provided further, That assistance to such country shall be obligated or expended to finance directly any assistance to any country which is in default during the current fiscal year.

TRANSFER BETWEEN ACCOUNTS

SEC. 509. None of the funds made available by this Act may be obligated under any appropriation account to which they were not appropriated, except for transfers specifically provided for in this Act, unless the President, prior to such obligation, determines that assistance funded in the Foreign Assistance Act of 1961 to transfer funds, consults with and provides a written policy justification to the Committees on Appropriations of the House of Representatives and the Senate.

DEOBSTRUCTION/DERECLARATION AUTHORITY

SEC. 510. Obligated balances of funds appropriated to carry out section 23 of the Arms Export Control Act as of the end of the fiscal year immediately preceding the current fiscal year are, if desobilized, hereby continued available during the current fiscal year for the same purposes for which they were appropriated under this Act: Provided, That the authority of this subsection may not be used in fiscal year 2002.

AVAILABILITY OF FUNDS

SEC. 511. No part of any appropriation contained in this Act shall remain available for obligation after the expiration of the current fiscal year unless expressly so provided in this Act: Provided, That funds appropriated for the purposes of chapters 1, 8, 11, and 12 of part I, section 567, chapter 4 of part II of the Foreign Assistance Act of 1961, and section 23 of the Arms Export Control Act, and funds provided under the heading “Assistance for Eastern Europe and the Baltic States”, shall remain available for an additional four years from the date on which the availability of such funds would otherwise have expired, if such funds are initially obligated before the expiration of their respective periods of availability contained in this Act: Provided further, That, notwithstanding any other provision of this Act, any funds made available for the purposes of chapters 1, 8, 11, and 12 of part I, section 567, chapter 4 of part II of the Foreign Assistance Act of 1961 which are allocated or obligated for cash disbursements in order to address balance of payments or economic reform objectives, shall remain available until expended.

LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

SEC. 512. No part of any appropriation contained in this Act shall be used to furnish assistance to any country which is in default during a period in excess of one calendar year in payment of any obligations of the United States to any country: Provided, That none of the funds otherwise made available pursuant to this Act may be used to finance any loan made to the government of such country by the United States pursuant to a program for which funds are appropriated under this Act unless the President, following consultations with the Committees on Appropriations, certifies to the Congress that such assistance is in the national interest of the United States.

COMMERCE AND TRADE

SEC. 513. (a) None of the funds appropriated or made available pursuant to this Act for direct assistance and none of the funds otherwise made available pursuant to this Act to the Export-Import Bank, Export-Import Investment Corporation shall be obligated or expended to finance any loan, any assistance or any other financial commitments for establishing or expanding or supporting any commodity for export by any country other than the United States, if the commodity is likely to be surplus on world markets at the time the producing productive capacity is expected to become operative and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity.

(b) That such prohibition shall not apply to the Export-Import Bank if in the judgment of its Board of Directors the benefits to industry and employment in the United States are likely to outweigh the injury to the interests of United States producers of the same, similar, or competing commodity, and the Chairman of the Board so notifies the Committees on Appropriations.

TRANSPORTATION

SEC. 514. None of the funds appropriated or made available pursuant to this Act shall remain available for obligation after the expiration of the current fiscal year unless expressly so provided in this Act: Provided, That the authority of this subsection may not be used in fiscal year 2002.
shall be provided as early as practicable, but in case of
any other Act, including any prior Act requiring
section or any similar provision of this Act or
program, or project for the current fiscal year:
the Congress for obligation for such activity,
apply to any reprogramming for an activity,
Provided further, That this section shall not
apply to any reprogramming to any of these specific headings unless the Appropriations
Committees for obligation under
funds appropriated under the heading “Assistance for the Independent
States of the Former Soviet Union”
shall be made available for assistance for a
government of an Independent State of the former Soviet Union—

Notwithstanding that government is making progress in implementing comprehensive economic re-
forms based on market principles, private own-
ership, respect for commercial contracts, and eq-
uitable treatment of foreign private investment;
and
(2) if that government applies or transfers
United States assistance to any entity for the purpose of establishing command or control of assets, investments, or ventures.
Assistance may be furnished without regard to this subsection if the President determines that
to do so is in the national interest.
(b) None of the funds appropriated under the
heading “Assistance for the Independent States of the former Soviet Union” shall be made available for assistance for a
government of an Independent State of the former Soviet Union if
that government directs any action in violation of the territorial integrity or national sov-
earcgacy of any other Independent State of
the former Soviet Union, such as those violations in-
cluded in the Helsinki Final Act: Provided, That
such funds may be made available without re-
gard to the restriction in this subsection if the
President determines that to do so is in the national interest.
(c) Funds appropriated under the heading “Assistance for the Independent States of the former Soviet Union” shall be available
for any state to enhance its military capabilities provided such provision does not apply to demilitarization, demining or
non-proliferation programs.
(d) Funds appropriated under the heading “Assistance for the Independent States of the former Soviet Union” for the Russian Federa-
tion, Armenia, Georgia, and Ukraine shall be subject to the regular notification procedures of the Committees on Appropriations.
(e) Funds made available in this Act for as-
sistance to the Independent States of the former Soviet Union shall not be available for assistance, including the pro-
visions of section 117 (relating to environment and natural resources) of the Foreign Assistance Act of 1961.
(f) Funds appropriated in this or prior appro-
priations Acts that are or have been made available
for an Enterprise Fund in the Independent
States of the former Soviet Union may be depos-
ited in a financial account established under this Act and shall be used, but no such appropriation, except
as otherwise provided by law, shall be increased by more than 25 percent by any such
transfer: Provided, That the exercise of such au-
thority shall be subject to the regular notification
procedures of the Committees on Appropriations.

Section 518. None of the funds made available to
for the performance of abortions as a method of family planning
or to motivate or coerce any person to
practice abortions. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended,
be used to pay for the performance of sterilizations provided it is as a method of family planning or to
provide any financial incentive to any person to
undergo sterilizations. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended,
be obligated or expended for any country or
organization if the President certifies that the use of these funds by any such country or orga-
nization would result in situations described in
sections related to abortions and involuntary steril-
sations.

Export Financing Transfer Authorities
Sec. 520. None of the funds appropriated by
this Act shall be considered to include country,
the former Soviet Union, such as those violations in-
cluded in the Helsinki Final Act: Provided, That
such funds may be made available without re-
gard to the restriction in this subsection if the
President determines that to do so is in the national interest.

Special Notification Requirements
Sec. 520. None of the funds appropriated by
this Act shall be considered to include country,
the former Soviet Union, such as those violations in-
cluded in the Helsinki Final Act: Provided, That
such funds may be made available without re-
gard to the restriction in this subsection if the
President determines that to do so is in the national interest.

Definition of Program, Project, and Activity
Sec. 521. For the purposes of this Act, “pro-
gram, project, and activity” shall be defined at
at the appropriations Act account level and shall include all appropriations and authorizations
acts earmarks, ceilings, and limitations with the exception that for the following accounts: Eco-
nomic Support Fund and Foreign Military Finan-
cing Program, “program, project, and activity” shall also be considered to include country,
regional, and central program level funding
within each such account; for the development
assistance accounts of the United States Agency
for International Development for “program,
project, and activity” shall be considered to include
within 30 days of the enactment of this

Conscription Acts, earmarks, ceilings, and limitations with the exception that for the following accounts: Eco-
nomic Support Fund and Foreign Military Finan-
cing Program, “program, project, and activity” shall also be considered to include country,
regional, and central program level funding
within each such account; for the development
assistance accounts of the United States Agency
for International Development for “program,
project, and activity” shall be considered to include
within 30 days of the enactment of this act.
Act, as required by section 653(a) of the Foreign Assistance Act of 1961.

CHILD SURVIVAL AND HEALTH ACTIVITIES

SEC. 522. Up to $15,500,000 of the funds made available by this Act for assistance under the heading “Economic Support Fund”, may be used to reimburse United States Government agencies, agencies of State governments, institutions of higher learning, and private organizations for programs to reduce the cost of individuals (including for the personal services of such individuals) detailed or assigned to, or contracted by, as the case may be, the United States International Development Foundation for the purpose of carrying out activities under that heading: Provided, That up to $7,000,000 of the funds made available by this Act for assistance under the heading “Development Assistance” may be used to reimburse such agencies, institutions, and organizations for such costs of such individuals carrying out other development assistance activities: Provided further, That funds appropriated by this Act that are made available for child survival activities or disease programs including activities related to the treatment and control of, HIV/AIDS may be made available notwithstanding any other provision of law: Provided further, That funds appropriated by this Act may be made available pursuant to section 301 of the Foreign Assistance Act of 1961 if a primary purpose of such funds is to support activities which preserve cultural traditions and promote sustainable development and environmental conservation in Tibetan communities: Provided further, That funds made available pursuant to the authority of this section for programs, projects, and activities in the People’s Republic of China shall be subject to the regular notification procedures of the Committees on Appropriations.

(b) In addition to the funds made available in subsection (a), of the funds appropriated by this Act under the heading “Economic Support Fund”, not less than $10,000,000 should be made available for programs and activities to foster democracy, human rights, press freedoms, women’s empowerment, and educational and related programs: Provided further, That funds appropriated under title II of this Act, $445,500,000 shall be made available for family planning/repproductive health.

PROHIBITION AGAINST INDIRECT FUNDING TO CERTAIN COUNTRIES

SEC. 523. None of the funds appropriated or otherwise made available pursuant to this Act shall be used for any purpose indirectly to assist or reparations to Cuba, Iraq, Libya, Iran, Syria, North Korea, or Sudan, unless the President of the United States certifies that the withholding of these funds is contrary to the national interest of the United States.

NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

SEC. 524. Prior to providing excess Department of Defense articles in accordance with section 516(a) of the Foreign Assistance Act of 1961, the Department of Defense shall notify the Committees on Appropriations to the same extent and under the same conditions as are other committees pursuant to section 604 of this Act: Provided, That before issuing a letter of offer to sell excess defense articles under the Arms Export Control Act, the Department of Defense shall notify the Committees on Appropriations in accordance with the regular notification procedures of such Committees if such defense articles are significant military equipment as defined in section 479 of the Arms Export Control Act or are valued in terms of original acquisition cost at $7,000,000 or more, or if notification is required elsewhere in this Act for the use of appropriated funds for specific countries that would receive such excess defense articles: Provided further, That such Committees shall also be informed of the original acquisition cost of such defense articles.

AUTHORIZATION REQUIREMENT

SEC. 525. Funds appropriated by this Act, except funds appropriated under the headings “Peace Corps” and “Trade and Development Agency”, may be obligated and expended notwithstanding section 10 of Public Law 91–672 and section 15 of the State Department Basic Authorities Act of 1984.

DEMOCRACY PROGRAMS

SEC. 526. (a) Funds appropriated by this Act that are provided to the National Endowment for Democracy may be made available notwithstanding any other provision of law, of the funds appropriated by this Act to carry out provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, not less than $10,000,000 shall be made available for activities to support democracy, human rights, and the rule of law in the People’s Republic of China, of which not less than $5,000,000 should be made available for the Human Rights and Democracy Fund of the Bureau of Democracy, Human Rights, and Labor, Department of State, for such activities, and of which not to exceed $3,000,000 may be made available to nongovernmental organizations to support activities which preserve cultural traditions and promote sustainable development and environmental conservation in Tibetan communities: Provided further, That funds made available pursuant to the authority of this Act for assistance under the heading “Economic Support Fund”, not less than $10,000,000 should be made available for programs and activities to foster democracy, human rights, press freedoms, women’s empowerment, and educational and related programs: Provided further, That funds appropriated under title II of this Act, $445,500,000 shall be made available for family planning/repproductive health.

(b) In addition to the funds made available in subsection (a), of the funds appropriated by this Act under the heading “Economic Support Fund”, not less than $10,000,000 should be made available for programs and activities to foster democracy, human rights, press freedoms, women’s empowerment, and educational and related programs: Provided further, That funds appropriated under title II of this Act, $445,500,000 shall be made available for family planning/repproductive health.

PROHIBITION ON BILATERAL ASSISTANCE TO TERRORIST COUNTRIES

SEC. 527. (a) Funds appropriated for bilateral assistance under any heading of this Act and funds appropriated under any such heading in a provision of law enacted prior to the enactment of this Act which are available to any country which the President determines—

(1) grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism; or

(2) otherwise supports international terrorism.

(b) The President may waive the application of subsection (a) to a country if the President determines that national security or humanitarian reasons justify such waiver. The President shall publish each waiver in the Federal Register and, at least 15 days before the waiver takes effect, shall notify the Committees on Appropriations of the waiver (including the justification for the waiver) in accordance with the regular notification procedures of the Committees on Appropriations.

DEBT-FOR-DEVELOPMENT

SEC. 528. In order to enhance the continued participation of nongovernmental organizations in economic programs of the Foreign Assistance Act of 1961, including endowments, debt-for-development and debt-for-nature exchanges, a nongovernmental organization that is authorized to receive funds under the United States Agency for International Development may place in interest bearing accounts funds made available under this Act or prior Acts or an equivalent debt-exchange program or organization as a result of economic assistance provided under title II of this Act and any interest earned on such investment shall be used for the purpose for which the assistance was provided to that organization.

SEPARATE ACCOUNTS

SEC. 529. (a) SEPARATE ACCOUNTS FOR LOCAL CURRENCIES. — (1) If assistance is furnished to the government of a country under chapters 1 and 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 under agreements which result in the generation of local currencies of that country, the Administrator of the United States Agency for International Development shall—

(A) require that local currencies be deposited in a separate account established by that government;

(B) enter into an agreement with that government which sets forth—

(i) the amount of the local currencies to be generated; and

(ii) conditions and conditions under which the currencies so deposited may be utilized, consistent with this section; and

(C) establish by agreement with that government the responsibilities of the United States Agency for International Development and that government to monitor and account for deposits in, and disbursements from the separate account.

(2) USES OF LOCAL CURRENCIES. — As may be agreed upon with the foreign government, local currency deposits made pursuant to subsection (a) may be used—

(A) to carry out chapters 1 or 10 of part I or chapter 4 of part II (as the case may be), for such purposes as—

(i) project and sector assistance activities; or

(ii) debt and deficit financing; or

(B) for the administrative requirements of the United States Government.

(3) PROGRAMMING ACCOUNTABILITY. — The United States Agency for International Development shall take all necessary steps to ensure that the equilibrium of the local currencies disbursed pursuant to subsection (a) is used only—

(A) to carry out chapters 1 or 10 of part I or chapter 4 of part II (as the case may be), any unencumbered balances of funds which remain in a separate account established pursuant to subsection (a) shall be disposed of for such purposes as may be agreed to by the government of that country and the United States Government.

(4) TERMINATION OF ASSISTANCE PROGRAMS. — Upon termination of assistance to a country under chapter 1 or 10 of part I or chapter 4 of part II (as the case may be), any unencumbered balances of funds which remain in a separate account established pursuant to subsection (a) shall be disposed of for such purposes as may be agreed to by the government of that country and the United States Government.

REPORTING REQUIREMENTS

SEC. 530. The Administrator of the United States Agency for International Development shall report on an annual basis as part of the justification documents submitted to the Committees on Appropriations on the use of local currencies for the administrative requirements of the United States Government.

SEC. 531. The Secretary of State shall report on an annual basis to the Committees on Appropriations on the administrative requirements of the United States Agency for International Development.

SEC. 532. The Secretary of State shall report on an annual basis to the Committees on Appropriations on the administrative requirements of the United States Agency for International Development.

SPECIAL REPORT

SEC. 533. The Secretary of State shall report on an annual basis to the Committees on Appropriations on the administrative requirements of the United States Agency for International Development.
(3) Notification.—At least 15 days prior to obligating any such cash transfer or nonproject sector assistance, the President shall submit a notification through the regular notification procedures of the United States Agencies on Appropriations, which shall include a detailed description of how the funds proposed to be made available will be used, with a discussion of the United States interests that will be served by the assistance, which shall include a detailed description of the economic policies and programs that will be promoted by such assistance.

(4) Exemption.—Nonproject sector assistance funds may be exempt from the requirements of subsection (b)(1) only through the notification procedures described in section 531 of the Foreign Assistance Act of 1961.

SEC. 530. (a) No funds appropriated by this Act may be made as payment to any international financial institution while the United States Executive Director to such institution is compensated by the institution at a rate which, together with whatever compensation such Director receives from the United States, is in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5315 of title 5, United States Code, or while any alternate United States Director to such institution is compensated by the institution at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5315 of title 5, United States Code.

(b) For purposes of this section, “international financial institutions” are: the International Bank for Reconstruction and Development; the Asian Development Bank; the African Development Fund; the African Development Bank; the Inter-American Development Bank; the European Bank for Reconstruction and Development; and the International Finance Corporation.

SEC. 531. None of the funds appropriated or otherwise made available pursuant to this Act to carry out the Foreign Assistance Act of 1961 (including title IV of chapter 2 of part I, relating to the Overseas Private Investment Corporation) or the Arms Export Control Act may be used to provide assistance to any country that is not in compliance with either paragraphs (1) and (2) of section 502(a)(4) of the Trade Act of 1974, or workers rights, as defined in section 531(e) of the Foreign Assistance Act of 1961 may be used for Afghanistan, Lebanon, Montenegro, or for victims of war, displaced children, and transportation of displaced nationals notwithstanding any other provision of law: Provided, That any such funds that are made available for Cambodia shall be subject to the conditions provided in the Foreign Assistance Act of 1961 and section 906 of the International Security and Development Cooperation Act of 1985.

(b) TROPICAL FORESTRY AND BIODIVERSITY CONSERVATION ACTIVITIES.—Funds appropriated by this Act to carry out the provisions of sections 102 through 106, and chapter 4 of part II, of the Agricultural Trade Development and Assistance Act of 1954, may be used for the purpose of supporting tropical forestry and biodiversity conservation activities and energy programs aimed at reducing greenhouse gas emissions: Provided, That such assistance shall be subject to sections 116, 502B, and 626A of the Foreign Assistance Act of 1961.

(c) PERSONNEL SERVICES CONTRACTORS.—Funds appropriated by this Act to carry out chapter 1 of part I, chapter 4 of part II, and section 667 of the Foreign Assistance Act of 1961 may be made available only for personal services contractors assigned to the Office of Health and Nutrition; the Office of Procurement; the Bureau for Africa; the Bureau for Latin America and the Caribbean; and the Bureau for Asia and the Near East, to provide such funds appropriated to carry out title II of the Agricultural Trade Development and Assistance Act of 1954, may be made available only for personal services contractors assigned to the Office of Food for Peace.

(1) Waiver.—The President may waive the provisions of this Act of Public Law 100–204 as the President determines and certifies in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate that it is in the national security interests of the United States.

(2) Period of application of waiver.—Any waiver pursuant to paragraph (1) shall be effective for a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

(d) During fiscal year 2002, the President may use up to $45,000,000 under the authority of section 451 of the Foreign Assistance Act, notwithstanding the funding ceiling in section 451(a).

(e) POLICY ON TERMINATING THE ARAB LEAGUE BOYCOTT OF ISRAEL AND NORMALIZING RELATIONS WITH ISRAEL.—SEC. 535. It is the sense of the Congress that—

(1) the Arab League countries should immediately and publicly renounce the primary boycott of Israel and the secondary and tertiary boycotts of American firms that have commercial ties with Israel and should normalize their relations with Israel; and

(2) the report by the Arab League in 1997 to restate the boycott against Israel was deeply troubling and disappointing;

(3) the fact that only three Arab countries maintain full diplomatic relations with Israel is also of deep concern;

(4) the Arab League should immediately rescind its decision on the boycott and its members should develop normal relations with their neighbor Israel; and

(5) the President should—

(A) take more concrete steps to encourage vigorously Arab League countries to renounce publicly the primary boycotts of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel and to normalize their relations with Israel; and

(B) take into consideration the participation of an applicant country in the primary boycott of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel when determining whether to recognize said country.

(f) Report to Congress annually on the specific steps being taken by the United States and the progress achieved to bring about a public reorganization of United States Agency for International Development operations, export financing, and related programs in Latin America and the Caribbean and in Africa and the Middle East.

(g) POLICY ON TERMINATING THE ARAB LEAGUE BOYCOTT OF ISRAEL AND NORMALIZING RELATIONS WITH ISRAEL.—SEC. 536. Of the funds appropriated or otherwise made available pursuant to this Act for “Economic Support Fund”, assistance may be provided to strengthen the administration of justice in countries in Latin America and the Caribbean and in other regions consistent with the provisions of section 531(b) of the Foreign Assistance Act of 1961, except that programs to enhance protection of participants in judicial cases may be made available notwithstanding such provisions.

(h) Administration of Justice Activities.—SEC. 537. Assistance through non-governmental organizations in Latin America and the Caribbean and in other regions consistent with the provisions of section 534 of the Foreign Assistance Act of 1961, to encourage the expansion of non-governmental organizations from competing with small businesses and smallholder agriculture.
President shall take into consideration, in any case in which a restriction on assistance would be applicable but for this subsection, whether assistance in support of programs of nongovernmental organizations in the national interest of the United States: Provided further, That before using the authority of this subsection to furnish assistance in support of programs of nongovernmental organizations, the President shall notify the Committees on Appropriations under the regular notification procedures of those committees, including a description of the program to be supported, the assistance to be provided, and the reasons for furnishing such assistance: Provided further, That nothing in this subsection shall be construed to alter any existing statutory provisions against involuntary sterilizations contained in this or any other Act.

(b) Public Law 489.—During fiscal year 2002, restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance under the Agricultural Trade Development and Assistance Act of 1954: Provided, That none of the funds appropriated to carry out title I of such Act and made available pursuant to this subsection may be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

(c) Exception.—This section shall not apply—

(1) with respect to section 620A of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to countries that support international terrorism; and

(2) with respect to section 116 of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to the government of a country that violates internationally recognized human rights.

EARMARKS
SEC. 538. (a) Funds appropriated by this Act which are earmarked may be reprogrammed for other purposes in the same account notwithstanding the earmark if compliance with the earmark is made impossible by operation of any provision of this or any other Act: Provided, That any such reprogramming shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That such assistance that is reprogrammed pursuant to this subsection shall be made available under the same terms and conditions as originally provided.

(b) Authority.—Notwithstanding the authority contained in subsection (a), the original period of availability of funds appropriated by this Act and administered by the United States Agency for International Development that are earmarked for particular programs or activities by this or any other Act shall be extended for an additional fiscal year if the Administrator of such agency determines and reports promptly to the Committees on Appropriations that the termination of assistance to a country or a significant change in circumstances makes it unlikely that such earmarked funds will be obligated during the original period of availability: Provided, That such earmarked funds that are contained available for an additional fiscal year shall be obligated only for the purpose of such earmark.

CEILING AND EARMARKS
SEC. 539. Ceilings and earmarks contained in this Act shall not be applicable to funds or authorizations appropriated or otherwise made available by this Act unless such ceiling or earmark specifically so directs. Earmarks or minimum funding requirements contained in any other Act shall not be applicable to funds appropriated by this Act.

PROHIBITION ON PUBLICITY OR PROPAGANDA
SEC. 540. No part of any appropriation contained in this Act shall be used for publicity or propaganda within the United States not authorized before the date of the enactment of this Act by the Congress: Provided, That not to exceed $750,000 may be made available to carry out the provisions of section 316 of Public Law 96–533.

PURCHASE OF AMERICAN-MADE EQUIPMENT AND SERVICES
SEC. 541. To the maximum extent practicable, assistance provided under this Act should make full use of American resources, including commodities, products, and services.

PROHIBITION OF IMPOSITION OF UNIFIED NATIONS MEMBERS
SEC. 542. None of the funds appropriated or made available pursuant to this Act for carrying out the provisions of section 316 of Public Law 96–533, or for any other similar provision of law, may be used to pay in whole or in part any assessments, arrears, or dues of any member of the United Nations or, from funds appropriated by this Act to carry out the provisions of any law relating to the Foreign Assistance Act of 1961, the costs for participation of another country’s delegation at international conferences held under the auspices of multilateral or international organizations.

NONGOVERNMENTAL ORGANIZATIONS—DOCUMENTATION
SEC. 543. None of the funds appropriated or made available pursuant to this Act shall be obligated or expended to create, maintain, or apply to the acquisition of additional space for, U.S. facilities at any deputation at international conferences held under the auspices of the United Nations or any other similar international organization, including a description of any additional space for U.S. facilities at international conferences held under the auspices of the United Nations or any other similar international organization.

PROHIBITION ON ASSISTANCE TO FOREIGN GOVERNMENTS THAT EXPORT LETHAL MILITARY EQUIPMENT TO COUNTRIES SUPPORTING INTERNATIONAL TERRORISM
SEC. 544. (a) None of the funds appropriated or otherwise made available by this Act may be available to any foreign government which provides lethal military equipment to a country the government of which the Secretary of State has determined is a terrorist government for purposes of section 612(b)(4) of the Export Administration Act. The prohibition under this section with respect to a foreign government shall terminate 12 months after that government ceases to provide such military equipment. This section applies with respect to lethal military equipment provided under a contract entered into after October 1, 1997.

(b) Assistance restricted by subsection (a) or any other similar provision of law, may be furnished to a foreign country which furthers United States national interests. Any such report shall include a detailed explanation of the assistance to be provided, including the estimated dollar amount of such assistance, and an explanation of how the assistance furthers United States national interests.

WITHHOLDING OF ASSISTANCE FOR PARKING FINES OWED BY FOREIGN COUNTRIES
SEC. 545. (a) In General.—Of the funds appropriated under this Act that are available for foreign countries under part I of the Foreign Assistance Act of 1961, an amount equivalent to 110 percent of the total unpaid fines and penalties applicable to the United States Agency for International Development for the period ending on December 31, 1996, shall be withheld from obligation for such country until the Secretary of State certifies and reports in writing to the appropriate congressional committees that such fines and penalties have been paid to the government of the country to which such payments are applicable.

(b) Exception.—Withholding of assistance shall not apply to the acquisition of additional space for the existing Conulate General in Jerusalem: Provided further, That meetings between officials of the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israeli-PLO Declaration of Principles and the Middle East Peace Facilitation Act of 1995, or to suspend the prohibition under other legislation funds appropriated by this Act may not be obligated for assistance for the Palestine Liberation Organization.

WAR CRIMES TRIBUNALS DRAWDOWN
SEC. 547. If the President determines that doing so will contribute to a just resolution of charges regarding genocide or other violations of international humanitarian law, the President may direct a drawdown pursuant to section 552(c) of the Foreign Assistance Act of 1961 as amended, of up to $30,000,000 of commodities and services for the United Nations War Crimes Tribunal established with regard to the former Yugoslavia by the United States Security Council or such other tribunals or commissions as the Council may establish or authorize to deal with such violations, without regard to the ceiling limitation contained in paragraph (2) thereof: Provided, That the determination required under this section shall be in lieu of any determinations otherwise required under section 552(c) of the Foreign Assistance Act of 1961.

LIMITATION ON ASSISTANCE FOR THE PLO FOR THE WEST BANK AND GAZA
SEC. 549. None of the funds appropriated by this Act may be obligated or expended to create in any part of Jerusalem a new office of any government of which the Secretary of State has determined to be a terrorist government.

RESTRICTIONS CONCERNING THE PALESTINIAN AUTHORITY
SEC. 549. None of the funds appropriated by this Act may be obligated or expended to create in any part of Jerusalem a new office of any department or agency of the United States Government for the purpose of conducting official United States Government business with the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israeli-PLO Declaration of Principles and the Middle East Peace Facilitation Act of 1995 or to suspend the prohibition under other legislation funds appropriated by this Act may not be obligated for assistance for the Palestine Liberation Organization.

Funds made available pursuant to this Act may be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza unless the President exercises the authority under section 540(a) of the Middle East Peace Facilitation Act of 1995 (title VI of Public Law 104–107) or any other legislation to suspend or make inapplicable section 540(a) of the Foreign Assistance Act of 1961 and that suspension is still in effect: Provided, That if the President fails to make the certification required by section 540(a) of the Middle East Peace Facilitation Act of 1995 or to suspend the prohibition under other legislation funds appropriated by this Act may not be obligated for assistance for the Palestine Liberation Organization.
those who now occupy positions in the Palestinian Authority, have social contacts, and have incidental discussions.

PROHIBITION OF PAYMENT OF CERTAIN EXPENSES SEC. 354. (a) PROHIBITION ON VOLUNTARY CONTRIBUTIONS FOR THE UNITED NATIONS.

(b) Certification Required for Disbursement of Funds.—None of the funds appropriated by this Act may be made available to pay any voluntary contribution of the United Nations (including the United Nations Development Program) unless the President certifies to the Congress 15 days in advance of such payment that the United Nations has implemented no statute, executive order, regulation, or similar government action that would discriminate, or would have as its principal effect discrimination, against religious groups or religious communities in the Russian Federation.

SEC. 557. None of the funds appropriated under this Act may be made available for the Government of the Russian Federation, after 180 days from the date of the enactment of this Act, unless the President determines and certifies in writing to the Committees on Appropriations of the Congress that the Russian Federation has implemented no statute, executive order, regulation, or similar government action that would discriminate, or would have as its principal effect discrimination, against religious groups or religious communities in the Russian Federation.
Federa...tion in violation of accepted international agreements on human rights and religious freedoms to which the Russian Federation is a party.

CENTRAL AMERICA RELIEF AND RECONSTRUCTION

SEC. 561. Funds made available to the Comptroller General to monitor, reporting, verification, and reduction of greenhouse gases, and to address the effects of hurricanes in Central America and the Caribbean and the earthquake in Colombia, shall also be available for the purpose of facilitating earthquake relief and reconstruction efforts in El Salvador.

CENTRAL AMERICA RELIEF AND RECONSTRUCTION

SEC. 561. Funds made available to the Comptroller General to monitor, reporting, verification, and reduction of greenhouse gases, and to address the effects of hurricanes in Central America and the Caribbean and the earthquake in Colombia, shall also be available for the purpose of facilitating earthquake relief and reconstruction efforts in El Salvador.

KOREAN PENINSULA ENERGY DEVELOPMENT ORGANIZATION

SEC. 565. (a) Of the funds made available under the heading “Korea, Denuclearization, Demining and Related Programs,” not to exceed $95,000,000 may be made available for the Korean Peninsula Energy Development Organization pursuant to section 106(a) of the North Korea Nonproliferation Act of 2000, as modified by this section as “KEDO”), notwithstanding any other provision of law, only for the administrative expenses and heavy fuel oil costs associated with the Agreed Framework.

(b) Such funds may be made available for KEDO only if, 15 days prior to such obligation of funds, the President certifies and so reports to Congress that—

(1) the parties to the Agreed Framework have taken and continue to take demonstrable steps to implement the Joint Declaration on Denuclearization of the Korean Peninsula referred to in this section as the “Agreed Framework”; and

(2) North Korea is complying with all provisions of the Agreed Framework; and

(3) the United States is continuing to make significant progress on eliminating the North Korean ballistic missile threat, including further missile tests and its ballistic missile exports.

(c) The President may waive the certification requirements of subsection (a) if the President determines that it is vital to the national security interests of the United States and provides written policy justifications to the appropriate committees that they are obligated for KEDO until 15 days after submission to Congress of such waiver.

(d) The Secretary of State shall, at the time of the annual presentation for appropriations, submit a report providing a full and detailed accounting of the fiscal year 2003 request for the United States contribution to KEDO, the expected operating budget of KEDO, proposed annual costs associated with heavy fuel oil purchases, including unpaid debt, and the amount of funds pledged by other nations and organizations to support KEDO activities on a per country basis, and other related activities.

(e) The final proviso under the heading “Korean Peninsula Energy Development Organization” in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1996 (Public Law 104–107) is repealed.

PLO COMPLIANCE REPORT

SEC. 566. (a) REPORTER OF DETERMINATION.—The President should, at the time specified in subsection (b), submit a report to the Congress assessing the steps that the Palestine Liberation Organization (PLO), or the Palestinian Authority, as appropriate, has taken to comply with its 1993 commitments to renounce the use of terrorism and all other acts of violence and to assume responsibility for all PLO and Palestinian Authority elements and personnel in order to assure their compliance, prevent violations, and
discipline violators, including the arrest and prosecution of individuals involved in acts of terror and violence. The President should determine, based on such assessment, whether the PLO or Palestinian Authority, as appropriate, has substantially complied with such commitments. If the President determines based on the assessment that such compliance has not occurred, the President shall require a period of time of not less than six months, impose one or more of the following sanctions:

(1) Withhold or terminate any waiver by the President of the requirements of section 903 of the Foreign Relations Authorization Act of 1988 and 1989 (22 U.S.C. 5202) (prohibiting the establishment or maintenance of a Palestinian information or intelligence agency of the United States), such action to apply so as to prohibit the operation of a PLO or Palestinian Authority office in the United States from carrying out any function other than those functions carried out by the Palestinian information office in existence prior to the Oslo Accords.

(2) Designate the PLO, or one or more of its constituent groups (including Patah and Tanzim) or groups operating as arms of the Palestinian Authority (including Force 17) as a foreign terrorist organization, in accordance with section 1129(a) of the Immigration and Nationality Act.

(3) Terminate United States assistance (except humanitarian and development assistance) for the West Bank and Gaza Program.

(b) Submission of Report.—The report required under subsection (a) shall be transmitted not later than 60 days after the date of enactment of this Act and shall cover the period commencing June 13, 2001.

(c) Update of Report.—The President should update the report submitted pursuant to subsection (b) of this section, and the next report required under the PLO Commitments Compliance Act of 1989 (title VIII of Public Law 101–246).

WAIVER.—The President may waive the actions imposed under subsection (a) if the President determines and reports to the appropriate committees of the Congress that such a waiver is in the national security interests of the United States.

COLOMBIA

SEC. 567. (a) Determination and Certification Required.—Notwithstanding any other provision of law, funds appropriated by this Act or prior Acts making appropriations for foreign operations, export financing, and related programs, may be made available for assistance for the Colombian Armed Forces as follows:

(1) Not more than sixty percent of such funds may be obligated after a determination by the Secretary of State and a certification to the appropriate congressional committees that:

(A) the Commander General of the Colombian Armed Forces is suspending from the Armed Forces those members, of whatever rank, who have been credibly alleged to have committed gross violations of human rights, including extrajudicial killings, or to have aided or abetted paramilitary groups;

(B) the Colombian Armed Forces are cooperating with civilian prosecutors and judicial authorities (including providing requested information, such as the identity of persons suspected of crimes committed by, and the nature and cause of the suspension, and access to witnesses and relevant military documents and other information), in prosecuting and punishing in civilian courts those members of the Colombian Armed Forces, of whatever rank, who have been credibly alleged to have committed gross violations of human rights, including extrajudicial killings, or to have aided or abetted paramilitary groups;

(C) the Colombian Armed Forces are taking effective measures to sever links (including by deploying forces to areas around the combat zones, providing information to aid the removal of such paramilitary and other equipment or supplies, and ceasing other forms of active or tacit cooperation), at the command, battalion, and brigade levels, with paramilitary groups, and to execute outstanding orders for capture for members of such groups; and

(b) the balance of such funds may be obligated after June 1, 2002, if the Secretary of State determines and certifies to the appropriate congressional committees that the Colombian Armed Forces has made the following determinations:

(1) A determination that the Colombian Armed Forces has ceased aiding or abetting illegal armed groups, as defined in paragraphs (1)(A), (B) and (C).

(b) Consultative Process.—At least ten days prior to making the determination and certification required in this section, and every 120 days thereafter during fiscal year 2002, the Secretary of State shall consult with international recognized human rights organizations regarding the conditions contained in subsection (a).

(c) Report.—One hundred and twenty days after the enactment of this Act, and every 120 days thereafter during fiscal year 2002, the Secretary of State shall submit a report to the Committees on Appropriations describing actions taken by the Colombian Armed Forces to meet the requirements set forth in subsections (a)(1)(A) through (a)(1)(C) and (d) Definitions.—In this section:

(1) Aided or abetted.—The term "aided or abetted" means to provide any support to paramilitary groups, including taking actions which allow, facilitate, or otherwise foster the activities of such groups.

(2) Paramilitary groups.—The term "paramilitary groups" means illegal self-defense groups and illegal security cooperatives.

IRAQ

SEC. 568. (a) Denial of Visas to Supporters of Colombian Illegal Armed Groups.—Subject to subsection (b), the Secretary of State shall not issue a visa to any alien who the Secretary determines, based on credible evidence—

(1) has willfully provided any support to the Revolutionary Armed Forces of Colombia (FARC), the United Self-Defense Forces of Colombia (AUC), or the United Self-Defense Forces of Colombia (AUC), including taking actions or failing to take actions which allow, facilitate, or otherwise foster the activities of such groups; or

(2) has committed, ordered, incited, assisted, or otherwise participated in the commission of gross violations of human rights, including extrajudicial killings, in Colombia.

(b) Waiver.—Subsection (a) shall not apply if the Secretary of State determines and certifies to the appropriate congressional committees, on a case-by-case basis, that a visa to the alien is necessary to support the peace process in Colombia or for urgent humanitarian reasons.

PROHIBITION ON ASSISTANCE TO THE PALESTINIAN BROADCASTING CORPORATION

SEC. 569. None of the funds appropriated or otherwise made available by this Act may be used to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

IRAQ

SEC. 570. Notwithstanding any other provision of law, funds appropriated under the heading “Economic Support Fund” may be made available for programs benefiting the Iraqi people and Iraqi civil society, including, but not limited to, economic and political transition in Iraq: Provided, That not more than 15 percent of the funds (except for costs related to broadcasting activities) may be used for administrative expenses, including expenditures for salaries, office rent and equipment: Provided further, That not later than 60 days after the date of enactment of this Act, the Secretary of State shall consult with the Committees on Appropriations regarding plans for the expenditure of funds under this section: Provided further, That funds made available under this provision are subject to the regular notification procedures of the Committees on Appropriations.

WEST BANK AND GAZA PROGRAM

SEC. 571. For fiscal year 2002, 30 days prior to the initial obligation of funds for the bilateral West Bank and Gaza Program, the Secretary of State shall certify to the Committees of Congress that procedures have been established to assure the Comptroller General of the United States will have access to appropriate congressional committees, in a timely fashion, to review the uses of United States assistance for the Program funded under the heading “Economic Support Fund” for the West Bank and Gaza.

INDONESIA

SEC. 572. (a) Funds appropriated by this Act under the headings “International Military Education and Training” and “Foreign Military Financing Programs” shall be available for assistance to Indonesian military personnel only if the President determines and submits a report to the appropriate congressional committees that the Government of Indonesia and the Indonesian Armed Forces are—

(1) taking effective measures to bring to justice members of the armed forces and militia groups against whom there is credible evidence of human rights violations in East Timor and Indonesia;

(2) taking effective measures to bring to justice members of the armed forces against whom there is credible evidence of aiding or abetting illegal militia groups in East Timor and Indonesia;

(3) allowing displaced persons to return home to East Timor, including providing safe passage for refugees returning from West Timor and demonstrating a commitment to preventing incursions into East Timor by members of militia groups in West Timor;

(4) demonstrating a commitment to accountability by cooperating with investigations and prosecutions of members and militia groups responsible for human rights violations in East Timor and Indonesia;

(5) demonstrating a commitment to civilian control of the armed forces by reporting to civilian authorities audits of receipts and expenditures of the armed forces;

(6) allowing United Nations and other international humanitarian organizations and representatives of recognized human rights organizations access to West Timor, Aceh, West Papua, and Maluku; and

(b) Releasing political detainees.

BRIEFSING ON POTENTIAL PURCHASES OF DEFENSE ARTICLES OR DEFENSE SERVICES BY TAIWAN

SEC. 573. (a) Briefings.—Not later than 90 days before the date of enactment of this Act, the Secretary of State shall brief the Committees on Appropriations regarding any potential purchase of defense articles or defense services by the government of Taiwan, and not later than every 120 days thereafter during fiscal year 2002, the Department of State, in consultation with the Department of Defense, shall provide detailed briefings to the appropriate congressional committees (including the Committees on Appropriations) on any discussions conducted between any executive branch agency and the government of Taiwan during the preceding 120 days (or, in the case of the initial briefing, since the date of enactment of this Act) on any potential purchase of defense articles or defense services by the government of Taiwan.

(b) Executive Agency Defined.—In this section, the term “executive branch agency” has the meaning given the term “agency” in section 551(1) of title 5, United States Code.

RESTRICTIONS ON ASSISTANCE TO GOVERNMENTS DESTABILIZING SIERRA LEONE

SEC. 574. None of the funds appropriated by this Act may be made available for assistance for the government of any country for which the Secretary of State determines there is credible evidence that such government has facilitated the passive or active transfer of weapons or other equipment, or has provided lethal or non-lethal military support or equipment, directly or indirectly, to Baarian intermediaries for a period of six months to the Sierra Leone Revolutionary United Front (RUF), Liberian Security Forces,
or any other group intent on destabilizing the democratically elected government of the Republic of Sierra Leone.

(b) None of the funds appropriated by this Act may be made available for assistance for the government of any country for which the Secretary of State determines there is credible evidence that such government has aided or abetted, within six months, in the illicit distribution, transportation, or sale of diamonds mined in Sierra Leone.

(c) The President, in tightening prohibition on assistance required under subsection (a) or (b) is exercised, the Secretary of State shall notify the Committees on Appropriations in a timely manner.

SEC. 575. SECTION 575(c)(2)(D) OF THE FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2000, AS ENACTED BY SECTION 400(b)(2) OF THE CONSOLIDATED APPROPRIATIONS ACT, 2000 (PUBLIC LAW 106-113, AS AMENDED), IS ANNUALLY AUDIT BY QUALIFIED INDEPENDENT AUDITORS.

(b) The prohibition on use of funds in China—

(1) none of the funds made available under “International Organizations and Programs” may be made available to the UNFPA for any program in the People’s Republic of China.

(2) The Secretary of State shall notify the Committees on Appropriations of the purpose, and its intended benefits, any such vote, as was the location of the proposed assistance by municipality, its purpose, and its intended beneficiaries.

The President shall order all Federal agencies and departments, including the Federal Bureau of Investigation, that possess relevant information, to expeditiously declassify and release the victims’ families such information consistent with existing standards and procedures on classification.

In making determinations concerning declassification and release of relevant information, the Secretary of State shall notify the Committees on Appropriations, the Senate Committee on Appropriations, the Senate Committee on Foreign Relations, together with annexes relating thereto, done at Dayton, November 10 through 16, 1995.

(f) Definitions.—As used in this section—

(1) Country.—The term “country” means Bosnia and Herzegovina, Croatia and Serbia.

(2) Municipality.—The term “municipality” means a city, town or other subdivision within a country or entity as defined herein.

The Secretary of the Treasury shall consult with representatives of human rights organizations and all government agencies with relevant information to help prevent publicly indicted war criminals from benefiting from any financial or technical assistance or grants to any country or entity described in subsection (a), the Secretary of the Treasury, in consultation with the Secretaries of State, shall provide to the Committees on Appropriations a written justification for the proposed assistance, including an explanation of the United States position regarding any such vote, as was the location of the proposed assistance by municipality, its purpose, and its intended beneficiaries.

The Secretary of the Treasury shall consult with representatives of human rights organizations and all government agencies with relevant information to help prevent publicly indicted war criminals from benefiting from any financial or technical assistance or grants to any country or entity described in subsection (a).

(f) Definitions.—The term “international financial institution means the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the Inter-American Investment Corporation, the Enterprise for the Americas Investment Fund, the Asian Development Bank, the African Development Bank, the African Development Fund, the European Bank for Reconstruction and Development, and the International Monetary Fund.

(b) Education Assistance for Indonesia and Pakistan

SEC. 579. (a) Of the funds made available under the heading “Economic Support Fund” for Pakistan, not less than $2,500,000 shall be transferred to “Operating Expenses of the United States Agency for International Development” for the purpose of implementing United States economic support, including that provided under the provisions of Public Law 107-38 and this general provision, of basic education, increased democracy and good governance activities in Pakistan.

(c) Not more than 60 days after the enactment of this Act, the Administrator of the United States Agency for International Development shall report to the House Committees on Appropriations and International Relations and the Senate Committees on Appropriations and Foreign Relations on the Agency’s proposed allocation of basic education funding for Indonesia and Pakistan, including in-country monitoring of budget support for basic education provided under Public Law 107-38.

COMMERCIAL LEASING OF DEFENSE ARTICLES

SEC. 580. Notwithstanding any other provision of law, and subject to the regular notification procedures of the Committees on Appropriations, the authority of section 23(a) of the Arms Export Control Act may be used to provide financing to Israel, Egypt and NATO and major non-NATO allies (other than a city, town or other subdivision within a country or entity described in subsection (a)) under the provisions of that Act.

(f) Definitions.—As used in this section—

(1) Country.—The term “country” means Bosnia and Herzegovina, Croatia and Serbia.

(2) Municipality.—The term “municipality” means a city, town or other subdivision within a country or entity as defined herein.

(DAYTON ACCORDS.—The term “Dayton Accord” means the Genocide and International Agreement for Peace in Bosnia and Herzegovina, together with annexes relating thereto, done at Dayton, November 10 through 16, 1995.

USER FEES

SEC. 582. The Secretary of the Treasury shall instruct the United States Executive Director at each international financial institution (as defined in section 1701(c)(2) of the International Financial Institutions Act) of the United States executive directors to the international financial institutions to vote against any new project involving the extension of credit provided by the United States to the government of any country or entity,

The Secretary of the Treasury shall consult with representatives of human rights organizations and all government agencies with relevant information to help prevent publicly indicted war criminals from benefiting from any financial or technical assistance or grants to any country or entity described in subsection (a), the Secretary of the Treasury, in consultation with the Secretaries of State, shall provide to the Committees on Appropriations a written justification for the proposed assistance, including an explanation of the United States position regarding any such vote, as was the location of the proposed assistance by municipality, its purpose, and its intended beneficiaries.

In carrying out this section, the Secretary of the Treasury, the Administrator of the United States Agency for International Development, and the Secretary of the Treasury shall consult with representatives of human rights organizations and all government agencies with relevant information to help prevent publicly indicted war criminals from benefiting from any financial or technical assistance or grants to any country or entity described in subsection (a).
service charges on poor people for primary education or primary healthcare, including prevention and treatment efforts for HIV/AIDS, malaria, tuberculosis, and infant, child, and maternal health. The cooperation with the institutions' lending programs.

HEAVILY INDEBTED POOR COUNTRIES TRUST FUND AUTHORIZATION

SEC. 582. Section 530 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2001 (Public Law 106-429) is amended by striking "$345,000,000" and inserting "$400,000,000".

FUNDING FOR SERBIA

SEC. 584. (a) Funds appropriated by this Act may be made available for assistance for Serbia after March 31, 2002, if the President has made the determination and certification contained in subsection (c).

(b) After March 31, 2002, the Secretary of the Treasury should instruct the United States executive directors to the international financial institutions to support loans and assistance to the Government of the Federal Republic of Yugoslavia subject to the conditions in subsection (c): Provided, That section 737 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, as amended, shall not apply to the provision of loans and assistance to the Federal Republic of Yugoslavia through international financial institutions.

(c) The determination and certification referred to in paragraph (b) shall be a determination by the President and a certification to the Committees on Appropriations that the Government of the Federal Republic of Yugoslavia is—

(1) cooperating with the International Criminal Tribunal for the former Yugoslavia including access for investigators, the provision of documents, and the surrender and transfer of indictees in their apprehension;

(2) taking steps that are consistent with the Dayton Accords to end Serbian financial, political, security and other support which has served to maintain separate Republika Srpska institutions; and

(3) taking steps to implement policies which reflect a respect for minority rights and the rule of law, including the release of political prisoners from Serbian jails and prisons.

(d) Subsections (b) and (c) shall not apply to Montenegro, Kosovo, humanitarian assistance or assistance to promote democracy in municipalities.

EL SALVADOR RECONSTRUCTION AND CENTRAL AMERICA DISASTER RELIEF

SEC. 585. For fiscal year 2002, not less than $100,000,000 shall be made available for rehabilitation and reconstruction assistance for El Salvador: Provided, That such funds shall be derived from funds appropriated by this Act, not less than $25,000,000, of which not less than $5,000,000 shall be funds appropriated under the heading "Economic Support Fund" and $10,000,000 shall be funds appropriated under the heading "International Assistance" and not less than $25,000,000 shall be funds appropriated under the heading "National Emergencies and Inter-American Development Programs Fund" and "Development Assistance"; and (2) from funds appropriated under such headings in Acts making appropriations for foreign operations, foreign assistance, military assistance, food and agricultural assistance, and related programs for fiscal year 1999 and prior years, not to exceed $35,000,000: Provided further, That none of the funds made available under this heading shall be used for humanitarian assistance or for programs of the United States Arms Export Control Act to Leopoldo Lacy, the President of the Government of El Salvador.


COMMUNITY-BASED POLICE ASSISTANCE

SEC. 587. (a) AUTHORITY.—Of the funds made available to carry out the provisions of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, up to $1,000,000 may be made available to the Secretary of State, in consultation with the Attorney General, in response to requests, for the purpose of training law enforcement agencies to detect and prevent illegal drug trafficking and to promote the rule of law, pursuant to a grant of authority provided by section 566 of that Act, to enhance the effectiveness and accountability of civil police authority in Jamaica through training and technical assistance in relevant law enforcement issues, the rule of law, strategic planning, and through the promotion of civil police roles that support democratic governance, including programs to prevent conflict and foster improved police relations with the communities they serve.

(b) REPORT.—Twelve months after the initial obligation of funds for Jamaica for activities authorized under subsection (a), the Administrator of the United States Agency for International Development shall submit a report to the appropriate congressional committees describing the progress the program is making toward improving police relations with the communities they serve and institutionalizing an effective community-based police program.

(c) NOTIFICATION.—Assistance provided under subsection (a) shall be subject to the regular notification procedures of the Committees on Appropriations.

OVERSEAS PRIVATE INVESTMENT CORPORATION AND EXPORT-IMPORT BANK RESTRICTIONS

SEC. 590. (a) LIMITATION ON USE OF FUNDS BY OPIC.—None of the funds made available in this Act shall be made available to Overseas Private Investment Corporation to insure, reinsure, guarantee, or finance any investment in connection with a project involving the mining, production, purchase or other processing of industrial diamonds in a country that fails to meet the requirements of subsection (c).

(b) LIMITATION ON USE OF FUNDS BY THE EXPORT-IMPORT BANK.—None of the funds made available in this Act may be used by the Export-Import Bank of the United States to guarantee, insure, extend credit, or participate in an extension of credit in connection with any goods to a country for use in an enterprise involving the mining, polishing or other processing, or sale of diamonds in a country that fails to meet the requirements of subsection (c).

(c) REQUIREMENTS.—The requirements referred to in subsection (a) and (b) are that the country concerned is implementing a system of controls, or taking other appropriate measures, that the Secretary of State determines to contribute effectively to preventing and eliminating the trade in conflict diamonds.

MODIFICATION TO ANNUAL DRUG CERTIFICATION PROCEDURES

SEC. 591. During fiscal year 2002 funds in this Act that would otherwise be withheld from obligation or expenditure under section 490 of the Foreign Assistance Act of 1961 may be obligated or expended provided that—

(1) REPORT.—Not later than 45 days after enactment the President has submitted to the appropriate congressional committees a report identifying each country determined by the President to be a major drug transit country or major drug producing country.

(2) DESIGNATION AND JUSTIFICATION.—In each report paragraph (1), the President shall also—

(a) designate each country, if any, identified in such report that has failed demonstrably, during the previous 12 months, to make substantial efforts—

(i) to adhere to its obligations under international counternarcotics agreements; and

(ii) to take the counternarcotics measures set forth in section 489(a)(1) of the Foreign Assistance Act of 1961.

(b) include a justification for each country so designated.

(3) LIMITATION ON ASSISTANCE FOR DESIGNATED COUNTRIES.—No funds made available in this Act may be used to provide any goods to a country for use in an enterprise involved in the mining, polishing, or processing of industrial diamonds in a country that fails to meet the requirements of subsection (a) or (b) of section 489 of the Foreign Assistance Act of 1961.

(4) INTERNATIONAL COUNTERNARCOTICS AGREEMENT DEFINED.—In this section, the term "international counternarcotics agreement" means—

(A) the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances; and

(B) any bilateral or multilateral agreement in force between the United States and another country or countries that addresses issues related to the control of illicit drugs, including—

(i) the production, distribution, and interdiction of illicit drugs,
The managers on the part of the House and Senate at the conference on the disagreeing recommendations in the House and Senate Appropriations Committee reports, choosing instead to recognize only language in the statement of the managers accompanying the Conference Report. The managers expect the Department of State and USAID to follow the recommendations in the House and Senate reports, unless those recommendations are modified in the statement of the managers. In the event that the House and Senate Appropriations Committee reports contain conflicting recommendations on the same subject, the managers expect the Department of State and USAID to consult with the House and Senate Appropriations Committees regarding those recommendations.

**United States Agency for International Development (USAID)**

The managers note that at times in the past, the Department of State and USAID have failed to respond to recommendations in the House and Senate Appropriations Committee reports in a timely manner. The managers expect the Department of State and USAID to follow the recommendations in the House and Senate reports, unless those recommendations are modified in the statement of the managers.

The conference agreement appropriates $1,433,500,000 for the Child Survival and Health Programs Fund as proposed by the House and Senate. The conference agreement also includes language allocating $1,430,500,000 among six program categories in the Child Survival and Health Programs Fund: $315,000,000 for child survival and maternal health, including vaccine-preventable diseases such as polio; $686,500,000 for HIV/AIDS; $165,000,000 for other infectious diseases; $288,500,000 for reproductive health/family planning; and $120,000,000 for UNICEF.

The conference agreement also includes language directing the President of OPIC to consult with the Committees on Appropriations in the House and Senate before any future financing for NGOs or PVOs is approved. The managers direct that the $50,000,000 contribution to The Vaccine Fund, as proposed by the House and Senate Appropriations Committees, be increased to $53,000,000. The managers are also concerned that OPIC has not adequately consulted and informed Congress on these projects. Therefore, the managers direct the Department of State and USAID to consult with the Committees on Appropriations in the House and Senate before any future financing for NGOs or PVOs is approved.

The managers are also concerned that significant changes to the insurance market in the wake of the September 11, 2001 attacks against the United States may jeopardize coverage of American investments overseas. The managers note that the inability to obtain sufficient insurance coverage could have significant adverse impact on large infrastructure projects where government policies impede the establishment of a regular USAID mission or tries where government policies impede the establishment of a regular USAID mission or tries. The managers note that these funds will be managed by the director of the HIV/AIDS division at USAID.

The conference agreement includes language regarding funding for blind children, the managers recommend not less than $1,300,000 for assistance for blind children. The managers note that the inability to obtain sufficient insurance coverage could have significant adverse impact on large infrastructure projects where government policies impede the establishment of a regular USAID mission or tries. The managers recommend that these funds will be managed by the director of the HIV/AIDS division at USAID.

The conference agreement also includes language regarding funding for the Global AIDS Program (GAVI). The managers are concerned that GAVI is not adequately consulted and informed Congress on these projects. The managers direct that the Department of State and USAID to consult with the Committees on Appropriations in the House and Senate before any future financing for NGOs or PVOs is approved. The managers request that the Department of State and USAID report not later than March 1, 2002 under that provision.

The conference agreement appropriates $63,000,000 for administrative expenses of the Export-Import Bank instead of $60,000,000 as proposed by the House and Senate. The conference agreement also includes language requiring the Export-Import Bank to consult with the Senate Appropriations Committee regarding those recommendations.

The conference agreement appropriates $27,500,000 be provided to combat polio. The conference agreement also includes language requiring the Export-Import Bank to consult with the Senate Appropriations Committee regarding those recommendations.

The conference agreement appropriates $1,430,500,000 among six program categories in the Child Survival and Health Programs Fund: $315,000,000 for child survival and maternal health, including vaccine-preventable diseases such as polio; $686,500,000 for HIV/AIDS; $165,000,000 for other infectious diseases; $288,500,000 for reproductive health/family planning; and $120,000,000 for UNICEF.

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The managers also direct that the $50,000,000 contribution to The Vaccine Fund, as proposed by the House and Senate Appropriations Committees, be increased to $53,000,000. The managers also direct that $27,500,000 be provided to combat polio.

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to reduce mother-to-child transmission, the managers agree that assistance provided through NGOs in cooperation with a foreign government or using government facilities may be used to help achieve the core objectives of the Act in USAID’s strategy to implement the Act.

The managers recognize the value of innovative projects to combat the ever-growing HIV/AIDS epidemic and the managers are aware of two innovative faith-based alliances and recommend that USAID provide not less than $200,000,000 to fund proposals by such NGOs in the United States NGO and the southern African Anglican Church to provide information and communication services and material that strengthens community efforts to combat HIV/AIDS in southern Africa. The second is between the Department of Health and a number of communities in southern Africa. The NGO seeks to replicate and extend its well-known Soweto Community Childcare program for orphans and other children affected by AIDS to other sites in Africa. The managers encourage USAID to seek out and support similar innovative programs, especially in Africa, South and Central Asia, and the Caribbean.

Within the overall Child Survival and Health Programs Fund, authority is provided to transfer $50,000,000 to a proposed global fund to combat tuberculosis and malaria. Of this amount, $10,000,000 would be transferred from the allocation for other infectious diseases, which include tuberculosis and malaria, to the new fund. The President is directed to use up to $50,000,000 from other accounts in title II of this Act and prior Acts for the fund, for a total of $100,000,000 under the authorities provided.

The managers note that up to an additional $200,000,000 is available for the proposed global fund from other appropriations—up to $150,000,000 for the Global Fund to Combat AIDS, Tuberculosis and Malaria. The managers recognize that a substantial amount of the existing $1,000,000,000 from the Child Survival and Disease Programs Fund under a provision of Public Law 107-20, and another $50,000,000 from H.R. 3081, the Departments of Labor, Health, and Human Services, and Education Appropriations Act, 2002. The managers further note that the President’s request for the fund is $200,000,000.

The managers expect the Secretary of State and the Secretary of Health and Human Services to report to the Committees no later than April 30, 2002 on progress to date toward establishment of a global fund to combat AIDS, tuberculosis and malaria. If substantial progress has not been made by August 1, 2002, USAID is directed to use up to $200,000,000 in the Child Survival and Disease Programs Fund under a section of the Foreign Assistance Act, regarding international cooperation agreements: The House bill allocated $50,000,000,000 from this account for bilateral HIV/AIDS assistance; the House bill $200,000,000 is available for the program.

The conference agreement allocates $50,000,000 for family planning/reproductive health within the Child Survival and Health Programs Fund. The Senate amendment provides $100,000,000 for the program, but after the House added $50,000,000 for the program, the conference agreed to the $50,000,000 as proposed by the Senate. None of the funds appropriated under this part shall be available for any purpose not specifically authorized in the conference agreement.

The conference agreement allocates $446,500,000 for bilateral family planning/reproductive health assistance under the heading Export-funded personnel to better monitor and redirect programs to meet changing needs. Of this amount, $40,000,000 is available from the Child Survival and Health Programs Fund. The Senate amendment proposed $250,000,000 for this purpose.

The conference agreement allocates $20,000,000 for bilateral family planning/reproductive health assistance under the heading of the Economic Support Fund, and the regional accounts for Eastern Europe and the former Soviet Union in section 522 as requested by the Senate. None of the funds appropriated for Export-funded personnel to better monitor and redirect programs to meet changing needs may be available for any purpose not specifically authorized in the conference agreement.

The conference agreement allocates $135,000,000 as proposed by the House bill and the Senate amendment. In addition, $15,000,000 should be derived from other accounts.

The managers also direct USAID to conduct an immediate review of basic education programs in countries whose assistance is primarily provided from the Economic Support Fund (ESF). Widespread anti-American sentiment in predominately Muslim countries has exposed a deficiency in basic education activities within countries that have received large amounts of U.S. assistance through ESF-funded programs. The managers urge that cooperative efforts be initiated with the governments of these countries to implement creative basic education programs that strengthen the capacity and accessibility of public education systems. The conference agreement allocates $8,000,000 in the ESF account for education will increase as a result of these efforts.

The managers continue to be concerned about worldwide trafficking of women and children and urge the Department of State and USAID to provide $20,000,000 from title II of this Act, including not less than $1,000,000 under the heading “International Narcotics Control and Law Enforcement”, to continue and expand anti-trafficking programs.

The conference agreement provides that, of the funds for agriculture and rural development programs, $25,000,000 should be provided for biotechnology research and development.

The managers strongly support the revision of the regional development assistance being conducted by the International Fertilizer Development Center (IFDC) and urge the Administrator of USAID to make at least $20,000,000 available in fiscal year 2002, including not less than $2,300,000 for its core grant, as provided under the Senate amendment and the House Report.

The managers expect USAID to increase funding for the Collaborative Research Support Programs (CRSPs) above the fiscal year 2001 level. The managers recommend that the overall increases in foreign operations and USAID’s operations should be used to increase the overall funds available for CRSPs, and consult with the Committees on directives included in the House and Senate reports regarding the funding levels for the CRSPs. The managers also note the ongoing bipartisan and bicameral support for the Peanut CRSP.

The conference agreement does not contain language proposed in the Senate amendment providing up to $100,000,000 for an assessment of the causes of flooding along the Volta River in Accra, Ghana, and recommendations for solving the problem. The House did not address this matter. The managers support this endeavor, and expect $100,000 to be provided for this assessment.

The managers direct that not less than $500,000 be made available for the United States Telecommunications Training Institute, a long-standing program that provides communications and broadcasting training to professionals around the

DEVELOPMENT ASSISTANCE

The conference agreement appropriates $1,178,000,000 for “Development Assistance” instead of $1,098,000,000 as proposed by the House and $1,245,000,000 as proposed by the Senate.

The managers have increased funds for Development Assistance above the amount requested by the President in order to make additional funds available for urgent basic education, environment and energy conservation, biodiversity, and economic programs. Within the economic growth, agriculture and trade sector, environment and clean energy, trade promotion, and rule of law activities and special interest.

The managers have agreed to provide $150,000,000 for basic education under the heading Export-funded personnel to better monitor and redirect programs to meet changing needs, as proposed by the Senate.

The managers have agreed to provide $150,000,000 for economic growth, agriculture and trade sector, environment and clean energy, trade promotion, and rule of law activities and special interest. Within the economic growth, agriculture and trade sector, environment and clean energy, trade promotion, and rule of law activities and special interest programs, the managers have increased funds for Development Assistance above the amount requested by the President in order to make additional funds available for urgent basic education, environment and energy conservation, biodiversity, and economic programs.
The Senate amendment included bill language mandating that such funds be made available for this purpose. The House bill did not address this matter.

The managers' amendment provides that $18,000,000 should be made available for the American Schools and Hospitals Abroad (ASHA) program. The Senate amendment included bill language mandating that $15,000,000 be made available for this purpose. The House bill did not address this matter.

The managers' amendment includes language similar to the Senate bill, which provides that $275,000,000 should be made available for these activities. This amount, $100,000,000 should be made available for programs to protect biodiversity.

The conference agreement includes language similar to the Senate bill, which mandates that such funds be made available from Development Assistance Programs Fund for activities in Laos. These funds are to be made available only through non-governmental organizations to address basic human needs. The managers are concerned about a recent event in which several European nations were arrested, detained in inhumane conditions, and eventually expelled from Laos for demonstrating for democracy and the release of political prisoners. The House bill did not address this matter.

As the situation since September 11, 2001, the managers support and urge USAID to include in its initiative to prevent conflict $2,500,000 to support environmental improvements and democracy, the Foundation for Security and Sustainability, and the “Child Survival and Health Programs Fund” for activities in Laos. These funds are available only through non-governmental organizations to address basic human needs. The managers are concerned about a recent event in which several European nations were arrested, detained in inhumane conditions, and eventually expelled from Laos for demonstrating for democracy and the release of political prisoners. The House bill did not address this matter.

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As the situation since September 11, 2001, the managers support and urge USAID to include in its initiative to prevent conflict $2,500,000 to support environmental improvements and democracy.

The conference agreement appropriates $52,500,000 for this account. The conference agreement appropriates $52,500,000 for this account. The conference agreement appropriates $52,500,000 for this account. The conference agreement appropriates $52,500,000 for this account. The conference agreement appropriates $52,500,000 for this account.
available under the heading “Development Assistance” for the cost of loans and loan guarantees for USAID's Development Credit Authority, instead of $25,000,000 as proposed by the Senate and $10,000,000 as proposed by the House. In addition, the conference agreement includes urban programs among the potential beneficiaries and extends the availability of credit subsidies authorized until September 30, 2007, instead of until expired as proposed by the Senate.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

The conference agreement includes language providing that up to $10,000,000 may be made available until expired for security-related costs.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT—OFFICE OF INSPECTOR GENERAL

The conference agreement appropriates $31,500,000 for Operating Expenses of the United States Agency for International Development that provides also for an amount not less than $32,000,000 as proposed by the Senate and $30,000,000 as proposed by the House. The managers encourage the Inspector General to continue to conduct periodic reviews of USAID's ongoing reviews of USAID's attempts to resolve its serious financial and human resource management and procurement challenges. The managers request the Inspector General to inform the Committee promptly of any emerging deficiencies.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

The conference agreement appropriates $2,199,000,000 for the Economic Support Fund as proposed by the House instead of $2,239,500,000 as proposed by the Senate. The conference agreement includes language that provides not less than $200,000,000 for the Commodity Import Program in Egypt. The Senate amendment had proposed not less than $150,000,000 for this program, while the House bill did not address this matter.

The conference agreement also includes language that provides that not less than $50,000,000 should be made available for assistance for Jordan. The Senate language would have mandated this level of support. The House bill did not address this matter.

The conference agreement also includes language that provides that not less than $25,000,000 should be available for East Timor, including up to $1,000,000 which may be transferred to and merged with Operating Expenses of the United States Agency for International Development. The House bill did not address this matter.

The conference agreement includes Senate language that provides that not less than $15,000,000 shall be available for assistance for Cyprus. The House bill had similar language, but it provided that $15,000,000 should be made available rather than making this level mandatory.

In addition, the conference report provides not less than $35,000,000 for assistance for Lebanon. The managers are concerned with the failure of the Government of Lebanon, despite repeated requests at the highest levels, to enforce the orders of Lebanese courts requiring the return of abducted American children in Lebanon. The conference agreement provides that the Government of Lebanon should enforce the custody and international pickup orders, issued during calendar year 2001, regarding abducted American children in Lebanon. The House bill had language that provided this level of assistance for Lebanon, but did not include Senate language regarding child custody and international pickup orders.

The managers are deeply concerned by reports that the Government of Lebanon will not cooperate with the President's request, made pursuant to Executive Order 13224, to provide assistance for the黎巴嫩 and Sudan. This group is included on the State Department's list of terrorist organizations. The managers will closely monitor the Government of Lebanon's assistance to this and other aspects of the campaign against terrorism. The managers note that any funding provided in this account to the Central Government of Lebanon is subject to Congressional notification.

The conference agreement includes language that provides that $75,000,000 should be provided for Israel from “Economic Support Fund”, as well as from “Development Assistance” and “Child Survival and Health Programs Fund”. The House bill did not address this matter.

The conference agreement does not include Senate language providing that not less than $10,000,000 in international assistance should be made available for humanitarian, economic rehabilitation and reconstruction, political reconciliation and related activities in Achen, Papuan, and West Irian. However, the managers direct USAID to urgently pursue opportunities to provide such assistance to address urgent needs in these impoverished and politically volatile regions. Funds made available for these purposes may be made available to and managed by the Office of Transition Initiatives.

The managers were concerned with the political situation in Indonesia, and encourage the Government to continue to implement needed political, legal, economic, and military reforms. The managers express concern that the United States and Indonesia may lose economic opportunities for additional investment as the complexity situation within Indonesia, they find criticism by President Megawati Sukarnoputri of American-led efforts to counter international terrorism to be dismaying.

The managers did not include Senate language relating to funding for the Documentation Center of Cambodia, but recognize the vital research the Center provides to the people of Cambodia on atrocities committed during the Khmer Rouge's reign. The managers expect the Department of State and USAID to provide sufficient levels of funding to the Center, and endorse the Senate report language on this matter. The managers request the Secretary of State to report to the Committees on Appropriations not later than 60 days after the enactment of this Act on a multi-year funding strategy for the Documentation Center of Cambodia.

The conference agreement does not include Senate language that stated that not less than $10,000,000 should be available for Mongolia. However, the managers support this level of funding for assistance for Mongolia, which is consistent with the budget request.

The managers direct that $53,000,000 of the funds appropriated in this account be provided for pro-reproductive health/family planning, as assumed in the budget request.

The conference reiterate their support for conflict prevention analysis in light of the events of September 11th, and urge the Administration to provide funding for groups previously cited, such as the International Crisis Group, whose work identifies and advocates for critical conflict and the failed states which breed terrorism. The managers also reiterated support for important conflict resolution programs as described in the report of the President's Office of National Drug Control Policy, of up to $1,000,000 for Seeds of Peace and up to $1,000,000 for the School for International Training’s Conflict Transformation Across Cultures Program (CONTACT).

The managers endorse the House report language regarding support for the International Labour Organization, and $150,000,000 as proposed by the Senate. The Senate amendment contained language that provided not less than $200,000,000 as proposed by the Senate.

Significant developments in Sudan have opened the door for historical changes for the suffering people there. A special humanitarian relief flight sponsored by the United States and cleared by the Sudan People's Liberation Movement (SPLM) and the government of Sudan has delivered over eight metric tons of wheat to the remote Nuba Mountain area that had been cut off from international assistance. The United States is negotiating expanded delivery of food aid through air drops to the Nuba Mountains to be implemented by the World Food Program. In order to set up these proposed initiatives, the managers support additional funding for new programs including expanded access for humanitarian assistance, education, agriculture, peacebuilding, and reconciliation in war-affected areas of Sudan and to refugees in neighboring countries.

The conference agreement includes language that provides, with respect to funds appropriated under the heading “Economic Support Fund” in this Act or prior Acts that are not appropriated for operating expenses, export financing, and related programs, the responsibility for policy decisions and justifications for the use of such funds, including whether there will be a program for a country that uses those funds and the amount of each such program, shall be the responsibility of the Secretary of State and the Deputy Secretary of State and this responsibility shall not be delegated. The managers are concerned that the programs and activities funded through this account are consistent with both the policy of the Secretary of State and the budget justification material provided to the Committees on Appropriations, as modified by the conference agreement. The managers express the importance of Congressional intent in the programming of funds appropriated to the Economic Support Fund, and anticipate a cooperative approach during fiscal year 2002 on funding allocations and programming decisions. To improve accountability for the delivery of assistance, the managers urge the Department of State and the Deputy Secretary of Management and Budget to streamline the current process of apportioning Economic Support Funds so that the bureau or agency designated by the Secretary or Deputy Secretary to obligate and manage the funds is able to do so in a more efficient and timely manner.

The managers endorse the Senate report language concerning the jurisdiction of and accelerated U.S. financial support for the war crimes tribunal for Sierra Leone. The House bill includes an amendment to the Department to support programs designed to connect the information technology networks of Central Asian and Central and Eastern Euro-
INTERNATIONAL FUND FOR IRELAND

The conference agreement appropriates $25,000,000 as proposed by the House. The Senate amendment contained no provision on this matter.

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

The conference agreement appropriates $621,000,000, instead of $615,000,000 as proposed by the Senate and $600,000,000 as proposed by the House. The conference agreement also provides authority to provide up to $43,000,000 for debt relief and restructuring for the Federal Republic of Yugoslavia (FRY) to exceed $21,500,000 would be derived from funds appropriated in this and prior Acts under this account, and not to exceed $21,500,000 would be derived from funds appropriated in this and prior years.

The conference agreement provides for reproductive health/family planning assistance for children in Bosnia.

The conference agreement also provides that $10,000,000 of the funds appropriated in this account be provided for health care, reproductive health/family planning, and programs to reduce the incidence of HIV/AIDS, tuberculosis, and other infectious diseases, including $15,000,000 for reproductive health/family planning.

The conference agreement includes not less than $300,000 for a program to enhance the provision of $5,000,000 for an education initiative, proposed by the Senate amendment, to provide computer equipment, Internet access, and Internet access in primary and secondary schools in Armenia, and support the provision of assistance under title II of this Act for programs and activities to counter international terrorism.

The conference agreement includes not less than $30,000,000 for assistance for Armenia under the heading "International Military Education and Training Program".

The conference agreement includes not less than $90,000,000 for assistance for Armenia under the heading "Foreign Military Financing Program". In addition, the managers direct that not less than $300,000 be provided for Armenia under the heading "International Military Education and Training Program" to enhance the provision of $5,000,000 for an education initiative, proposed by the Senate amendment, to provide computer equipment, Internet access, and Internet access in primary and secondary schools in Armenia, and support the provision of assistance under title II of this Act for programs and activities to counter international terrorism.

The conference agreement also provides that not to exceed $8,000,000 may be used to pay for management costs incurred by a United States entity or national lab in administering said project. The House did not address this matter. The managers endorse this cap on management costs.

The conference agreement also directs the Coordinator of Assistance to the Inde-}

The conference agreement includes not less than $17,500,000 for the Russian Far East. The Senate amendment had included not less than $20,000,000 for this purpose. This matter was not addressed in the House bill.

The conference agreement includes not less than $1,500,000, primarily through locally-based and indigenous private voluntary organizations, to reduce trafficking in women and children. The conference agreement includes not less than $1,500,000, primarily through locally-based and indigenous private voluntary organizations, to reduce trafficking in women and children.
in Poland the managers expect that more rapid capitalization of TUSRIF will lead over time to a similar repatriation of foreign aid funds to the U.S. Treasury. In return for a more positive investment, the con- ferrees also expect that TUSRIF will develop more opportunities for United States companies and investors throughout Russia.

The House Report language under the heading ‘‘Expanded Threat Reduction’’ regarding collaborative research grants for American and Russian scholars.

INTER-AMERICAN FOUNDATION

The conference agreement appropriates $13,106,900 as proposed by the Senate instead of $12,000,000 as proposed by the House.

AFRICAN DEVELOPMENT FOUNDATION

The conference agreement appropriates $16,542,000 as proposed by the Senate instead of $16,042,000 as proposed by the House.

UNITED STATES INDEPENDENT AGENCIES

DEPARTMENT OF STATE

The conference agreement provides that $10,000,000 should be made available for anti-trafficking in persons programs, as proposed by the Senate. The House addressed this matter in its own legislation.

The conference agreement makes available $21,738,000 for administrative expenses instead of $16,600,000 as proposed by the House and the Senate.

The managers endorse House report language regarding $10,000,000 in anti-crime programs for Africa.

ANDIAN COUNTERDRUG INITIATIVE

The conference agreement appropriates $625,000,000, instead of $675,000,000 as proposed by the House and $547,000,000 as proposed by the Senate.

Additionally, the conference agreement allows for the authority to provide up to $35,000,000 through a permissive transfer from the International Narcotics Control and Law Enforcement funds. The managers intend that this discretionary authority shall apply only to funds within the International Narcotics Control and Law Enforcement account in this Act and in prior Acts making appropriations for foreign operations, export financing, and related programs. This provision is subject to the regular notification procedures of the House and Senate Committees on Appropriations. In the event of such a transfer, the managers intend that such a transfer be for support in alternative development, or other economic assistance to the Andean countries. The managers emphasize that there are other funds for Andean nations in this Act that may be made available for the Andean Regional Initiative (ARI).

The conference agreement includes no earmarks for Bolivia, Ecuador, or Venezuela as proposed by the Senate. The House did not address this matter. The managers strongly support the provision of $88,000,000 for assistance to Mexico or $85,000,000 for assistance to Brazil. The managers note the success these countries have had in combating narcotics cultivation and trafficking, and expect the Department of State to ensure that subsequent programs and activities continue under the ARI.

The conference agreement does not include Senate bill language making available $2,000,000 for democracy-building activities in Venezuela. The managers strongly support efforts to promote democracy, the rule of law, and civil society in Venezuela and note with concern that the country remains a significant transit route for illegal drugs destined for the United States.

The conference report does not include language proposed by the Administration that would have exempted funds appropriated in fiscal year 2002 and subsequent fiscal years from the limitation imposed in section 3204(a) of the Emergency Supplemental Act, 2000, under the provision that funds appropriated in this Act that are made available in support of Plan Colombia satisfy the conditions set forth in section 3204(a) of the Emergency Supplemental Act, 2000 (P.L. 106-426).

The managers are concerned that funds included in P.L. 106-426 for assistance for the Colombian Fiscalia Human Rights Office, have been allocated without consultation with the Appropriations Committees for purposes other than the protection of human rights and the rule of law. The managers direct the Department of State and Department of Justice to consult with the committees prior to the obligation or expenditure of funds appropriated in this Act or in P.L. 106-426 for administration of justice programs in Colombia regarding the use of such funds.

The Colombian National Police (CNP) anti-drug unit has the lead law enforcement role in the overall fight against illicit drugs and the managers believe that the provision that the CNP has already been provided at least 8 Black Hawks and nearly 30 Huey II helicopters by the United States to carry out this important function including providing protection of the eradication planes. The managers believe it is vital that the CNP now be provided adequate spare parts and maintenance monies to keep this equipment flying at the high rates of operation that has been seen to date. The managers expect the Department of State to have maximized the utilization of these expensive helicopters and other equipment provided the CNP by providing adequate parts.

The conference agreement includes language, similar to the Senate amendment, requiring consultations, a determination and report by the Secretary of State to ensure that chemicals used in the aerial fumigation of coca do not pose unreasonable health or safety risks to humans or the environment, and that the fumigation is conducted in accordance with regulatory controls in the United States. As of May 31, 2001, the Drug Enforcement Administration has not determined that procedures are in place. The conference agreement makes available $16,000,000, for administrative expenses as proposed by the Senate instead of $15,000,000 as proposed in the House. The Senate amendment removes the condition that $5,000,000 be used to fund the expansion of the Country Narcotics Program, and the managers are aware that in many instances it is necessary to provide relief services over an extended period of time. The managers encourage USAID and the State Department to invest in basic health, education services, and food production industries in developing countries where there are ongoing humanitarian needs.

The conference agreement prohibits funds for headquarters costs of the International Committee of the Red Cross (ICRC) until the United Nations Council of States Magen David Adom Society of Israel is not being denied participation in ICRC activities, as proposed by the House. The Senate amendment did not address this matter.

The managers are concerned with the increasing dangers facing humanitarian relief workers and the overall conflict in the region. The conference agreement makes available $4,500,000 as proposed by the Senate instead of $5,500,000 as proposed by the House.

MIGRATION AND REFUGEE ASSISTANCE

The conference agreement appropriates $750,000,000, instead of $715,000,000 as proposed by the House and $755,000,000 as proposed by the Senate. The congressionally-mandated level of funding is that $100,000,000 in supplemental funding for Migration and Refugee Assistance has already been provided to deal with the refugee crisis in Central Asia, which will help to relieve pressure on the fiscal year 2002 budget for this account. The managers expect that this level of funding will not be misinterpreted as a lack of support for Migration and Refugee Assistance by the Administration when submitting future requests. The conference agreement appropriates $14,240,000 for administrative expenses of the Department of State and $4,500,000 for the U.S. Agency for International Development.
The conference agreement appropriates $313,500,000 instead of $311,000,000 as proposed by the House and $318,500,000 as proposed by the Senate.

The managers intend that funds in this account be allocated as follows:

(Thousands of dollars)

<table>
<thead>
<tr>
<th>Program</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nonproliferation and Disarmament Fund</td>
<td>$3,000</td>
</tr>
<tr>
<td>Export Administration</td>
<td>$10,000</td>
</tr>
<tr>
<td>International Atomic Energy</td>
<td>$17,000</td>
</tr>
<tr>
<td>CTBT Preparatory Commission</td>
<td>$50,000</td>
</tr>
<tr>
<td>Korean Peninsula Economic Development</td>
<td>$20,000</td>
</tr>
<tr>
<td>(KEDO)</td>
<td>$90,500</td>
</tr>
<tr>
<td>Anti-terrorism assistance</td>
<td>$38,000</td>
</tr>
<tr>
<td>Terrorist Interdiction Program</td>
<td>$4,000</td>
</tr>
<tr>
<td>Demining</td>
<td>$40,000</td>
</tr>
<tr>
<td>Small arms destruction</td>
<td>$3,000</td>
</tr>
<tr>
<td>Science Centers</td>
<td>$37,000</td>
</tr>
<tr>
<td>Total</td>
<td>$313,500</td>
</tr>
</tbody>
</table>

The conference agreement includes language that requires that the Secretary of State inform the Committees on Appropriations at least 15 days prior to the obligation of funds for the Comprehensive Nuclear Test Ban Treaty Preparatory Commission. The House bill would have required a 20 day informational period, while the Senate amendment would have required a 10 day informational period.

The conference agreement includes Senate language authorizing not to exceed $500,000 for administrative expenses associated with the demining program. The House bill did not address this matter. The conference agreement does not contain Senate language stating that $40,000,000 should be used for demining, unexploded ordnance and related activities; however, the managers support the budget request of $40,000,000 for these purposes.

The conference agreement does not contain Senate language providing that $3,500,000 should be available to support the Small Arms Destruction Initiative. The managers strongly support a level of $3,000,000 for this program and endorse the Senate report language on this matter.

DEPARTMENT OF THE TREASURY

INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

The conference agreement provides $6,500,000 for the International Affairs Technical Assistance program of the Department of the Treasury, instead of $6,000,000 as proposed by the House, the Senate, and the President’s request. The managers direct that the additional $500,000 be used to assist HIPC countries in Africa and will be in addition to the $3,000,000 already dedicated to existing Treasury International Affairs Technical Assistance programs and activities in Africa.

DEBT RESTRUCTURING

The conference agreement appropriates $224,000,000 as proposed by the House and $235,000,000 as proposed by the Senate. The managers make available $5,000,000 in fiscal year 2001 funds and $20,000,000 from unobligated balances for implementation of the Tropical Forest Conservation Act. The remainder of the amount provided for debt restructuring is subject to the Administration’s discretion, subject to certain reporting and notification requirements, either for bilateral debt restructuring or for United States aid to the Heavily Indebted Poor Country (HIPC) Trust Fund administered by the World Bank.

The managers intend that funds in this account be allocated as follows:

([In thousands of dollars]

<table>
<thead>
<tr>
<th>Account</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>UN Fund for Tech. Cooperation in Human Rights</td>
<td>$1,500</td>
</tr>
<tr>
<td>UN Visa Fund, Fund for Victims of Torture</td>
<td>$5,000</td>
</tr>
<tr>
<td>OAS Fund for Strengthening Democracy</td>
<td>$2,500</td>
</tr>
<tr>
<td>World Bank Program</td>
<td>$5,000</td>
</tr>
<tr>
<td>UNDP</td>
<td>$97,100</td>
</tr>
<tr>
<td>UNIFEM</td>
<td>$1,000</td>
</tr>
<tr>
<td>OAS Development Assistance</td>
<td>$5,500</td>
</tr>
<tr>
<td>WTO Rights &amp; Trade</td>
<td>$1,000</td>
</tr>
<tr>
<td>ICAO Aviation Programs</td>
<td>$300</td>
</tr>
<tr>
<td>UNEP</td>
<td>$19,750</td>
</tr>
<tr>
<td>Montreal Program</td>
<td>$25,000</td>
</tr>
<tr>
<td>International Contributions for Scientific Education &amp; Cultural Activities</td>
<td>$1,750</td>
</tr>
<tr>
<td>World Meteorological Organization</td>
<td>$2,000</td>
</tr>
<tr>
<td>UNFPA</td>
<td>$37,500</td>
</tr>
<tr>
<td>Total</td>
<td>$208,500</td>
</tr>
</tbody>
</table>

**TITLE V—GENERAL PROVISIONS**

([Note: Senate language is identical except for a different section number or minor technical differences, the section is not discussed in the Statement of Managers.)

Sec. 505. Limitation on Representationul Allocations

The conference agreement sets a limitation of $125,000 on representation allowances from funds authorized under the Military Financing Program, instead of $150,000 as proposed by the House and $100,000 as proposed by the Senate.

Sec. 507. Prohibition Against Direct Funding for Certain Countries

The conference agreement does not include Senate language that adds a prohibition of direct assistance to the government of any nation that the President determines is harboring terrorist or financing terrorists involved in the attacks of September 11, 2001. The House did not include such a provision. The managers note that the President has the authority to undertake this action and are confident he will exercise this authority should the need arise.

Sec. 508. Military Coup

The conference agreement includes revised language that specifies that funds shall be prohibited for the government of any country whose duly elected head of government is deposed by decree or military coup, but it does not include broader conditions for the resumption of assistance, as proposed by the House. The House bill and the Senate amendment did not include the words “government of” because the language has been further modified to permit the provision of assistance to prevent democratic elections or public participation in democratic processes.

Sec. 509. Notification Requirement

The conference agreement reflects a technical change proposed by the Senate to include “Andean Counterdrug Initiative” in the list of accounts that are subject to notification requirements in this section.

Sec. 510. Prohibition on Funding for Abortions and Involuntary Sterilization

The conference agreement does not include Senate language that prohibits the use of funds to lobby for or against abortion, as proposed by the Senate. The conference agreement moves the ban on use of funds for lobbying to headry’s “Child Survival and Health Programs Fund,” as opposed by the Senate amendment.

Sec. 520. Special Notification Requirements

The conference agreement adds “Serbia” as proposed in the Senate amendment to the list of countries subject to the special notification procedures of this section, but does not include “Burma,” “Ethiopia,” and “Eritrea” as recommended by the Senate.

Sec. 522. Child Survival and Health Activities

The conference agreement authorizes USAID to use up to $15,500,000 from the “Child Survival and Health Programs Fund” and up to $3,000,000 from “Development Assistance” and other government agencies, universities, and other institutions. The managers have increased this authority in order to accelerate implementation of USAID’s expanded infectious disease and basic education activities. The managers direct USAID to provide the居委会 with a detailed multi-year workforce planning strategy not later than March 15, 2002, that includes target dates and anticipated costs or savings to replace or reclassify the majority of the non-permanent personnel authorized by this section and by section 534(c) with direct hire USAID Operating Expense-funded personnel.

A new subsection provides that $465,500,000 shall be made available for reproductive health/family planning activities from funds appropriated by this Act, including $296,900,000 from the Child Survival and Health Programs Fund, $53,000,000 from the Economic Support Fund, $15,000,000 from Assistance to the Independent States of the Former Soviet Union, $5,000,000 from Assistance to Eastern Europe and the Baltic States. The managers have provided these funds in the programming of not less than the current level of need for basic reproductive health/family planning services in developing countries, where 95 percent of new births will occur. The managers have provided funds for the two regions of Eastern Europe and the former Soviet Union where the high frequency of abortion adversely affects women’s health.

Sec. 523. Prohibition Against Indirect Funding to Certain Countries

The conference agreement does not include Senate language that adds a prohibition of indirect assistance to the government of any nation that the President determines is harboring, has financed, or is financing, terrorists involved in the attacks of September 11, 2001. The Senate did not include such a provision. The managers note that the President has the authority to undertake this action and are confident he will exercise this authority should the need arise.

Sec. 524. Allocation and Distribution

The conference agreement includes language that provides that funds appropriated by this Act may be obligated and expended notwithstanding section 10 of Public Law 91-672 and section 302 of the Department of State, Foreign Operations and Related Programs Appropriations Act, 1976. The managers note that section 506(b)(1) of such Act already requires notifications for drawdowns made for the purposes and under the authorities of several provisions of law, including chapter 8 of part I of the Foreign Assistance Act of 1961, for assistance to programs of aid to international narcotics control assistance.

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The conference agreement does not include language, as proposed by the Senate, to include a waiver of prohibitions against certain activities for the International Fund for Agricultural Development (IFAD), International Organizations and Programs funds. IFAD is no longer funded from the International Organizations and Programs account.

Sec. 534. Special Authorities

The conference agreement deletes language proposed by the House that provided that section 576 of the Foreign Operations, Export Financing, and Related Programs Act, 1997, as amended, shall not apply to the provision of assistance to the Federal Republic of Yugoslavia. The Senate amendment contained identical language in a general provision, and this matter is addressed in section 584 of the conference agreement.

The conference agreement does not contain language from the House bill that was not in the Senate amendment that would have subject-to-specific-conditions funding for democratic reform in the greater Middle East. The conference agreement adds the Global Development Alliance initiative that was not in the House bill that adds the Global Development Alliance initiative to the provisions of this section.

The conference agreement authorizes the President to use up to $35,000,000 under the authority of section 451 of the Foreign Assistance Act, rather than $50,000,000 as proposed by the House, and $35,000,000 as proposed by the Senate.

The conference agreement includes language from the Senate amendment that was not in the House bill for entering into multiple award indefinite-quantity contracts, USAID may provide an exception to the fair opportunity process for placing task orders under such contracts if the order is placed with any category of small or disadvantaged business.

The managers request that USAID place a high priority in ensuring meaningful opportunities for small businesses to compete for procurement of the agency. Specifically, of the multiple award indefinite quantity contracts entered into under this section, the managers expect at least 10 percent of the orders under such contracts to be placed with small businesses, and for the appropriation to be used in support of this objective.

Sec. 539. Ceilings and Earmarks

The conference agreement includes Senate language that restores prior year language regarding earmarks and minimum funding levels. The House bill did not address this matter.

Sec. 545. Withholding of Assistance for Parking Fines Owed by Foreign Countries

The conference agreement allows 100 percent of the total amount of unpaid fully adjudicated parking fines and penalties owed by foreign countries to New York City, New York, for parking fines owed for assistance to such country, as proposed by the Senate. The managers have modified similar prior year language relating to parking fines and penalties owed by foreign governments to the District of Columbia.

Sec. 547. War Crimes Tribunals Drawdown

The conference agreement includes House language authorizing up to $30,000,000 in drawdowns for tribunal services for war crimes tribunals instead of $35,000,000 as proposed by the Senate. It includes Senate language that authorizes such drawdowns for tribunals authorized or established by the United Nations Security Council. The conference agreement deletes Senate language that specifies that any drawdown made under this section shall not be construed as an endorsement or precedent for the establishment of any standing or permanent international criminal tribunal or court. The managers have included a new provision as enacted into law as part of H.R. 3194 (Public Law 106-113) that prohibits the obligation of new funds for use by, or for support of, the International Criminal Court.

Sec. 548. Landmines

The conference agreement contains Senate language, not addressed in the House bill, that amends Public Law 102-319 to extend the ban on the export of landmines until October 23, 2008.

Sec. 553. Restrictions on Voluntary Contributions to United Nations Agencies

The conference agreement is the same as current law, as proposed by the House. The Senate did not address this matter.

Sec. 557. Discrimination Against Minority Religious Faiths in the Russian Federation

The conference agreement retains prior year language as proposed by the House bill. The Senate amendment proposed technical modifications.

Sec. 558. Assistance for the Middle East

The conference agreement contains Senate language that imposes a spending ceiling of $5,141,150,000 for assistance for the Middle East. The Senate amendment did not address this matter.

Sec. 559. Energy Conservation and Clean Energy Programs

The conference agreement requires the Executive Office of the President to submit an updated and revised annual government-wide report on federal activities and costs relating to climate change and greenhouse gas emissions. The report is due not later than 30 days following the date the President’s budget is submitted to Congress, instead of on the same date as the budget is submitted as proposed by the Senate.

The managers have included a new proviso, similar to the Senate proviso, that not less than $150,000,000 should be made available to support policies and actions in certain countries that promote energy conservation and efficient energy production and use, to help reduce greenhouse gas emissions; increase carbon sequestration activities; and enhance climate change mitigation programs. The House bill did not address this matter.

Sec. 560. Zimbabwe

The conference agreement includes the provision as included in the Senate amendment to direct the Secretary of the Treasury to instruct the United States executive directors to the international financial institutions to vote against loans to the Government of Zimbabwe, except in support of certain sanctions. The House did not address this matter.

Sec. 561. Central American Relief and Reconstruction

The conference agreement extends current law by providing authority to allow funds appropriated in Public Law 106-31 to be used by the Comptroller General to monitor earthquake relief and reconstruction activities in El Salvador. The House did not address this matter.

Sec. 563. Cambodia

The conference agreement prohibits assistance to the central government of Cambodia, unless the Secretary of State certifies to Congress that certain conditions have been met. The conditions governing the restoration of assistance are similar to those contained in the Senate amendment. However, exceptions to the ban on assistance are provided for basic education as proposed by the Senate, and the military aid activities authorized by the Ministry of Women and Veteran Affairs to fight human trafficking as proposed by the Senate. The conference agreement contains language similar to the language of assistance through international financial institutions.

The managers remain concerned with Cambodia’s political, legal, and economic development, and the lack of independence of its judiciary. The managers strongly condemn acts of intimidation and violence against the democratic opposition in the run up to commune council elections next year, and note that human rights violations that are permitted by government, police, and military officials with impunity. The conference agreement also contains the provisions of section 591 of the Senate amendment that conditions assistance to any Khmer Rouge tribunal established by the Government of Cambodia on a determination and certification to Congress that the tribunal is capable of delivering real justice for crimes against humanity in an impartial and credible manner.

Section 566. PLO Compliance Report

The conference agreement contains language that states that the President should undertake certain assessments regarding actions of the Palestinian Liberation Organization or the Palestinian Authority, and should promulgate specific conditions on those assessments. The House bill would have mandated such assessments and certain sanctions. The Senate amendment did not address this matter.

Section 567. Colombia

The conference agreement includes a modified version of the Senate proviso on Colombia. The House did not address this matter. The managers note that Colombia should undertake certain assessments regarding the alarming number of human rights violations and massacres of civilians in Colombia by paramilitary forces, kidnapping and other abuses by guerrilla forces, as well as persistent reports of aiding and abetting of paramilitaries by some units of the Colombian Armed Forces. The conference agreement includes language that provides for the obligation of 60 percent of funds appropriated for the Colombian Armed Forces if certain conditions relating to human rights are met, and for a similar obligation on the balance of funds after June 1, 2002 if such conditions are met.

The conditions on assistance to the Colombian Armed Forces require that certain conditions relating to human rights are met, and for a similar obligation on the balance of funds after June 1, 2002 if such conditions are met.

The conference agreement includes the proviso that states that the House bill did not address this matter.
violations of human rights or to have aided or abetted paramilitary groups. By “suspending” the managers refer to removal from active duty and assignment to administrative duties without combat responsibilities or command of troops in the field, pending investigation and prosecution, when civilian prosecutors determine there is credible evidence of such illegal activity.

The conditions on assistance to the Colombian Armed Forces also require their cooperation with civilian prosecutors and judicial authorities in prosecuting and assisting in civilian courts members of the Armed Forces who have been credibly alleged to have committed gross violations of human rights or for aiding or abetting paramilitary groups, including members who have been suspended for allegedly committing such crimes.

Section 568. Illegal Armed Groups

The conference agreement includes language similar to that in the Senate amendment prohibiting the Secretary of State from issuing visas to individuals with ties to illegal armed groups in Colombia. The House did not address this matter.

Sec. 570. Iraq

The conference agreement includes language similar to that in the Senate amendment, which provides that funds from the Economic Support Fund may be made available for programs that support the Iraqi people and to support efforts to bring about political transition in Iraq. The conference agreement also includes language that establishes a ceiling of 15 percent on administrative and representational expenses, except for costs related to broadcasting activities. It also includes language that directs the Administration to report to Congress appropriate funds within 60 days of enactment regarding its plans for the use of these funds.

The managers are troubled by the recent audit conducted by the State Department Inspector General on the use of prior year funds appropriated for this program. The managers also note that this section does not impose restrictions on which groups may receive these funds or on the use of funds for activities inside Iraq. As part of the consultation process regarding the use of these funds, the conference agreement directs the Department to identify options for the transfer of funding for this program to a more appropriate source.

Sec. 572. Indonesia

The conference agreement provisions regarding assistance to Indonesia is similar to current law, except that it allows for civilian officials to participate in Expanded IMET activities. The House bill and the Senate amendment both included 4 prior year provisions under which a Presidential report and determination could result in a resumption of military assistance to Indonesia based on this bill. The conference agreement includes new subsections relating to civilian control of the armed forces and the release of political detainees and it expands the geographical scope of the retained subsections beyond Timor island to other parts of Indonesia.

While the conference agreement does not include a specific reference to the murders of American citizen Carlos Caceres and two other United Nations humanitarian workers in West Timor on September 6, 2000, the managers support the Senate amendment’s requirement that effective measures are being taken to investigate and bring to justice militia groups involved in human rights violations and the murder of these humanitarian workers in West Timor.

Sec. 573. Briefings on Potential Purchases of Defense Articles or Services by Taiwan

The conference agreement includes language similar to the House bill, which requires the consultation with the Department of Defense, to provide briefings to the appropriate congressional committees (including the Committees on Appropriations) on appropriate consultations conducted between the Administration and the Government of Taiwan concerning the potential purchase of defense articles or defense services by the government of Taiwan. The briefings are to occur 90 days after enactment and every 120 days thereafter, during fiscal years 2002.

Sec. 574. Restrictions on Assistance to Governments Destabilizing Sierra Leone

The conference agreement prohibits assistance to any government for which the Secretary of State has credible evidence that such government has, within the previous six months, provided military support for, facilitated safe passage of weapons or other equipment to, or which has assisted illicit diamond trading which benefits the Revolutionary United Front in Sierra Leone, Liberian security forces, or any other group intent on destabilizing Sierra Leone. This section is similar to the Senate amendment. The House provision was identical to current law.

Sec. 576. United Nations Population Fund

The conference agreement provides that not more than $34,000,000 from the “International Organizations and Programs” account shall be made available for the United Nations Fund for Population Activities, including UNFPA activities to combat HIV/AIDS, instead of not less than $60,000,000 as proposed by the Senate and not more than $25,000,000 as proposed by the House. The United States contribution to the UNFPA is subject to a number of conditions regarding UNFPA activities, including a provision relating to UNFPA activities in the People’s Republic of China as proposed by the House.

The conference agreement provides that not more than $34,000,000 shall be made available for a United Nations contribution to the United Nations Population Fund (UNFPA). The managers recognize and support the family planning/reproductive health activities conducted by UNFPA, and understand that a portion of the United States contribution to UNFPA will be used for HIV/AIDS activities. None of the United States contribution to the UNFPA will be used for activities in the People’s Republic of China. The Senate amendment addressed this matter under the heading “International Organizations and Programs” in title IV.

Sec. 577. American Churchwomen and Other Citizens in El Salvador and Guatemala

The conference agreement contains language similar to that in the Senate amendment that provides that information on certain murders in El Salvador and Guatemala is being released to the victims’ families. The House bill only addressed certain murders in El Salvador.

Sec. 578. Procurement and Financial Management Reform

The conference agreement includes language similar to a House provision withholding 10 percent of the funds made available for international financial institutions until the Secretary of the Treasury certifies that a number of procurement and financial management reforms are being implemented. The conference agreement includes language similar to the
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House bill that conditions assistance for Serbia that may be made available after March 31, 2002, on continued cooperation with the International Criminal Tribunal for the former Yugoslavia, full implementation of financial and other support to Republika Srpska institutions, and respect for the rule of law including the release of political prisoners. The provision regarding the release of political prisoners was included in the Senate amendment but not in the House bill.

The managers recognize the efforts of Serbian reformers to implement much needed reforms necessitated by years of corruption and political violence, and expect that up to $100,000,000 will be provided for assistance for Serbia, in addition to regional funds that may become available, as appropriate. The managers have also provided authority for debt forgiveness for the Federal Republic of Yugoslavia in title II of this Act.

Sec. 585. El Salvador Reconstruction and Central America Disaster Relief

The conference agreement includes a modified version of the House and Senate provisions making $100,000,000 available for reconstruction assistance for El Salvador and $35,000,000 for USAID managed assistance for drug victims elsewhere in Central America.

Sec. 586. Reports on Conditions in Hong Kong

The conference agreement contains Senate language in section 567 of the United States-Hong Kong Policy Act to allow for annual reports on conditions in Hong Kong until March 31, 2006. The House bill did not address this matter.

Sec. 587. Community-Based Police Assistance

The conference agreement includes language similar to the Senate language authorizing the use of certain USAID-administered funds in the Act for support for the police in Colombia and the Philippines.

Sec. 588. Authorizations

The conference report includes the authorization for the International Fund for Agricultural Development, but not the Asian Development Fund. The Senate amendment included authorizations for both organizations. The House bill did not address this matter.

Sec. 589. Excess Defense Articles for Central and Southern European Countries and Certain Other Countries

The conference agreement contains Senate language not in the House bill that authorizes the President to withdraw the Western Hemisphere only. The House bill did not address this matter.

Sec. 591. Modification to the Annual Drug Certification Process

The conference agreement waives the annual drug certification process for one year on a global basis. The Senate amendment did not address this matter.

The conference report includes the Senate amendments regarding “Funding for Private Organizations”. The Senate amendment did not address this matter.

The conference report does not include section 578 of the Senate amendment regarding “Improving Health Through Safe Injection Sites”. The Senate amendment did not address this matter.

The conference report does not include section 580 of the House bill regarding “Improving Global Health Through Safe Injection Sites”. The House bill did not address this matter.

The conference report does not include section 586 of the Senate amendment regarding international narcotics assistance to the United States to Uzbekistan during the six-month period ending 30 days prior to the submission of such report; and (2) the use during such period of defense articles, defense services, and financial assistance provided by the United States to Uzbekistan, in aid of U.S. military assistance and assistance provided by the United States to Uzbekistan, in aid of U.S. military assistance.

The conference agreement does not include section 586 of the Senate amendment expressing the Sense of the Senate regarding assistance for Afghanistan. The House bill did not address this matter.

The managers express concern that up to $115,000,000 will be provided for assistance for Afghanistan, and the status of women within the country. The Senate amendment did not address this matter.

The conference report does not include section 585 of the Senate amendment requiring the Senate to submit two reports to the appropriate congressional committees not later than four months after the date of enactment and ten months thereafter, describing in detail (1) the defense articles, defense services, and financial assistance provided by the United States to Uzbekistan during the six-month period ending 30 days prior to the submission of such report; and (2) the use during such period of defense articles, defense services, and financial assistance provided by the United States to Uzbekistan.

The conference agreement does not include section 592 of the Senate amendment expressing the Sense of the Senate regarding the role of women in the reconstruction of Afghanistan. The House bill did not address this matter.

The conference agreement does not include section 580 of the Senate amendment requiring that Congress provide sufficient funding for the International Narcotics Control Board.

The conference agreement does not include section 582 of the Senate bill prohibiting the use in Afghanistan of resources of the United States to support the concept of the Senate language, a key concern of the managers is the safety of Peace Corps volunteers around the world. The managers direct the Director of the Peace Corps to undertake a study to determine the feasibility of an increase in Peace Corps presence in Muslim countries. The House bill did not address this matter. While the managers support the concept of the Senate language, a key concern of the managers is the safety of Peace Corps volunteers around the world. The managers direct the Director of the Peace Corps to undertake a study to determine the feasibility of an increase in Peace Corps presence in Muslim countries. The House bill did not address this matter.

The conference agreement does not include section 585 of the Senate amendment regarding an increased Peace Corps presence in Muslim countries. The House bill did not address this matter.

The managers note that this matter has been addressed in Public Law 107-56.
The conference agreement does not include section 585 of the Senate amendment regarding Sudan. The House bill did not address this matter.

The conference agreement does not include section 598 of the Senate amendment regarding projects honoring the victims of terrorist attacks. The House bill did not address this matter.

The conference report does not include section 599 of the Senate bill regarding a conditional waiver of section 907 of the FREEDOM Support Act. This language is included in title II of the conference report. The House bill did not address this matter.

The conference report does not include section 2070 to the Committee on Agriculture.

The conference agreement does not include section 599A of the Senate amendment regarding the Federal Investigation Enhancement Act of 2001. The House bill did not address this matter.

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EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker’s table and referred as follows:

4932. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency’s final rule—Sodium thiosulfate; Exemption from the Requirement of a Tolerance [OPP-301196; FRL-6811-6] (RIN: 2070-AB78) received December 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4933. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency’s final rule—Imazapic; Pesticide Tolerance [OPP-301198; FRL-6816-2] (RIN: 2070-AB78) received December 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4934. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency’s final rule—Fluoracet-methyl; Pesticide Tolerance [OPP-301184; FRL-6806-7] (RIN: 2070-AB78) received December 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4935. A letter from the Director, Office of Management and Budget, transmitting a report on the Cost Estimate For Pay-As-You-Go Calculations; to the Committee on the Budget.

4936. A letter from the Director, Office of Management and Budget, transmitting appropriations reports, as required by the Balanced Budget and Emergency Deficit Control Act of 1985, as amended; to the Committee on the Budget.

4937. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency’s final rule—Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; State of Louisiana; Redesignation of Lafourche Parish Ozone Nonattainment Area to Attainment for Ozone [LA-55-1-7488a; FRL-7121-4] received December 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4938. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency’s final rule—Approval of Section 112(I) Authority for Hazardous Air Pollutants; District of Columbia; Department of Health [DC003–1006; FRL-7121-7] received December 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4939. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the redesignation as “foreign terrorist organizations” pursuant to Section 219 of the Immigration and Nationality Act, as added by the Antiterrorism and Effective Death Penalty Act of 1996, and amended by the Illegal Immigration Reform and Immigrant Grant Responsibility Act of 1996; to the Committee on International Relations.

4940. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the redesignation as “foreign terrorist organizations” pursuant to Section 219 of the Immigration and Nationality Act, as added by the Antiterrorism and Effective Death Penalty Act of 1996, and amended by the Illegal Immigration Reform and Immigrant Grant Responsibility Act of 1996; to the Committee on International Relations.

4941. A letter from the Acting Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department’s final rule—Endangered and Threatened Wildlife and Plants; Listing of the Tumbling Creek Cavesnail as Endangered (RIN: 1018-AI19) received December 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4942. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department’s final rule—Pennsylvania Regulatory Program [PA-122-FOR] received December 19, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4943. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department’s final rule—West Virginia Regulatory Program [WV-065-FOR] received December 19, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4944. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department’s final rule—Iowa Regulatory Program [IA-012-FOR] received December 19, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4945. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department’s final rule—Security Zone Regulations: Savannah, GA [COTP SAVANNAH-01-022] (RIN: 2115-AA97) received December 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

N O T I C E
Incomplete record of House proceedings. Except for concluding business which follows, today’s House proceedings will be continued in the next issue of the Record.

| New budget (obligational) authority, fiscal year 2001 | $15,021,168 |
| Budget (obligational) authority, fiscal year 2002 | $15,212,631 |
| House bill, fiscal year 2002 | $15,212,173 |
| Senate bill, fiscal year 2002 | $15,568,880 |
| Conference agreement, fiscal year 2002 | $15,390,780 |

Conference agreement with:

- New budget (obligational) authority, fiscal year 2001: +369,612
- Budget estimates of new (obligational) authority, fiscal year 2002: +178,149
- House bill, fiscal year 2002: +178,607
- Senate bill, fiscal year 2002: −178,100

Managers on the Part of the House:

4946. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department’s final rule—Safety Zone: Windsor Beach, Lake Tahoe Harbor, Lake Tahoe, Lake Tahoe, River, AZ (COTP San Diego, CA; 01–001) (RIN: 2115-AA97) received December 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4947. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department’s final rule—Safety Zone Regulations: Mile Marker 94.0 to 96.0, Lower Mississippi River, Above Head of Passes (COTP New Orleans, LA 01–006) (RIN: 2115-AA97) received December 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4948. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department’s final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30280; Ammdt. No. 2079] received December 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4949. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department’s final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30276; Ammdt. No. 2076] received December 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4950. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department’s final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30279; Ammdt. No. 2079] received December 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4951. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department’s final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30279; Ammdt. No. 2079] received December 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4952. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department’s final rule—Establishment of Class E5 airspace; Reform, AL [Airspace Docket No. 01–ANM–14] received December 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4953. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department’s final rule—Establishment of Class E5 airspace; Reform, AL [Airspace Docket No. 01–ASO–3] received December 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.


4956. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department’s final rule—Safety Zone Regulations: Mile Marker 75.5, Enroute Street Wharf, extending 300 feet around the USS ASHLAND (LSD 49) (RIN: 2115–AA97) received December 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.


4959. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department’s final rule—Security Zone Regulations: Mile Marker 95.5, Enroute Street Wharf, extending 300 feet around the USS AUSTIN (LDP–4), Lower Mississippi River, Above Head of Passes (COTP New Orleans, LA 01–005) (RIN: 2115–AA97) received December 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.


4961. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting The Department’s final rule—Security Zones in the vicinity of the Hennepin Bridge, Hennepin, Illinois (CGD109–01–007) (RIN: 2115–AA97) received December 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4962. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting The Department’s final rule—Security Zone Regulations: Mobile River, Alabama State Docks, including the Mobile River, Above Head of Passes (COTP Mobile, AL 01–003) (RIN: 2115–AA97) received December 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4963. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department’s final rule—Security Zone Regulations: Mobile River, Alabama State Docks, including the Mobile River, Above Head of Passes (COTP Mobile, AL 01–003) (RIN: 2115–AA97) received December 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4964. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department’s final rule—Safety Zone Regulation (COTP Memphis, TN Regulation 01–004) (RIN: 2115–AA97) received December 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4965. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department’s final rule—Safety Zone Regulation (COTP Memphis, TN Regulation 01–002) (RIN: 2115–AA97) received December 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4966. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department’s final rule—Safety Zone Regulation (COTP Memphis, TN Regulation 01–003) (RIN: 2115–AA97) received December 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4967. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department’s final rule—Safety Zones, and Special Local Regulations (USCG–2001–9668) (RIN: 2115–AA97) received December 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

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. SMITH of New Jersey: Committee on Veterans’ Affairs. H.R. 3423. A bill to amend title 38, United States Code, to enact into law eligibility of certain veterans and their dependents for burial in Arlington National Cemetery, with amendments (Rept. 107–346). Referred to the Committee of the Whole House on the State of the Union.


Mr. REYNOLDS: Committee on Rules. House Resolution 320. Resolution providing for consideration of the bill (H.R. 3529) to provide tax incentives for economic recovery and assistance to displaced workers (Rept. 107–348). Referred to the House Calendar.

Mrs. MYRICK: Committee on Rules. House Resolution 321. Resolution waiving a requirement of clause (a) of rule XIII with respect to consideration of certain resolutions reported from the Committee of the Whole (Rept. 107–349). Referred to the House Calendar.

Mr. LEWIS of California: Committee of Conference. Conference report on H.R. 3338. A bill making appropriations for the Department of Transportation and Related Agencies for the fiscal year ending September 30, 2002, and for other purposes (Rept. 107–350). Ordered to be printed.
The Senate met at 11:30 a.m. on the expiration of the recess and was called to order by the Honorable John Edwards, a Senator from the State of North Carolina.

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

Dear God, bless the Senators with the assurance that You are closer than their hands and feet and as available for inspiration as breathing. May this day be lived in companionship with You, so that they will enjoy the confidence of the promise You gave through Isaiah: “It shall come to pass that before they call, I will answer; and while they are still speaking, I will hear.”—Isaiah 65:24.

Unite the parties in unity. When Your best for America is accomplished by creative compromise and cooperation, everybody wins, especially the American people. When this day closes, our deepest joy will be that we have worked together to achieve Your goals. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE
The Honorable John Edwards led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE
The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. Byrd).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,

To the Senate:
Under the provisions of rule 1, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable John Edwards, a Senator from the State of North Carolina, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. Edwards 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.

AGRICULTURE, CONSERVATION AND RURAL ENHANCEMENT ACT OF 2001
The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 1731, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1731) 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, and for other purposes.

Pending:
Daschle (for Harkin) amendment No. 2471, in the nature of a substitute.
Wellstone amendment No. 2602 (to amendment No. 2471), to insert in the environmental quality incentives program provisions relating to confined livestock feeding operations and to a payment limitation.
Harkin modified amendment No. 2604 (to amendment No. 2471), to apply the Packers and Stockyards Act, 1921, to livestock production contracts and to provide parties to the contract the right to discuss the contract with certain individuals.
Burns amendment No. 2607 (to amendment No. 2471), to establish a per-farm limitation on land enrolled in the conservation reserve program.
Burns amendment No. 2608 (to amendment No. 2471), to direct the Secretary of Agriculture to establish certain per-acre values for payments for different categories of land enrolled in the conservation reserve program.

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

Mr. Reid. Mr. President, for all Members of the Senate, we are very close to working out an arrangement this morning that should be good for everyone. I spoke to a number of farm State Senators last night and they thought it was very important that Senator Hutchinson of Arkansas be allowed to offer an amendment. We have worked throughout the night and the morning with Senator Hutchinson and worked out a time agreement on that.
so as soon as Senator LUGAR arrives we will be ready to offer this unanimous consent agreement.

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. DASCHLE. 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.

Mr. DASCHLE. Mr. President, it is our intention to go to the Hutchinson amendment. As I think our colleagues are aware, the Hutchinson amendment is largely the Agriculture farm bill passed by the House. It may not be exactly the same bill, but that is the intent. Certainly Senator HUTCHINSON can speak for himself, and will.

It is my intent after that, then, to go to the substitute amendment.

So I ask unanimous consent the pending amendments also be laid aside; that Senator HUTCHINSON be recognized to offer his amendment, No. 2678; that there be 1 hour 15 minutes for debate with Senator HUTCHINSON in control of 60 minutes. Senator HARKIN or his designee in control of 15 minutes prior to a vote in relation to the amendment, with no second-degree amendments in order prior to the vote; further, that the vote in relation to the amendment occur at 12:50.

Immediately following disposition of the Hutchinson amendment, the Senate will proceed to the previously ordered cloture vote on the substitute amendment.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. NICKLES. Reserving the right to object.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. NICKLES. I want to cooperate in every way with the majority leader and the managers of the bill, but I wonder if the majority leader, trying to make a request to have the Hutchinson amendment, is largely the Agriculture farm bill, passed by the House. It may not be exactly the same bill, but that is the intent. Certainly Senator HUTCHINSON can speak for himself, and will.

It is my intent after that, then, to go to the substitute amendment.

So I ask unanimous consent the pending amendments also be laid aside; that Senator HUTCHINSON be recognized to offer his amendment, No. 2678; that there be 1 hour 15 minutes for debate with Senator HUTCHINSON in control of 60 minutes. Senator HARKIN or his designee in control of 15 minutes prior to a vote in relation to the amendment, with no second-degree amendments in order prior to the vote; further, that the vote in relation to the amendment occur at 12:50.

Immediately following disposition of the Hutchinson amendment, the Senate will proceed to the previously ordered cloture vote on the substitute amendment.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. NICKLES. Reserving the right to object.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. NICKLES. I want to cooperate in every way with the majority leader and the managers of the bill, but I wonder if the majority leader, trying to make a request to have the Hutchinson amendment— I have no objection to that portion. I do know that Senator GRASSLEY, Senator DORGAN, myself, and others have a lot of interest in the payment limitation. I am not positive whether or not it is germane postcloture.

I guess part of your request is that we go immediately to the cloture vote. I wonder if you are willing to delete that second paragraph or if you are willing to make sure that the Grassley amendment would be in order, regardless of which way the result of the cloture vote would occur.

Mr. DASCHLE. I would want to consult with the Parliamentarian and Senator HARKIN and others. We have attempted, as the Senator knows, to accommodate a number of Senators who have attempted, as the Senator knows, to accommodate a number of Senators who have attempted to exempted from cloture limitations following the time when cloture is invoked. I am not enthusiastic about expanding.

Again, it would be my understanding that these amendments would be available to us postcloture, with clarification of the Parliamentarian, and we will offer this at another time.

Mr. NICKLES. Mr. President, if I might inquire, at a previous time I asked the majority leader if this amendment would be in order, or part of the unanimous consent that this amendment would be in order postcloture, and we agreed to that. Does that agreement still carry? There were four or five amendments, if I remember correctly, or one or two, and a couple of others. If they were agreed to, there were two additional ones. If that still applies, that is fine with this Senator.

Mr. DASCHLE. Mr. President, I intend this as a new unanimous consent request. Therefore, the other ones—because of the old unanimous consent request—have already expired. Technically, it would not carry.

I think the best thing to do would be to consult with the Parliamentarian in terms of germaneness and make a decision at a later time.

I wonder if we might proceed. The cloture vote, by rules of the Senate, takes place within 1 hour after we come in. We do not need the second paragraph of the unanimous consent request in order to proceed with cloture.

But I would like to accommodate Senator HUTCHINSON. I would make that request.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. NICKLES. Reserving the right to object, I want to make sure what we are doing. First, the leader said we would like to inquire whether or not Senator GRASSLEY and others want to offer their amendments. I want to protect their rights to offer their amendments.

There is an amendment dealing with payment limitation. Some of us are kind of concerned about the underlying Harkin bill that has payment limitations of 250. That can be expanded to 500 per family. The Grassley amendment that Senator DORGAN and others have supported reduces that. I want to make sure that amendment is going to be debated before we conclude the agriculture bill. I don’t want that amendment to be ruled nongermane postcloture. That is what I am trying to find out before we make an agreement.

Parliamentary inquiry: Is the Grassley amendment germane postcloture?

Mr. REID. Mr. President, will the Senator from Oklahoma yield for a question?

Mr. NICKLES. I would be happy to yield.

Mr. REID. Is that the same as the original Dorgan amendment?

Mr. NICKLES. That is correct.

The ACTING PRESIDENT pro tempore. The amendment has not yet been reviewed for germaneness.

Mr. NICKLES. Yes, I agree with that. The ACTING PRESIDENT pro tempore. The amendment has not been reviewed for germaneness.

Mr. NICKLES. That wasn’t my understanding. Regardless, I will vigorously oppose cloture if that is what the majority leader’s intention is. I urge him to ask consent to postpone the cloture vote until we determine what the outcome of some of our amendments is. Some of us are going to continue to oppose cloture until we have a chance to have our amendments heard, debated, and voted on in the Senate.

If you insist—and I am sure the majority leader is correct the time—cloture will expire after so many hours. But I will just tell him that some of us are going to be opposing cloture vigorously until the Senator from Iowa and others have a chance to have these that are required of us, voted on.

Mr. DASCHLE. Mr. President, I am very sympathetic to the Senator from Oklahoma. We have been on this bill for an awfully long time. I think we are at a point where we have broken the record now for the length of time we have been on a farm bill. Senators had many opportunities to offer amendments at night and during the day. I am not really sympathetic to the Senator who suggests that somehow we have not accorded enough time to some of these amendments.

I also say we have come to the conclusion that we are going to have to make a decision about the farm bill. If we are unable to invoke cloture, it is my intention to put it back on the calendar, regrettably, and then move to other issues. We have conference reports that have to be done before we leave. There are other pieces of business that are required of us. That will be the third cloture vote. There will be no more cloture votes in this session of Congress on the farm bill.

Senators are going to have to make up their minds: Do they want to indefinitely postpone and thereby kill our chances for completing work on the farm bill this year or not? If they want to kill it, they will vote against cloture. If they want to support completing our work, they will vote for cloture this afternoon and we will complete our work. That still requires 30 hours of debate on the bill prior to the time we complete our work. That means that relevant amendments will be entertained, will be accepted, or voted upon and considered as germane amendments. That is the prerogative of every Senator even after cloture. Perhaps amendments can be designed to be germane. I certainly think a payment limitation amendment is germane to the bill.

We ought to find the language that accommodates the Senator from Oklahoma, if that is his intent.

I will say we will be on this bill for a record amount of time. It will be virtually a record if we complete our 30 hours. We do have other very important matters pending.

I want to make sure all Senators are put on notice. Three times, and we are out in terms of cloture. And three times, it seems to me, ought to be adequate time for everybody to have
Germaine postcloture?

Inquiry: Is the Grassley amendment pore. Is there objection?

Quest made by our colleagues. I hope and others who believe we ought to at accommodate the Senator from Arkansas last couple of weeks. In order to ac-
a number of other questions over the
that. We have had very good debates on
league for good reason wanted to be
Senator from Nevada noted, our col-
cloture. Then have a fair third and final vote on
He believed, I guess, that was fair.
trarian thought Dorgan would be in
rectly, yesterday that the Parliamen-
toation for their amendments. We are
fliction for their amendments. We are
fliction for their amendments. We are
member proceedings. We are
nongermane postcloture if cloture is in-
cloture. And then we are going to find
amendment, and then we will vote on
day, nail it down; it is OK with me.
I hope my counterpart, the distin-
guished assistant minority leader, will
allow us to go forward. This is an op-
portunity, in my opinion, to pass a
farm bill. We will live by whatever the
rules.

I was informed, obviously incorrect-
ly, yesterday that the Parlia-
mentarian thought Dorgan would be in
order postcloture. I hope it is. I think it
is something we should debate.
But the fact of the matter is we have
been a long way this morning in work-
ing this out. I applaud the Senator
from Arkansas. He wanted more time
than the hour—an hour and 15 minutes.
He believed, I guess, that was fair.

I think we should go forward and
then have a fair third and final vote on
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Mr. DASCHLE. Mr. President, as the
Senator from Nebraska noted, our col-
league intended good reason wanted to be
able to offer the so-called Cochran-
Roberts alternative. We have done that. We have had very good debates on
a number of other questions over the
last couple of weeks. In order to ac-
commodate the Senator from Arkansas
and others who believe we ought to at
least have a chance to vote on the
House-passed bill, we are now going to
do that.

I honestly think we have been as fair
and responsible as we can be to the re-
quest made by our colleagues. I hope
now that we can get this agreement.
I renew my request.

The ACTING PRESIDENT pro tem-
poire. The amendment is being reviewed
at this time.

Mr. NICKLES. I ask the majority
leader to modify his unanimous con-
sent request so that the Grassley
amendment be considered germane
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Mr. GRASSLEY. Reserving the right
to object, I think I have something bet-
ter than even a veto to do this. I had
the word of the Senate majority whip
that I was going to be able to bring my
amendment up right after the Durbin
amendment after 1:30. It seems to me,
if I have the word of a fel-
low Senator that I have a chance to
bring my amendment up, I don’t even
have to be included in a unanimous
consent. If you want to nail it down
that way, nail it down; it is OK with
me. But it seems to me I was told by
the majority leader that I was going to
be able to bring my amendment up, and
that word is better than anything else
that came on that.

Mr. REID. Mr. President, will my
friend from Oklahoma yield?

Mr. NICKLES. I am happy to yield.

Mr. REID. There is nobody for whom
I have more respect than the Senator
from Iowa. We serve together on select
committees. He is absolutely right. We
thought when we came here this morn-
ing we were going to go to the Durbin
amendment and then a Republican
amendment. He had been standing
around, waiting for a while, and we did
day. But the fact is, there have been
intervening things. I am not going
back on my word. We thought we were
going to do a totally different thing.
And I am sorry there has been some
misunderstanding. I would not
intentionally mislead the Senator from
Iowa.

The ACTING PRESIDENT pro tem-
poire. The majority leader.

So if we cannot get it, we will just pro-
cceed, the Senator from Arkansas can
vote on his amendment.

Mr. DASCHLE. Mr. President, if I
can regain my right to the floor, let me
simply say that we moved the cloture
vote to 1:30 to accommodate some of
our colleagues on the other side of the
aisle. That has been locked in at 1:30.
We also attempted to accommodate the
Senator from Arkansas with this unan-
imous consent.

The ACTING PRESIDENT pro tem-
pcure. The time is 1:15, not 1:30.

The ACTING PRESIDENT pro tem-
pure. Yes.

Mr. DASCHLE. OK. We hoped we
could accommodate the Senator from
Arkansas with a vote on his amend-
ment so that it could be taken before
the cloture vote. That is all this unan-
imous consent request is designed to do.
So if we cannot get it, we will just pro-
cceed, the Senator from Arkansas can
offer his amendment, and we can do it
without a UC. So if I cannot get that
agreement, I will withdraw the re-
quest and perhaps we can proceed with
the amendment.

The ACTING PRESIDENT pro tem-
pure. Is there objection?

Mr. NICKLES. Reserving the right to
object.

The ACTING PRESIDENT pro tem-
pure. The Senator from Oklahoma.
Mr. HUTCHINSON. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

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

(The text of the amendment is printed in today’s RECORD under “Amendments Submitted and Proposed.”)

Mr. HUTCHINSON. Mr. President, I ask unanimous consent to add, as co-sponsors to the amendment, Senators LOTT, REEVES, SESSIONS, and KAY BAILLEY HUTCHISON.

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

Mr. HUTCHINSON. Mr. President, I thank the majority leader, the majority whip, and Senator HARKIN for their cooperation and their willingness to allow us to have this debate on, essentially, the House-passed bill.

This is the bill that was introduced earlier this year in an effort to break the logjam on a farm bill. It is a bipartisan bill, as it was introduced with four Democrats and three Republicans. To me, there is no doubt, as we come to this impasse, that the only way—absolutely the only way—we will get a farm bill this year is that this year, this is the only way we would be able to take up an easily conferenceable bill with the House.

I have talked with the chairman of the House Agriculture Committee. If we would pass this bill—this amendment this year in an effort to break the logjam on a farm bill. It is a bipartisan bill, as it was introduced with four Democrats and three Republicans. To me, there is no doubt, as we come to this impasse, that the only way—absolutely the only way—we will get a farm bill this year is that this year, this is the only way we would be able to send it to the President. That is the only prospect we have of getting a much needed farm bill to the President this year. That is why I rise to urge my colleagues to move forward and support this amendment.

Since the beginning of this debate, I have been urged by the farmers of my State to try to get a farm bill completed this year. Time and time again, I have told them that I would do everything I could to get a farm bill completed this year. I have expressed support for the House farm bill. I have worked with my colleagues to craft and introduce this bipartisan proposal. It was originally, when introduced, sponsored by a number of Members on both sides. I supported, in the committee, the Cochran-Roberts plan. I supported the chairman’s commodity title. In fact, this is the only Republican in committee to support the chairman’s commodity title. I supported the passage of the chairman’s farm bill out of the Agriculture Committee. And I have supported cloture on the chairman’s substitute twice.

I want a farm bill. I voted in support of moving forward at every point during this debate.

If this substitute is not going to move forward and go to conference, perhaps it is time for a new approach. It is clear, after two cloture votes, that the Harkin-Daschle substitute does not have adequate support to move to passage. And, may I say, if we were somehow able to move the Harkin-Daschle substitute through, get cloture, and get it passed this week, we would have an enormous gap between this bill and the House bill, and, as Senator HARKIN admitted last night, it would be weeks before we could move on the amendments and those two bills. This is why I am offering the bill that I offered with Senators LINCOLN, HELMS, MILLER, SESSIONS, LANDRIEU, and BREAUX earlier this year.

We can debate the merits of the bills. There is no doubt that as this day and this debate goes on, we will engage in some substantial policy issues. However, at the end of the day, we must have a bill that can get the votes necessary to pass the Senate, be conferenced, and signed by the President this year. So far, the bill that has been offered has not been able to garner the support necessary to get out of the Senate and provide the support and certainty and predictability that farmers are asking for and desperately need.

The fact that these votes appear to be breaking down on party lines should be troubling because agriculture is not a partisan issue. Agriculture spans the political spectrum. It would not be allowed to degenerate into a partisan finger pointing contest. That is what I have been hearing: accusations that one party or the other is blocking the move on a farm bill this year.

That is why I am offering this amendment. It is my sincere hope that this bipartisan proposal can help break this logjam which is keeping us away from our home States and, more importantly, is denying our Nation’s farmers the necessary fixes to what amounts to a broken farm policy.

Is this the absolute best policy that can come out of this Senate? Maybe not. Will it have the type of funding numbers in it that everyone can go back to their home States and expect resounding praise for? Probably not. That is probably unlikely as well.

However, we must also consider whether this proposal is, in fact, better than the policy with which our farmers are currently dealing. What I hear from the farmers in Arkansas—and I think this is true across this Nation—is that they need certainty and predictability. If they are going to have certainty and predictability, they need to have a farm bill from this year. Arrangements for this next year, bankers are looking for some predictability, some certainty in farm policy. That can only happen if we pass a bill.

So the question is, is this amendment that I am offering today—one that was originally offered as a bipartisan proposal in this Chamber, and that was a bipartisan vote in the House. In fact, in the House, there were 151 Republicans, 139 Democrats, and one Independent who voted for this bill. This is the only true bipartisan agreement is, in fact, better than current farm policy, and is the only prospect of getting a bill to the President this year, should we not, then, on a bipartisan basis, unite behind it?

I think it is clear that the farm policy in this amendment is much better than the current policy. We must also consider whether our farmers are better off with no farm bill at all or with what we have right now. I think my farmers have been quite clear with me on this issue, as I am sure farmers in other States have made it clear to their Senators.

This amendment, as I have said, is very similar to the House-passed farm bill which ended up passing on a bipartisan basis. I realize there were many hotly contested amendments throughout this process, but in the end this bill in the House enjoyed resounding bipartisan support and should garner that kind of support in this Chamber as well.

I am keenly aware that a number of my colleagues from the other side of the aisle believe they have garnered concessions from Senators DASCHLE and HARKIN and that their concerns have been addressed in the Harkin-Daschle substitute. I am aware of that. I appreciate the willingness of Senators DASCHLE and HARKIN to make those concessions. I have concerns that various Senators had. But if those concessions come at the price of refusing to support a bipartisan approach and the end result is that we have no bill that goes forward out of this Chamber this year, we have no bill that is passed and goes to the President for his signature, then I suggest that all those concessions and all those improvements in the Harkin-Daschle substitute bill are in fact meaningless because they are not passed into law.

On Monday of this week, the American Farm Bureau sent a letter, a public letter, in which they wrote:

“The American Farm Bureau Federation encourages the Senate leadership to expedite passage of a new farm bill this year. We have no bill that goes forward out of this Chamber this year, unless we have a bill that is passed and goes to the President for his signature, then I suggest that all those concessions and all those improvements in the Harkin-Daschle substitute bill are in fact meaningless because they are not passed into law.”

That is the moment we have just passed. The Farm Bureau continued:

“It is vitally important that this legislation be enacted this year to provide an important economic stimulus to rural America before Congress adjourns.

I wholeheartedly agree with the sentiments of the American Farm Bureau in this letter. This is why I am offering this amendment. If it is not adopted, I am confident we will be able to move to invoke cloture and we will pass a farm bill this year. I promised the farmers of my State I would do everything I could do to get a farm bill passed this year. I am sure many of you have made the same promise. This is our opportunity to make good on that promise and on that commitment.

To say to the farmers of America, I am going to march in lockstep with my party leadership in spite of the fact that the end result of this approach will be no bill, no cloture, no Presidential signature, and no farm bill by December 31, is blind partisanship that
hurts the farmers of this country. This is our opportunity to pass a farm bill this year.

The policies included in this amendment have been supported by both Republicans and Democrats in the House. The policies included in this amendment have been supported by both Republicans and Democrats in this Senate. I urge my colleagues to join me in support of the amendment offered today.

I urge my colleagues to support the completion of a farm bill this year. It is not sufficient to say: I voted for closure to end debate and get a farm bill this year, if you know in your heart that because of that stand, because of voting in lockstep and an unwillingness to take a bipartisan approach, an approach that we know can be conferenced with the House this year, that is a self-defeating approach that will not be a sufficient answer to the farmers in this country.

This is our opportunity to get it done. Let’s not waste it. I ask my colleagues for their support for the amendment. Will it have everything in it? It most assuredly will not. It will in some areas. Will the funding be adequate for the commodity title? It will not be as high as it is in the Harkin bill? The answer to that is, that is true. In some areas, it won’t. It won’t be a bill that will satisfy everybody. But it is the only vehicle before the Senate. It is the only possible answer to the conundrum in which we find ourselves. It is the only possible way we can get a bill signed into law by the President of the United States.

I repeat, the chairman of the Agriculture Committee in the House has said this amendment, if adopted, would be easily and quickly conferenceable with the House-passed bill, meaning that before we leave this place for Christmas, we will be able to reward the farmers of this country with an end-of-the-year commitment that their farm policy is taken seriously by Congress, that we have risen above blind partisanship, that we are willing to put the farmers of this country above party loyalty, and that we have done absolutely our level best to get a bill signed into law by the President. I ask unanimous consent to have printed in the RECORD the House Agriculture Committee’s Web page statement today, December 19, 2001.

Today, doing no objection, the letter was ordered to be printed in the RECORD, as follows:

Senate Presented With Path To Speedy Farm Bill Conclusion

ARKANSAS SENATOR TIM HUTCHINSON MOVES FOR VOTE ON HOUSE-APPROVED BILL

December 19, 2001. —House Agriculture Committee Chairman Larry Combest commended Arkansas Senator Tim Hutchinson for global prospect of getting a finalized farm bill this year by urging the Senate to pass the House-based farm bill. The Hutchinson provision already has the bipartisan support of Senators who cosponsored the measure when it was introduced in the Senate November 9. Ag Chairman Com-
Mr. ROBERTS. If the Senator will yield, I am not particularly enamored with the House bill. If you want to go a little bit further, I am really not enamored with the Senate bill. But we have been through that. We have had the Roberts-Cochran debate and that was fair. I credit the chairman and everybody else for giving us the time. I think we are headed down the wrong track with the Senate bill. I am not particularly enamored with the House bill.

Let me ask the Senator a couple of questions. If I might, to see if it is more preferable in my mind to the Senate bill because that is what this debate is all about.

Now, the Senate bill frontloads the $73 billion to the tune of about $45 billion in the first 5 years. Then there is $28 billion on down the road. So I think we are taking away from the future baseline—that is a fancy word for money—for future farmers. It is my understanding that the House bill doesn’t do that.

Mr. HUTCHINSON. The Senator is absolutely correct. That is one of the strong reasons why this approach is preferable. I call it the 5 fat years and the 5 lean years, the 5 years of plenty and the 5 years of famine. That is the danger in frontloading.

Mr. ROBERTS. If I may ask another question, I know one of the sticking points we have here with many western Members is the amendment of the Senator from Nevada regarding water. If there is one thing that causes a lot of concern out West, where we don’t have much of it, it is the situation where people worry about the federalization of State water rights.

I am trying to get into that argument one way or the other, but I know that Senator CRAPO and others have a lot of concern. Some of the farm organizations have some concern also. That is in the Senate bill. To my knowledge, that is not in the House bill; is that correct?

Mr. HUTCHINSON. The Senator is correct.

Mr. ROBERTS. Let me ask another question, if I might, if the Senator will continue. One of the reasons that in the Senate bill they were able to move the loan rate up to $3—and I am not going to rehash the old discussion on loan rates, as to whether they are market-clearing, or income protection, or it should be $4, or $5, or $3, or whatever. But we get into a lot of problems in terms of market distortion and not really enough support, and the money they use to increase the loan rates comes from crop insurance reforms. In other words, we get into a lot of the foundational reasons that the Senate bill was to move the loan rate up to $3. To my knowledge, the House bill did not—I am using strong words—rob, steal, did not take away or find the offset from the crop insurance reforms that we did just last year. Is that not correct?

Mr. HUTCHINSON. The Senator is correct.

Mr. ROBERTS. In addition, I hesitate to bring this up, but we got into a discussion of what is amber and what isn’t in the progression of the World Trade Organization talks. I quoted a statement from an outfit out of Missouri that tries to take a look at their crystal ball to evaluate the effects of farm bills. I think they said we had a 30-percent chance under the Senate bill that we would be in violation of the WTO cap, and that that would be an amber light; that in 2 years it was bound to happen. I don’t know what the chances are in terms of the House farm bill, but it seems to me they could be less. I am not an academic, in terms of fabric, to determine that. I don’t have that crystal ball. Would the Senator say that would be the case?

Mr. HUTCHINSON. I say to the Senator from Kansas that it is my understanding that because some of the decoupled payments in the Harkin-Daschle substitute are phased out, the likelihood in the course of the farm bill of its compliance is going to be greater than that of the House-passed bill.

Mr. ROBERTS. Then the key question is this, if the Senator will continue to yield. As he knows, in agricultural history we endure some tough times. We are not in very good times. We are not going to have the price support that we have had in the past. And we are in terms of this question. The Senator from an outfit out of Missouri, that Kiki de la Garza, chairman emeritus of the House Agriculture Committee, from Texas, who served longer than any other man as chairman, used to talk about the best possible bill and the best bill possible. This could be the best bill possible if you believe you want to move this process along, and conference it with the House, and get a bill that would save the investment of $73 billion. That has been the mantra over and over again.

This is probably the best bill possible. Again, I don’t particularly care for it. It seems to me that it would fit the description. Where are the bravehearts of the farm organizations and the commodity groups? Are they still on the sidelines? What are they doing in this regard? That is all I have heard for the past 2 weeks. Are the bravehearts getting off the sidelines or at least indicating some interest?

I talked with the House this morning. They indicated that might be the case, and I am talking about staff in terms of Mr. COMBEST and Mr. Ross. Are the bravehearts getting off the sidelines or what?

Mr. HUTCHINSON. I would expect that. But this was, as the Senator knows, filed last night and laid down this morning, so there has been little time for the farm groups to weigh in one way or the other.

But I think the strongest point in the question posed—while there is a lot of debate about policy, we have spent the last 2 weeks at various times debating the policy of these various bills. The strongest point that you made is the one that I have tried to base this entire amendment upon, and that is, it is the only chance we have of getting improved farm policy, a bill actually signed into law in 2004.

That has been the hue and cry. That has been the demand of farm organizations and farmers across this country,
that we finish a bill this year. This is the only way we can do it.

Chairman COMBRES has said that. I think it is patently clear that, even were the Harkin-Daschle substitute to be agreed to at this point, the difference between the House bill and the Harkin-Daschle substitute are so great that, in fact, it would take at least 3 weeks, as Senator HARKIN said last night, for that conference to be completed. We would not have a bill in time to help our farmers or to meet that demand for it to be finished this year.

Mr. ROBERTS. I thank the Senator for yielding. I have taken up too much time. There are very crucial questions, it seems to me, about what is in the Senate bill and House bill and how fast we can move.

I thank the Senator for his leadership.

Mr. DORGAN. Will the Senator yield for a question?

Mr. HUTCHINSON. I have been told my time has been reduced. We started this debate late and the vote is still scheduled for 12:50, I believe.

The PRESIDING OFFICER. The Senator is correct.

Mr. HUTCHINSON. I will yield if the time will come from that side of the aisle.

Mr. DORGAN. Mr. President, how much time were the proponents offered on this unanimous consent request, and how much are we offered?

The PRESIDING OFFICER. Under the previous order, the vote is called for 12:50. After the reduction of the time, the Senator from Arkansas had 45 minutes and the Senator from Iowa had 10 minutes.

Mr. DORGAN. It is 45 minutes and 10 minutes. I am asking the Senator if he will yield for a brief question.

Mr. HUTCHINSON. Not on my time.

Mr. HARKIN. I will yield 2 minutes.

The PRESIDING OFFICER. The Senator from Arkansas has the floor.

Mr. DORGAN. Let me ask if the Senator will yield and I will use a moment of time from the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Arkansas has the floor.

Mr. DORGAN. Let me ask if the Senator will yield and I will use a moment of time from the Senator from Iowa.

The PRESIDING OFFICER. The Senator has, in fact, voted for cloture and I will again vote for cloture. But even if cloture was invoked and the Harkin-Daschle substitute were adopted, it is not possible to confer this bill and get a farm bill to the President this year.

Mr. DORGAN. That is a judgment I do not share. The Senator has, in fact, voted for cloture. Almost all of his colleagues on that side of the aisle have not. We have decided today to allow the Senator from Arkansas to offer his amendment, which is essentially a farm bill. We say, yes, you offer yours; let's have a vote on that. Why are the Members on your side not willing to do the same for our farm bill?

Mr. HUTCHINSON. I am sorry. I am not sure.

Mr. DORGAN. We have had a filibuster day after day after day. We have had two unsuccessful votes to try to break it. Almost everyone on your side of the aisle has voted to continue the filibuster. You are now offering your amendment. We say go ahead and get a vote on your farm amendment; go ahead. We will agree to a vote on yours. Why do most of the Members of the Republican caucus not agree to the same thing with respect to the Harkin bill, or the Daschle bill that is the underlying bill on the floor of the Senate?

Mr. HUTCHINSON. I can't judge their motives and I do not seek to. I have urged them to vote for cloture. I think it is very important we have a farm bill this year. But time is running out and I urge they support cloture.

Mr. DORGAN. I would say the discourse between——
agricultural policy want to offer amendments that, if cloture is invoked, they are denied that opportunity to do so?

Mr. HUTCHINSON. The Senator is, of course, correct. I respect that. The fact is, the farm bill came very late in this session. We have been very involved with a lot of important legislation dealing with 9-11.

My support for cloture, and the reason I urge my colleague to support it, is because we are running out of time. While there are legitimate amendments and there are important amendments, I think we had too much finger pointing, too much of Democrats saying Republicans are filibustering. Frankly, some of us question the motives on the other side. We are running out of time.

Mr. NICKLES. If the Senator will yield, that is the reason why I came to the floor. I heard this “filibuster” and I thought, wait a minute, this is a very complicated bill. We have been on it for a couple of days. But every single amendment—I believe we have had just as many amendments offered by Democrats as Republicans or very close and they have all been germane.

If you look at the other amendments that are very germane but might fall postcloture. I just wanted to understand from my colleague and maybe make an assertion that there is not a filibuster. There is a desire to improve this bill that some of us believe is fatally flawed.

I will also ask my colleague, the bill we have pending, the so-called Harkin-Daschle bill that was reported out of the partisan Agriculture Committee, isn’t that unusual? The facts are that the markup of agricultural policy for decades has been bipartisan. Unfortunately, it was not in this case in the markup of the Agriculture Committee.

Mr. HUTCHINSON. I say to my colleague that my testimony on the Agriculture Committee is pretty thin. This is my first time on an agriculture bill markup, so I can’t really answer this question. But I will say this. While the bill that came out of committee has been described as being a bipartisan bill, I was the only Republican to support that bill. So that cannot be considered nearly as bipartisan as the amendment I am now offering. Many farmers in Arkansas probably thought, finally, the Senate is going to start voting on the merits of a farm bill this year, and our farmers waited. Our farmers across this Nation waited.

On December 5, 5 days later, we had a vote that is hard to explain to folks outside the beltway. We voted on the motion to invoke cloture on the motion to proceed to the farm bill. It passed 73 to 26. In other words, 73 Senators thought we should begin debating the farm bill. But rather than allowing the Senate to move forward with the bill, Republicans forced us to wait several days and then vote on the motion to invoke cloture on the motion to proceed to the farm bill. Now, with that vote behind us, many farmers probably thought, finally, finally, the Senate is going to start voting on the merits of a farm bill now.

Then, on December 5, December 6, 7, 10, 11, and 12, we discussed the farm bill. Hanukkah came and went. As my colleague from Oklahoma mentioned, this is a difficult bill. Farm bills always are. That is why we spent the last year and a half discussing the issues of this bill. In years past, we have tested the issues of a 5-year farm bill. And in the last farm bill we found that the policy we enacted in 1996 was completely inadequate. We have been discussing that for a year and a half. We have been talking about it in committee. We have been talking about it among ourselves and with our colleagues on the other side of the Capitol.

The Senate is supposed to be the deliberative body, and we have proven that again with debate on a farm bill that took up 3 days of business in the other body. For 3 days the other body deliberated this issue, and we have spent much time here over the course of the last 3 weeks?

On December 12, the distinguished former chairman of the Agriculture Committee, the Senator from Indiana, Mr. LUGAR, offered his alternative to the commodity title of this bill. We debated its merits, and then it failed by a vote of 50 to 40.

Many farmers in Arkansas probably thought, finally, the Senate is going to finish up the farm bill. The leading Republican on the Agriculture Committee had offered up his best, and the Senate had voted no. Now maybe we could pass the farm bill. And then we continued to deliberate. We deliberated on December 13, 14, on December 17 and 18.

Christmas grows near. Yesterday we had another proceeding in an attempt to move the farm bill. The Senate voted on cloture. But we fell 6 votes short of the 60 needed to move forward. Most Republicans voted no. They wanted more time to deliberate.

It is beyond me who it may be out there in our farmland of America, from whom they are hearing, who thinks we are not in an urgent situation of providing good agricultural policy. And I do not know, but maybe the Senator from Arkansas and I are the only ones who hear from farmers who are extremely anxious about whether or not they are going to get their financing to put seed in the ground next year or whether or not they are going to be able to continue a family farm that has been in their family for generations, whether they are going to have to continue to farm out the equity of that farm in order to be able to continue farming.

Then the distinguished former chairman of the Agriculture Appropriations Subcommittee and the former chairman of the House Agriculture Committee offered their alternative. Before yesterday, there had not been any written copy of the Cochran-Roberts bill. We could not review the bill on its merits. So it became known on this side of the aisle as “what will it take to get your vote?”

A version of that bill had failed during committee consideration. But yesterday, it got its day in the Sun. And it was fully debated on the Senate floor. And it failed by a vote of 55 to 40.

With that vote behind us, many farmers in Arkansas probably thought, finally, the Senate is going to pass the farm bill. And that brings us to this day on the brink of another vote to bring the Agriculture Committee’s farm bill to an up-or-down vote in the Senate.

Now my good friend from Arkansas is prepared to offer a bill, and I introduced prior to the Senate Agriculture Committee considering the farm bill.

We introduced that bill when we were concerned that the Senate Agriculture Committee wouldn’t pass a farm bill. But the distinguished chairman of the Agriculture Committee, Senator HARKIN, worked closely with us to craft a bill that fits the needs of all producers.

I am proud of the bill that came out of committee. And I want to commend Chairman HARKIN for his hard work.

I am prepared to vote in favor of final passage of the Harkin farm bill right now. It is a good bill. A strong bill that has weathered 20 days of debate.

But my friend from Arkansas wants a vote on the bill we introduced earlier this fall.

I will vote in favor of the Hutchinson amendment because it reflects a bill that I wrote.
But I warn my colleagues on the other side of the aisle: Regardless of the outcome of this vote, if you vote against cloture at 1:15, you will reveal your true intentions regarding U.S. farm policy for all America to judge. There will be no denying that you have no interest in moving a farm bill this year.

It will be obvious to every farmer who is watching this debate.

America’s farmers will know, without qualification, that you preferred to turn your back on them. You will have abandoned them in this time when they are desperate for a farm policy based on the realities of American farming in the 21st century. That is a fine “Merry Christmas” wish for rural America.

The PRESIDING OFFICER. The Senator’s time has expired.

Mrs. LINCOLN. May I ask unanimous consent for 1 additional minute.

The PRESIDING OFFICER. The time is controlled by the other Senator from Arkansas.

Mrs. LINCOLN. I ask for 1 additional minute.

Mr. HUTCHINSON. I ask the Chair how much time is remaining on my side?

The PRESIDING OFFICER. Four minutes.

Mr. HUTCHINSON. Judging from the fact this is not a wholehearted endorsement of my amendment, perhaps the—

Mrs. LINCOLN. I was just describing the debate so far.

Mr. HUTCHINSON. Perhaps the request can be granted from the other side.

Mr. ROBERTS. I object.

The PRESIDING OFFICER. The Senator from Iowa yields 1 minute.

Mr. HUTCHINSON. It is my hope to yield my 5 minutes and I would appreciate the Chair announcing when my 5 minutes is up.

Mr. President, first of all, this is not the House bill. This is not even the bill that my friend from Arkansas introduced last night. In order to comply with the budget, they made changes, and what were the changes made? It is very interesting. Let’s just take a look at two areas:

The Hutchinson amendment really does gut conservation. In the Senate bill we put $21.5 billion. The House has $15.5 billion. The Hutchinson amendment lowers that to an even $14 billion. But here is where most of the money came from. I say to my friend from Arkansas and others, we are interested in the small towns and communities. We want rural development.

In the Senate bill we had $1.7 billion—listen to this—over 5 years for rural development. The House bill has $1.17 billion over 5 years for rural development. So we are pretty close. The Hutchinson amendment has—listen carefully—$200 million over 10 years for rural development. Gutted.

So if you want to have a balanced farm bill and one that helps our small towns and communities, forget about that amendment. He guts rural development and puts it all into commodities. But even putting it into commodities, they are backloading it in 10 years.

What we have done is said there is a crisis out there right now and we need to help farmers right now. For the life of me, I do not understand, Mr. President, why the Senator from Arkansas would want to hurt his own rice producers.

Next year, under the committee bill, the payment per acre for rice is $148.13 under our bill. Under the amendment of the Senator from Arkansas, the payment will be $96.13 per acre for his own rice farmers. Why he would want to offer an amendment to penalize his own rice farmers, I have no idea, because they go back to the old bases and yields. We update the yields. Look at next year payment. Next year, it is $148 per acre on rice; the Hutchinson amendment is $96 per acre on rice.

With corn, we pay $36.67 per acre; the Hutchinson, $26 per acre. Wheat is $18.90 under our bill, $15.54 under Mr. Hutchinson’s amendment.

This amendment is not well thought out. It is not even the House bill. It is not the House bill at all.

One more time for the record, I say to my friend from Oklahoma, nine titles were approved in our committee unanimously—unanimously. Bipartisan, not one dissenting vote. Senator LUGAR and I worked it out. We worked it out with Senator HUTCHINSON and all the Republicans and Democrats on the committee. The only title that did not come out unanimously was the commodity title. Even the Senator from Arkansas voted for that, so at least it has some bipartisan support.

When the Senator says this is some kind of hugely partisan bill, that is nonsense on its face. All you have to do is please check the record. This bill had strong bipartisan support in the committee. Again I respond to my friend from Kansas who said we robbed the crop insurance program to increase loan rates. Let the record show, all we did was include a provision that extends the very same provision that Senator ROBERTS put in his crop insurance bill last year.

This amendment is not well thought out. It is not good enough for Senator ROBERTS last year; it is good enough for us to put it in the bill and extend it in the future. That is all we did. We did not in any way touch or gut the crop insurance program.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. HUTCHINSON. It is my hope to close for the amendment. Is it the intent of the opponents of the amendment to use the remainder of their time?

Mr. HARKIN. How much time remains?

The PRESIDING OFFICER. There are 2½ minutes for the Senator from Iowa.

Mr. CONRAD. I would like 1 minute if I may.

Mr. HARKIN. I yield 1 minute to my friend from North Dakota.

The PRESIDING OFFICER. The Senator from Iowa yields 1 minute.

Mr. CONRAD. I have said many times that the House-passed farm bill represents a good starting point. But it is a starting point that can be improved. For example, the House bill falls well short of the bill out of the Agriculture Committee in its treatment of commodities such as sugar, soybeans, sunflowers, canola, barley, and the pulse crops of dry beans, lentils, and chickpeas. In dairy, the Senate bill is substantially better than the House bill.

The House bill skimps on commodity support in its first year, providing less than half the support provided by the Senate bill in its first year. If the House bill prevails, we may very well find ourselves back here late next year considering supplemental support for agriculture again. I believe our goal should be to improve the House bill. We cannot do it if we simply accept it today.

The chairman has made clear what is before the Senate is not even the House bill.

Mr. HUTCHINSON. I have 4 minutes remaining.

The PRESIDING OFFICER. The Senator has 3½ minutes.

Mr. HUTCHINSON. I yield 1 minute to the Senator from Kansas.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. I thank the distinguished Presiding Officer and my colleagues.

It seems to me we have a paradox of enormous irony. The majority has, for weeks, talked about and urged passage of a farm bill to protect the investment in agriculture, the $73 billion provided...
for in the budget, and to expedite consideration with the House of Representatives, and we could pass the bill this year.

Today, let the record show, whether it might be minor differences between the bill offered by the distinguished Senator from Arkansas and the House bill, the majority is now going to vote against the House position before they go to conference. I think that is a paradox, I think that is unique. I think that is unprecedented. I thank the Senator for the time.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Let me say very quickly in wrapping up, I appreciate working with the chairman, and I think he made a good faith effort.

As far as the conservation is concerned, I will respond by saying I offered increases: The average annual funding level from $200 million to $1.3 billion a year for the EQIP program. Livestock and crop producers each receive 50 percent of the funding. On the issue of the rice, the average gross receipts over the 5 years is $11.90 per hundredweight under the House bill and the amendment I offered.

Year by year is important, but they are not being penalized. It is a bill and a position that the Rice Federation and rice producers endorsed because they knew it was good for rice when the bill was introduced.

However, we could argue day and night about this funding and which bill is better for the various crops. The reality is, if Members want a farm bill this year, if Members want a bill this year, this is it. You can bump it up another few billion and maybe everybody in the world will be happy, but if you cannot pass the bill, it doesn’t help the farmers.

The latest figures show that the Hutchinson substitute would cost $45.2 billion over baseline in the first 5 years, leaving only $28.3 billion for the second 5 years. Basically, if we do this, we will eliminate the funding available in the years 2007 - 2011. That is why I say these will be the years of plenty and those will be the years of famine.

This amendment is balanced, and it is reasonable, and it has broad support in the Agriculture Committee and the agricultural community. It is bipartisan. It was introduced as a bipartisan bill.

The basic, underlying, fundamental point is this: It is the only bill that is conferenceable with the House. It is the only bill that has any chance at all of being signed into law this year. If you have told your farmers that you are going to do everything within your power to get a farm bill passed this year, then you need to vote for this amendment.

This will be the highest of ironies, I say to my friend from Kansas, those who have said they don’t want to delay a farm bill are going to vote against the one vehicle by which they can get a farm bill this year; that those who have said there are obstructionists trying to get a farm bill passed will be in a position of voting against the one that could be signed into law by the end of this year.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. I yield 30 seconds to the Senator from North Dakota.

Mr. DORGAN. This does not wash—to stall for 2 months, to filibuster for 2 weeks, then walk around here pretending you are out of breath from running so far. Every step of the way, we had people on that side of the aisle trying to prevent us from writing a farm bill, and now they are coming to the floor saying: We are trying to move it along.

This is a sure way to try to move it along—filibustering through two cloture votes. We will see at 1:15 if they give us the time to move it along.

The PRESIDING OFFICER. The Senator has 47 seconds remaining.

Mr. HARKIN. The time for games is over. The fact is, the White House itself has said we should not have a farm bill this year. The ranking member of the Agriculture Committee, Senator LUGAR, has said that. The Secretary of Agriculture has said that. The entire Republican hierarchy downtown and here have said time and time again we should not have a farm bill this year. Since this amendment is different from the House, it would still require a conference.

Again I say, Mr. President, now is the time to pass a good bill. If we get cloture today and we can close this bill down, we can conference our bill in the next 2 days and we can go into conference with a good bill, not with an amendment that is less than what the House has.

I urge defeat of the Hutchinson amendment.

I move to table the Hutchinson amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The hour of 12:50 having arrived, the question of the motion to proceed to the consideration of the bill, and the time to move to cloture, without objection, is now out of order.

Mr. HARKIN. Mr. President, I understand there is no time remaining. I ask unanimous consent that I be given 1 minute and that the other side be given 1 minute prior to the cloture vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The motion was agreed to.

Mr. HARKIN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. MILLER). The Senator from Iowa.

Mr. HARKIN. Mr. President, parliamentary inquiry: What is the order of business now before the Senate?

The PRESIDING OFFICER. The cloture vote is the next order of business.

Mr. HARKIN. Mr. President, I understand there is no time remaining. I ask unanimous consent that I be given 1 minute and that the other side be given 1 minute prior to the cloture vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Iowa.

Mr. HARKIN. Mr. President, we will now go to a cloture vote. It will be the third cloture vote. The majority leader has said that will be it, because this is Wednesday. To finish the 30 hours after cloture, if we got cloture, would require the rest of the week. We all want to get out of here by Friday or Saturday— I hope. So this really would be the last opportunity to have closure on the farm bill.

We have had good votes. We voted on the Lugar substitute. We voted on Cochran-Roberts. We voted on Hutchinson. There may be other amendments. They should be genuine. Somebody said about cloture, it cuts off amendments. It does not cut off any germane amendments to this agriculture bill.

So let’s have the cloture vote. We get our 30 hours. At least then we can finish the bill. Then the staff can work on

YEAS—59

NAYS—38

Yeas: Akaka, Bennett, Bond, Brownback, Burns, Campbell, Cochran, Craig, DeWine, Domenici, Durbin, Ensign, Feingold, Feinstein, Graham, Gregg, Hagel, Hollings, Inouye, Jeffords, Johnson, Kennedy, Kerry, Kohl, Landrieu, Leahy, Levin, Lieberman, Lugar, McCain


Mr. HARKIN. I further announce that if present Members desire, the record will be opened 1 minute prior to the cloture vote.
it in January, and when we come back on January 23, we can meet in a short conference and get the bill to the President before the end of the month.

If cloture is defeated, I can assure you, all of my fellow Senators, the President will not get this bill until sometime in March, or April, if ever then. So this is the last train out of the station. I hope we can get it done.

The PRESIDING OFFICER. The Senator’s time has expired.

The Senator from Indiana.

Mr. LUGAR. Mr. President, we worked with the distinguished chairman carefully. There are a large number of issues that must be discussed before this bill is perfected.

In good faith, I ask the Senate to give us opportunities to perfect this bill. It must be perfected, in my judgment, if the President is to sign it, if we are to have a successful conference, and in fact if we are to have successful agricultural policy.

In the Senate, there are a number of amendments that must be heard that, in due course, will have to be heard somewhere in the land. This is the proper forum and the proper time. I ask my colleagues to vote against cloture, to keep the process alive because I am confident we will improve the bill if we have that opportunity.

I thank the Chair.

CHANGES TO H. CON. RES. 83 PURSUANT TO SECTION 213

Mr. CONRAD. Mr. President, section 213 of H. Con. Res. 83, the FY 2002 Budget Resolution, permits the chairman of the Senate Budget Committee to make adjustments to the allocation of budget authority and outlays to the Senate Committee on Agriculture, provided certain conditions are met.

Pursuant to section 213, I hereby submit the following revisions to H. Con. Res. 83.

The revisions follow:

Current Allocation to the Senate Committee:

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The PRESIDING OFFICER. The majority leader is recognized.

Mr. DASCHLE. Mr. President, we have a farm bill for almost a record length of time now. I am told that tomorrow we will break the record for the length of time a farm bill has been debated. If we get cloture, of course, we will still entertain 30 hours of debate for germane amendments. As I have done on several occasions, we will also entertain unanimous consent requests to consider amendments that are not germane.

But time has run out. This is the third cloture vote. We have a lot of other legislation that must be addressed before the end of the week. We have three conference reports on appropriations that must be completed. We have other legislation of import to both sides of the aisle that must be addressed and, hopefully, completed.

I announced earlier today that if we fail to get cloture on this vote, we will have no other choice but to go on to other issues. That will terminate the debate and end any possibility that we could complete our work on the farm bill this year.

I put all my colleagues on notice, after three cloture votes we need to move on. It is up to both of us, Republicans and Democrats, to make that decision. We can finish this bill. We can accommodate all the other items that need to be addressed, but we have to move on. Germane amendments for 30 hours ought to be enough for everybody. Am I wrong for asking for over 2 weeks. I ask my colleagues to vote for cloture. Let’s get this work done.

I yield the floor.

The PRESIDING OFFICER. The Chair passes to the Republican leader, Mr. LOTT. Mr. President, I yield myself leader time so I may respond. I know Senator DASCHLE might want to close the debate.

Let me just emphasize on this issue, first of all, I don’t believe this is a record. I think if you go back and search the record, we have spent as long as 30 days on an agriculture bill. We could go back and forth over what the length of time was. The important thing, though, is to get the right thing done.

This legislation does not expire until next year. We are not going to get a conference agreement on this legislation whether we complete action now or next week or sometime before the end of the year. The conference will go well into the next year. I suspect this will be a pretty difficult and long conference. There is no need to continue to have this vote.

Unfortunately, this is the most partisan farm bill I recall seeing in my 29 years in the Congress. Farm bills are worked with the distinguished chairman carefully. There is no need to continue to have this vote. Unfortunately, this is the most partisan farm bill I recall seeing in my 29 years in the Congress. Farm bills are worked with the distinguished chairman carefully. There is no need to continue to have this vote.

Farm legislation is very important. We should make sure when we came back next year, this is the first issue pending and complete action. In the meantime though, we should keep our focus on the three appropriations conference reports, seeing if we can get a bill through that will help the families and the unemployed on the stimulus package, and see if we can get an agreement on the terrorism reinsurancen and bioterrorism. Those are the issues we really can do, should do, and I hope we will do.

I urge my colleagues, do not rush to judgment. Let’s not be forced to invoke cloture when important amendments that would be cut off, such as the one Senator GRASSLEY has on limitations.

There is no need to be panicked here. We have authority, do it right. We cannot cut off our colleagues who have good amendments. We can complete action in due time and get a good farm bill well before the law expires.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Let me respond briefly. First of all to the Grassley amendment, we are told now that it is germane, and certainly it would be eligible for consideration. That goes to the point I made just a moment ago. A lot of other amendments that are still pending will certainly be entitled to consideration, entitled to a vote, and that is as it should be.

I also note the Republican leader’s comment that this has been a partisan farm bill. I am told by the chair of the committee that we have never had as many unanimous votes in a markup as we had with consideration of this farm bill. Of the titles that were passed out of the committee relating to this bill, none of them passed. Only one failed unanimity. That doesn’t sound partisan to me.

The commodity title was the only title that generated votes on both sides. Every other vote, in all nine titles, was passed unanimously.

Again, as to the assertion that we can wait, I must say I urge you all to refer to the Budget Committee and their projections that, by waiting, we chance losing $25, $30, $40 billion in budgetary authority. This in essence is a vote to cut agriculture by a substantial amount of money, if we fail cloture now, if we don’t take full advantage of the budget window we have available to us.

We can’t wait. I know the administration has urged that we wait, the Secretary of Agriculture has urged that we wait. I must say, 32 or more farm organizations have urged us to act now. Why? Because they are worried about the budgetary implications. Why? Because they want farmers and ranchers to have the opportunity to make the transition. Why? Because the Department of Agriculture normally needs 6 months to make the transition. There are plenty of reasons it is important for us to bring this debate to a close. Let’s do it. Let’s move on to the other issues we have to confront. Then let’s go home for Christmas.

Mr. NICKLES. Will the majority leader yield?

Mr. DASCHLE. I am happy to yield to the Senator from Oklahoma.

Mr. NICKLES. The majority leader referred to the fact that a lot of farm
organizations support this bill. Was the majority leader aware that the American Farm Bureau Federation wrote a letter today, December 19, which reads in part:

The American Farm Bureau Federation Board of Directors in a special meeting on Tuesday, December 18, 2001 voted to oppose Senate passage of the farm bill if it contains the water language that your amendment is intended to strike. I ask unanimous consent to have this letter printed in the Record.

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


Hon. Michael Crapo,
U.S. Senate, Russell Senate Office Building, Washington, DC.

Dear Senator Crapo: I am writing to convey the strongest support possible of the American Farm Bureau Federation for your amendment No. 237, S. 1731, the farm bill: to strike the Reid water rights language from the conservation title of S. 1731. This language poses an extraordinary new threat to agriculture and the ability of farmers and ranchers to remain economically viable.

The water provisions in the bill set a dangerous precedent that would erode historic state water law. Additionally, it will expand a dangerous precedent that would erode historic state water law. Additionally, it will expand a new category of species that are not endangered but are threatened. Let us complete our work on this bill. We have been on it long enough. We have debated every conceivable amendment. I think the time has come for us now to complete our work.

I yield the floor.

Mr. SESSIONS. Will the majority leader yield for a question?

Mr. DASCHLE. Mr. President, I yield. I know there is a senator on the floor who needs to catch an airplane. This will be the last time I yield.

Mr. SESSIONS. My request would be that there be one last attempt to make a bipartisan compromise here. We have people such as Senator Lugar, Senator Grassley, Senator Roberts, with deep histories in farm legislation, who are troubled by this bill. I believe we can work it out, as we have in several other last-minute circumstances. But to just shelve it with the major leader's side is not healthy.

Will the majority leader try that?

Mr. DASCHLE. Mr. President, let me say, I have 30 hours, 30 hours of debate, to try every conceivable new avenue to reach some compromise. I am more than willing to sit down with our two managers, with other Senators who have an interest in completing our work.

The real question is whether or not we want to finish the farm bill this year. I hope people can say on both sides of the aisle in the affirmative, yes, we will finish this bill this year. We will complete our work as all farm organizations and as our responsibility dictate.

I yield the floor and ask for the vote.

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the Daschle for Harkin substitute amendment No. 2471 to Calendar No. 287, S. 1731, the farm bill:


The PRESIDING OFFICER. On this vote, the yeas are 54, and nays are 43.

Three fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader.

Mr. DASCHLE. I enter the motion to reconsider the cloture vote.

Mr. JOHNSON. Mr. President, I rise to express my grave disappointment at the failure of the Senate to achieve cloture on S. 1731, the Senate farm bill. Today, as on two other occasions in the last 13 days we have debated the farm bill in the Senate, a majority of our body has voted for cloture, a parliamentary tool applied to end excessive debate. It is not possible to give in to the interest that would finish the farm bill by the end of the year. Unfortunately, even though a majority of the Senate wants to pass a farm bill
this year, the Senate Republican leader has blocked an up-or-down vote on the farm bill, forcing the Senate to revisit this issue next year. It requires 60 votes to terminate a filibuster and to allow the Senate to proceed with its work.

Today, farmers and ranchers across South Dakota and the entire country are busy doing their jobs. They are maintaining their operations, feeding livestock, deciding what to plant for the 2002 growing season, and discussing prices, expenses and economic matters with their lenders, all in anticipation that Congress will do their jobs and complete a farm bill this year. The only problem is that Congress, namely a certain number in the Senate, has failed family farmers and ranchers by rejecting action on the farm bill this year. Despite the fact that every major farm and ranch organization in the country wanted to complete action on the farm bill this year, a certain number in the Senate ignored these 32 groups. In fact, Mr. Bob Stallman, the President of the American Farm Bureau Federation has been quoted as saying that a vote against cloture is a slap in the face of farmers. Unfortunately, Farm Bureau, Farmers Union, and all the other farm groups were ignored today and on two prior cloture votes. On three separate occasions the U.S. Senate was given an opportunity to demonstrate how important family farmers and ranchers are to the overall well-being of the country, because the Senate had cloture votes on three separate days. On three occasions the Senate was given a chance to say we’ll write a new farm bill this year, we’ll go to conference with the House, and we’ll send a bill to the President. On three occasions the Senate was given an opportunity to send a message to farmers and ranchers all across the country that we care about them, that we want a better farm bill for rural America, and that it was important to us to deliver a new farm bill to them. Yet, on Thursday, December 13, the Senate obstructed action on the farm bill by a 53-45 vote. Then on Tuesday, December 18 and today, Wednesday December 19, the Senate rejected cloture on a 54-43 vote each day. Rejecting cloture simply means a rejection of the farm bill this year. That is very unfortunate.

I have been urging Congress to complete action on the farm bill, conference with the House, and send a bill to the President for his signature this year, if not very early next year, in order to ensure two very important things:

First, that we capitalize upon the $73.5 billion in additional spending authority provided by this year’s budget resolution, because given the shrinking budget surplus and unprecedented demands on the Federal budget now, there are no assurances this money will be available in 2002, when a new budget resolution will be carved out of a very limited amount of resources.

Second, that we mend the farm income safety net now because the experience of the 1996 farm bill has painfully taught us that it does not provide family farmers and ranchers a meaningful income safety net when crop prices collapse. Thus the need for a new farm bill is clear.

Some will allege the Senate did not have time to fully debate the merits of S. 1731, the Senate farm bill. However, that is clearly not the case. Rather, in the last 13 days we have debated the farm bill, approximately 20 amendments were proposed to the underlying bill. Three of these amendments were comprehensive alternatives to the farm bill passed out of the Senate Agriculture Committee. Of these three substantial alternatives, one was a proposal by Senator Lugar to overhaul the farm bill’s commodity title with a severe reduction in support to South Dakota’s crop producers, essentially by eliminating the marketing loan program. On December 12, the Senate voted against the Lugar amendment on a 70-30 vote. Then, yesterday, the Senate debated at great length an alternative to the farm bill offered by Senators Cochran and Roberts. Their alternative would have revamped many titles of the farm bill, including changes to the commodity and conservation titles. Yesterday, the Senate rejected the Cochran-Roberts alternative by a 55-43 vote. In the final analysis, a clear majority in the Senate has gone on the record in opposition to three major farm bill alternatives. I am confident that if we were allowed a straight up-and-down vote on the Senate farm bill, we would pass it. However, we have rejected even to stall out the farm bill, essentially killing it for the year.

Finally, I will do all I can to make sure the farm bill is the very first order of business that we take up in 2002. We may still have time to pass a farm bill in the Senate, conference with the House, and send a bill to the President. In the meantime, I will continue to fight for South Dakota’s priorities in the farm bill. Some of these priorities include: forbidding meatpacker ownership of livestock, which will restore fair competition in the marketplace; my provision to provide for country-of-origin labeling of beef, lamb, pork, fruits, vegetables, peanuts, and farm-raised fish; my provision to prohibit USDA quality grade stamps on imported meat; an energy title that promotes value-added ethanol, biodiesel and wind production in South Dakota; a conservation title increasing the Conservation Reserve Program by $1.2 billion; a commodity title containing higher loan rates than the House farm bill and a provision that rewards farmers with an allowance for an update on a farmer’s yields and planted acreage for the purpose of making price support payments. None of these provisions are contained in the House farm bill.

We have more work to do. In addition to completing action on the farm bill, we should address common-sense payment limitations in the farm bill so family farmers and ranchers truly benefit from it. I look forward to next year and our endeavor to provide America’s family farmers and ranchers with a new farm bill.

Mr. NELSON of Nebraska. Mr. President, I rise in support of the Daschle substitute to the committee-passed bill.

Let me begin my statement by pointing out that every farmer I talk with in Nebraska wants Congress to pass a new farm bill this year. This legislation is awfully important to tens of thousands of farm families in Nebraska and they are asking me to get it done. For my State, we represent 5,000 farm families where we have more cows than people there may be no greater economic stimulus package than the farm bill.

Many of my colleagues have thanked Chairman HARKIN, ranking member LUGAR, and their staffs for their hard work in getting this bill together. Let me add my thanks. It was not an easy job.

But then, neither is farming in an environment where commodity prices for crops remain at historic lows for the fourth straight year.

Or where livestock producers—the largest sector of agriculture in my state—are facing costly new environmental regulations with frightfully few federal resources to help share the burden.

So I rise in support of this legislation and ask my colleagues to join me in its consideration.

This bill breathes new life into our commodity programs, provides nutrition programs for hungry children and adults, supports our international food donation and trade efforts, and protects millions of acres of environmentally sensitive land, among many other important priorities.

It makes a real commitment—both in programs and funding—to rural development. I have worked with many Nebraskans involved in rural development in their communities, and these are the provisions they asked for: Access to venture capital. Adequate funding for water and sewer projects. Greater access to broadband service. More funding for value-added product development.

A modest investment in these programs will have tremendous return in rural communities all across America. I hope my colleagues have heard from their constituents about the importance of these provisions and that they are as enthusiastic as Nebraskans are.

This bill also includes, for the first time, a title devoted to agriculture-based energy. It’s a terrific idea and
one whose time has come. I only wish the Agriculture Committee had the jurisdiction to go further!

Nevertheless, the provisions in the energy title that provide grants, loans and technical assistance to farmers and ranchers to develop and incorporate renewable energy use will be, I predict, widely oversubscribed.

In five years we will be back here trying to expand these programs, because demand has far surpassed the funding available.

Speaking of conservation, let me briefly comment on the conservation title. The Chairman and Ranking Member of our committee did not get special recognition for their vision in moving farm programs toward a more conservation-oriented policy.

Environmental and sportsmen’s groups—the hook and bullet coalition, I heard them called recently have been working toward the expansion of these programs for years, and their efforts pay off in this bill.

CRP, WRP, WHIP, FPP,... the acronyms all run together, but each program has a distinct and invaluable purpose.

Of particular interest to Nebraskans are the significant new resources for the EQIP program, which will allow it to ramp up to $1.25 billion a year by 2006 from just $200 million now.

It will provide assistance to thousands of livestock producers, in particular, to comply with new regulations. Just as importantly, it will assist our ranchers in protecting water supplies, soil quality and wildlife habitat. The House also made a significant commitment to EQIP and I commend them for that.

A critical title of this legislation reauthorizes and expands nutrition programs. Included is a provision of particular importance to Nebraska and other states with military installations.

The privatization of housing on military bases has had the unintended consequence of jeopardizing eligibility for the free and reduced cost school lunch program for qualifying children. Because of the reporting requirements in the privatization legislation, service members’ housing allowances are now being counted as income making children who previously qualified for the free and reduced cost school lunch program ineligible.

So, unfortunately, as a result of a policy that I support—privatized housing on our military bases—we are improving quality of life with one hand and taking it away with the other.

Finally, the commodity title is of course the engine driving this train. I cannot overstate how important it is to Nebraska.

Farmers as we all know, are deriving an ever-increasing share of their income from farm program payments under Freedom to Farm.

The law that was supposed to rid them of the shackles of Federal farm programs has instead made them more dependent on the government than ever before. It has cost taxpayers tens of billions of dollars in emergency assistance.

Farmers in Nebraska have said resoundingly, “Enough!” and they are right. It is time for a new program that offers some stability and a reasonable chance at profitability. And it’s time for a program that no longer offers its benefits based on what you may have planted 20 years ago.

This legislation provides a modest increase in loan rates, and I do mean modest. Corn goes from $1.59 to $2.08, wheat from $2.56 to $3.00.

Farmers in Nebraska have been calling for an increase in loan rates for years, but this is hardly what they had in mind.

And still, there are those who call it excessive. Who say that these loan rates—will lower what it costs farmers to raise a crop—will stimulate production.

I ask them: where? Freedom to Farm sent farmers checks when prices were at record highs and they did what any business owner would do—invest in greater productivity. And they were successful.

As we know too well, it took only two years of Freedom to Farm for prices to collapse. And they have not recovered.

And after a government signals, “Plant more.” “Buy more land.” “Expand your operation.”

The current program, I say to my colleagues, stimulates production. So I do not see where all this new production is going to come from.

What I do see is a loan rate that offers producers a fighting chance at making a cash flow work with their banker this spring. A safety net that leaves them less dependent on the government and some income to spend on the things that we all need.

The commodity title reauthorizes programs for sugarbeet growers, which is also important to my state. To the 550 families growing sugarbeets in western Nebraska, this bill is critical.

And it meets other needs of other regions and senators that make it truly a national program—including peanuts and fruits and vegetables.

So I thank Chairman HARKIN for putting this bill together and I urge the Senate to invoke cloture and move it to immediate consideration.

Mr. CRAIG. Mr. President, last week we voted on an amendment by Senator JOHNSON that would prohibit meat packers from feeding, owning, or controlling livestock. I voted for this amendment because of concerns from my livestock producers that the packers have too much control of the market.

Since that time, I have received more information on how this provision would be implemented. It has come to my attention that the language as written would prohibit forward contracting, future contracts, and other pricing mechanisms.

This is significant information. Indeed, had I known it at the time of the vote, I would have voted differently.

For that reason, I took the only action available to me in this situation. I filed two alternative amendments to the farm bill: one that would prohibit the Johnson language from going into effect, and another that would substitute a study to determine the economic impact of such a proposal. The proposed ban on packer ownership, as offered by Senator JOHNSON, could cause widespread economic harm in the livestock and packing industries, but no one has explored what the true implications would be.

My amendment would require the US Department of Agriculture to complete this study within nine months.

I have always been a free market conservative; however, I regularly hear from ranchers and farmers who have concerns about concentration in the meat packing industry. In Idaho we have two packers, and the only thing worse than just two packers, is to have only one. I am concerned that the language as passed could result in further consolidation within the packing industry.

While I agree with my producers that we have a problem, we must be sure that our solution does not create an even bigger long-term problem.

MEAT PACKERS

Mr. GRASSLEY. Mr. President, last week the Senator from South Dakota and I offered an amendment which would prohibit meat packers from owning, feeding or controlling livestock prior to slaughter. Together, we had introduced legislation in the Senate to accomplish the very goal of our amendment. A majority of our colleagues in the Senate voted in favor of our amendment. However, since that time, concerns have been raised by the Secretary of Agriculture and some in the livestock industry that the language of the amendment, specifically the word “control” would affect forward contracts or marketing agreements.

I do recall that the Senator from Montana inquired as to whether this amendment affected such contracts and that the Senator from South Dakota responded that the amendment did not affect them. However, I would ask the Senator from South Dakota for further clarification on this point.

Mr. JOHNSON. I thank the Senator from Iowa for his leadership on this issue. Additionally, I thank him for his concern for livestock producers and for the opportunity to clarify any misunderstandings. The amendment is not intended to affect forward contracts or marketing agreements. Such arrangements have caused or can cause problems in the market, but they are outside the scope of this amendment.

Mr. GRASSLEY. Mr. President, I offer an amendment to remove the word “control,” which must be read in the context of ownership. In other words, control means substantial operational control of livestock production, rather than the mere...
The contract right to receive future delivery of livestock produced by a farmer, rancher or feedlot operator, “Control” according to legal dictionaries means to direct, manage or supervise. In this case, the direction, management and supervision is directed towards the production of livestock or the operations producing livestock, not the simple right to receive delivery of livestock raised by someone else.

This is intended to close any loophole which may allow clever attorneys to circumvent congressional intent. Such loopholes could include situations where a packer that owns livestock engages in a transaction where a farmer takes nominal title to livestock or livestock feeding operations, but a packer has substantial operational control over the livestock production which is similar to ownership. Another situation is where a packer that owns livestock would not affect him. That is my understanding of the intent. Such loopholes could include situations where a farmer or rancher holds true operational control, this amendment would not affect him.

Mr. JOHNSON. There are two reasons that forward contracts and marketing agreements are not within the definition of control. First, these contracts do not allow a packer to exercise any control over livestock production in the strict sense. Rather, the contracts merely provide the packer with the right to receive delivery of livestock in the future and most include a certain amount of quality specifications. There is no management direction or supervision over the farm operation in these contracts. The farmer or rancher makes the decision to commit the delivery of livestock to a packer through the contract. The farmer or rancher still retains operational control. In fact, the farmer or rancher still could make a management decision to deliver the livestock to another packer other than the one covered in the contract, albeit subject to damages for breach of contract. Even where such contracts include detailed quality specifications, control of the operation remains with the farmer. The quality specifications simply related to the amount of premiums or discounts in the future for the packer for the livestock delivered under the contract.

Second, several states prohibit packer ownership of livestock, such as Iowa, Minnesota, and Nebraska. The Iowa law, for example, prevents packers from owning livestock for the purpose of or operating as a livestock feeding operation in that state. But packers and producers may still enter into forward contracts or marketing agreements without violating this law because operational control in the context of ownership is the issue. The term control is intended to be similarly interpreted and applies in this amendment.

Mr. GRASSLEY. I concur and understand the distinction between control of livestock production in the operational sense and a mere contract in which a packer has the right to receive delivery of livestock in the future. I also understand that farmer owned cooperatives, including agricultural cooperatives, are exempt if they own a packing plant. But there is yet another situation in which some packers enter into joint ventures with farmer-owned cooperatives that has members which also supply the jointly owned packing plant.

It has never been our intent to prevent cooperatives from engaging in relationships with packers, and the amendment does not do that. For example, in Iowa, Excel, which is owned by Cargill, is in negotiations with a beef cooperative to build a packing plant to be owned by a joint venture. If that deal is completed, the actual packer would be the joint venture entity formed by Excel and the beef cooperative. Co-op members who chose to participate in that endeavor can freely commit all or a portion of their cattle for slaughter without violating this amendment. The reason is that the packer in the exercises no operational control over livestock production. Rather, the package again has a mere contractual right to receive delivery of cattle that meet its specifically on graduate and quality. That contract may be a standards forward contract or a marketing contract, the contract may take the form of a membership agreement between each farmer member and the beef cooperative. In either even, this amendment does not affect this joint venture arrangement.

Mr. JOHNSON. That is absolutely correct Senator GRASSLEY, and we have advocated this position all along. Thank you from clarifying that issue with me. While forward contracts and marketing agreements can pose problems for the marketplace, they are outside the scope of this amendment.

Mr. GRASSLEY. Thank Senator JOHNSON for clarifying the scope of the amendment.

MORNING BUSINESS

Mr. DASCHLE. I ask unanimous consent there now be a period for morning business, with Senators permitted to speak for up to 10 minutes each.

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

FAILURE TO PASS A FARM BILL

Mr. HARKIN. What was the final vote, I inquire?

The PRESIDING OFFICER. The yeas are 54; the nays are 43.

Mr. HARKIN. We would have had 55. Senator AKAKA was missing, of course. This is a sad day and not a very bright Christmas for farmers and ranchers and people who live in rural America. What we have said to them is: You don’t count; you will come on the tail end of everything else. We will do this, we will do that around here, but when it comes to our farmers and ranchers, you are at the tail end. That is what my Republican colleagues have said. Go take a hike, they said to farmers America. We will deal with you later. We will deal with you later.

I come from a town of 150 people. I was born and raised there. I bet I am the only Senator in this Chamber who was born in the hospital, I was born in the house. I still live in that house in a town of 150 people. I have a strong feeling about people who live in small towns and communities that need rural development, that need sewer and water, need better communications, telecommunication centers in our country, who need job opportunities. Our farmers surround these small communities and this is what I have said to our farmers and their families and their livelihood.

We tried everything humanly possible to get this bill passed, in good faith, working in a bipartisan manner. Facts are devilish little things because facts do lie to rhetoric. For all this rhetoric from the other side that this is a partisan bill. If it wasn’t so partisan, we could get it through.

But the facts are devilish things. And the facts are that even simple titles of this bill we worked on. I worked closely with my ranking member, a good friend, an honorable person, someone who cares deeply about agriculture. We worked on these. We worked them out in the committee. Everyone got a unanimous vote, all Republicans, all Democrats, but one title, commodities.

Senator HUTCHINSON from Arkansas voted with us, so it was bipartisan. Basically, the same thing happened in 1995. We had to deal with the commodity title in the Chamber. I understand that. But then we had all the amendments that gutted nutrition, gutted conservation, that went after rural development. And we had all deals of the committee, unanimously, on what we reported out.

The facts give lie to rhetoric. They have the rhetoric. They have been hit with the rhetoric, but the facts are on our side. This is one of the most bipartisan farm bills ever to come out of the Senate Agriculture Committee. The facts are there and cannot be denied. Again, they talked about reaching more of a bipartisan consensus. Again, the facts are devilish little things.

We had three big amendments offered on the Republican side that were sort of in the nature of substitutes for a committee bill. One was the amendment offered by Senator COCHRAN and ROBERTS. Then we had the amendment offered by Senators COCHRAN and ROBERTS. And then this morning we had the amendment offered by Senator HUTCHINSON. If you listened this morning, you heard Senator HUTCHINSON and others saying this would be the only bill; if only we would pass the Hutchinson bill, it could be the only bill that...
could get through conference and get to the President.

The facts are devilish things. The Lugar amendment got 30 votes. The Cochran-Roberts amendment got 40 votes. The Hutchinson amendment this morning got 40 votes.

What are they talking about? I assume what they mean when they want a bipartisan bill is they want the 30 or the 40 people to decide. That is not bipartisan. We had the votes. What it showed was the majority of the Senate wants the committee bill, but for some reason they will not vote for cloture to give the 60 votes.

I ask, what is partisan about somewhat lower rates? What is partisan about that? What is partisan about fixed payments, which we have in our bill? What is partisan about countercyclical payments, so that if the price goes down we come in and help farmers out? What is partisan about a strong conservation program, that even the Secretary of Agriculture, in the book they published earlier, has brought together a skilled group of staff members who have worked well, the staff members I was privileged to serve with when I was chairman of the committee.

Nevertheless, it was a difficult time to begin the farm bill consideration, the drafting, pulling together, at least, of the materials as well as the consensus that was required. I pay tribute to the chairman for doing that very skillfully.

But as has been pointed out throughout the debates, many times members complained during the markup that they were not aware of the text of the bill until a few hours before consideration. These are complex titles. Even then, we proceeded and cooperated with the chairman, for reasonable debate and votes.

The chairman is correct. In the case of the titles other than the commodities title, we often came to unanimity. I think I would make only the slight correction that I offered amendments in committee to do considerably more in prevention and food stamp and feeding of the poor than was the will of the committee at that time. Likewise, more on agricultural research. Essentially, a majority of the members of our committee were deeply concerned throughout all the other titles about the amount of money that would be left for the commodities. They wanted to follow the money. It was all right to take a look at research and nutrition and the rest of it, but these were perceived as preliminaries to the main goal.

As a result, we do not all get what we want in these priorities. Nevertheless, I had a chance to express it. We had votes, I think fairly narrow losses on both. These are the things that are on the floor to try again—unsuccessfully, as it turned out. I accept that fact. This may be a year in which the majority of the committee and a majority of the Senate were eager to literally appropriate more taxpayer money for the traditional crops and bits and pieces of other situations to satisfy Senators necessary to build a coalition.
I also observe the driving force for all of this was a statement that the Budget Committee had reserved $172 billion over a 10-year period of time for agriculture. If this was not seized, the moment was not seized, the money was not spent, it would be the sine qua non, even if that might be inadequate consideration of titles and texts and procedure, or even if, in this debate on the floor, amendments could not be heard, again and again we returned to the thought that if this did not occur in calendar 2001, the $172 billion might be lost.

The majority leader in his comments thought maybe $30 billion or $40 billion might be left. Therefore, those voting against cloture were voting for a cut in the Agriculture bill.

Admittedly, we considered a 5-year bill, the House bill with the $172 billion 10-year situation, but we even came back to that in a vote today. This preoccupation with that money is an important matter. Let's try to remember some of our debate in this Chamber that we are all aware as Senators, quite apart from the technicalities of the Budget Committee, that our country is at least in a mild recession. We are, typically, going to take up stimulus spending to get it out and move people along—farmers included. There is not $172 billion and there has not been for a long time. We have continued to operate in a fashion in which we spent every last dime, pushing each commodity situation to the nth degree.

I and others argued that that is a mistake for agriculture in America; it is not in the best interests of a large majority of farmers. This bill was crafted to benefit a fairly small number of farmers in America. Those of us who have talked about it have detailed in our own States precisely who gets the money. In Indiana, 66 percent of the money goes to 10 percent of the farmers. The bill we have been considering is not a failure, it is not even a failure. What about the other 90 percent? Are they of no consequence in this debate?

When we talk about farm families in my State, 90 percent might say: Is no one looking out for us? And I say: I am.

Let's get that straight. The bills we were taking a look at narrowly focus a lot of money to a very few people.

They would say: We deserve it. We are the most efficient. We are the biggest. We have the best research, the best marketing.

We applaud that, but that does not justify the American taxpayers transferring money to them.

We applaud their efficiency because they make money doing what they are doing.

I have no idea how the final product might have looked if we had invoked cloture today. But we have a pretty good idea. How interesting it is that so many said, ‘We applaud the Senate bill and the House bill. But vote for a bill anyway to get on with the process because the $172 billion might disappear, and somehow a miracle might occur in conference between two bad bills. That is highly unlikely.’

What we have done today is given ourselves a second chance to let the American people in the facts, and then to deliberate a little more carefully as to how in fact we should not encourage overproduction and overconcentration of the money. The problems will surely come in the trade situation of this country when we take steps such as this that are clearly not tied to all of the opening up elsewhere in the world that we espouse. We have a lot of work to do. I look forward to working with the distinguished chairman of the committee. I am grateful we have a second chance to do much better for American farmers.

As I have said throughout the debate, as one who is among that group, I take farming seriously and personally—in my family as well as in my State. I think I have a pretty good idea, as a matter of fact, of what may be beneficial to Indiana agriculture.

The bill that exists without amendments and without substantial changes would have been harmful to my State. That is counterintuitive. Indiana is one of the big winners as you look down the number of farmers receiving subsidies and the amounts of money.

The fact is we have been running the markets off the tracks by the Government interfering and stimulating overproduction year after year. You depress prices year after year. There is no way prices could get up, given the bill we are taking a look at. You depress it by the very nature of the bill and then complain that prices are at all-time lows. Of course, they are. If we passed this bill, prices would be low for 10 years. That would guarantee a crisis.

I predict that unless we cure this, we will be back in July and August despite the protestations, and we will say somehow this just didn't work; it wasn't the right formula; we need more money, and more money, and more money, as we have annually year after year, because the politics of competition between the parties would really not permit anyone to opt out at such a moment.

I am more optimistic than my colleague from Iowa. I think we are going to progress and do the right thing, as we always attempt to do in this body. I think we are going to have more constructive deliberation outside of the Chamber and then hopefully have a more focused debate inside the Chamber and come to the right conclusions.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSSTONE. Mr. President, how much time is there?

The PRESIDING OFFICER. There are 10 minutes allowed each Senator to speak in morning business.

Mr. WELLSSTONE. I thank the Chair.

Let me thank both my colleagues for different reasons.

First of all, I thank Senator HARKIN, who I think has done a yeoman job of reporting not a perfect bill but a good bill out of the Agriculture Committee and bringing together a lot of different people representing a lot of different states to vote against cloture. It was not without unanimous vote on all of the provisions of the bill except the commodity provision.

I thank Senator LUGAR for his typical graciousness and civility. Let me add that the differences I have with the gentleman are not ever personal but more a matter of policy.

These are the facts as I see them. When Senator LUGAR talked about not much AMTA payments being inverse in relationship to need, I quite agree with him. But I see a good part of that as being the outgrowth of the failed “freedom to fail” bill and the AMTA payments that have gone out to people. I can’t think of a more failed farm policy. It is that simple. As a matter of fact, in the substitute Senator HUTCHINSON presented today, the House bill actually would enable the Secretary of Agriculture to lower the loan rates from where they are right now.

There is a lot of arcane language that goes with agricultural policy. But basically what we are talking about is a way in which farmers have some negotiating power vis-a-vis grain companies, or other exporters, with the loan rates so they can get a better price. When they get the better price, they do not have to take out any loans. The Government doesn't pay them any money.

The PRESIDING OFFICER. Senator DAVENPORT.

Mr. DAVENPORT. Well, Mr. President, as I said, if I were on the _Freedom to Farm_ committee, I would vote against cloture of this bill. As I say, I think it is a good bill. There are a lot of provisions in this bill that would help the American farmers. We applaud their efficiency because they have done much better for American farmers. We applaud that, but that does not mean we don’t have a problem.

There are many who filibustered this bill and supported what was called the _Freedom to Farm_ bill—what we call the “freedom to fail” bill. Eventually what happened, because it was such a miserable failure, is we now have farmers and agriculture in a large part of rural Minnesota and rural America dependent on these Government payments. Quite frankly, these AMTA payments especially are inverse in relationship to need. There is no question about it.

Farmers in our State—livestock producers, corn growers, wheat growers, and dairy farmers—depend on the Government checks.

I think what is going on here is as follows: This administration’s definition of a good farm bill is low loan rates and low prices for family farmers. That is the definition. As a matter of fact, in the substitute Senator HUTCHINSON presented today, the House bill actually would enable the Secretary of Agriculture to lower the loan rates from where they are right now.

There is a lot of arcane language that goes with agricultural policy. But basically what we are talking about is a way in which farmers have some negotiating power vis-a-vis grain companies, or other exporters, with the loan rates so they can get a better price. When they get the better price, they do not have to take out any loans. The Government doesn’t pay them any money.

Mr. DAVENPORT. Well, Mr. President, as I said, if Senator DAYTON had his way, and if other farmers had their way, we would have had a Grassley-Dorgan amendment which would have made this more targeted. We would raise the loan rate, we would let us be clear about this. What is at issue is that this administration’s definition of a good farm bill is low prices for family farmers. They want the loan rate down. For the large conglomerates, the grain traders or other exporters—low prices are great. They pay the independent producers low prices, they export, and they make a big profit. That is what this is about.
I was the last to join the Agriculture Committee. I was so hopeful that we would write a new farm bill. It is not just strategy here in the Senate, or strategy here in Washington DC; it is a lot of people who are being spat out of the system. The part of agriculture, the food industry for which I have the passion is the family farmers—the people who not only live the land but work the land, and who are basically saying: We want to have a living wage. We want to have a price whereby we can make a little bit of profit based on our hard work so that we can support our families and live in the part of Minnesota and America that we love—rural America and rural Minnesota.

Mr. DAYTON. But in an odd way, when we moved to Northfield, MN, in 1969, I started organizing with farmers. I have been organizing with farmers now for almost 30 years. If there is one thing I advocate for, it is for trying to make sure farmers have some leverage to get a decent price.

We had rural economic development provisions in this bill. We had energy provisions in this bill. We had good conservation measures in this bill. We had food nutrition in this bill, which the Senator LUGAR had a lot to do with. It was substantive. I think that as well.

In addition, it was not perfect, but the effective target price, loan rate, with some additional assistance, would have provided some real help to family farmers—not as in you are directly now dependent upon Government assistance, but as in you are going to have a chance to get a better price in the marketplace.

Mr. DAYTON. Will the Senator yield for a question?

Mr. WELLSTONE. I am pleased to yield.

Mr. DAYTON. My distinguished colleague, the senior Senator from Minnesota, has been in this body for 10 years. This is my first year in this body. My own experience in Minnesota, that it is unusual for the Minnesota Farm Bureau and the Minnesota Farmers Union to be in complete agreement. In this case, I believe we were both hearing from those organizations and many other farm organizations in Minnesota that represented farmers in our State, that they wanted this bill. They wanted this bill to pass the Senate.

My question is, not having been in this body as long as my senior colleague, in the 10 years my colleague has been in this body, is the Senator aware of a time when both national farm organizations—the American Farm Bureau Federation and the National Farmers Union—were standing at a press conference, the two of them, with Senators such as ourselves, and saying the same thing about this bill?

Mr. WELLSTONE. I say to my colleague from Minnesota, no. I think the reason for it is, if this bill had passed, it would have been an increase of net farm income of $3 billion a year over the next 10 years.

We need that in farm country. I have never been in the Farm Bureau and the Farmers Union so united. I cannot believe that Senators actually voted to block this bill, obstruct this bill from passing.

Mr. DAYTON. I also ask the Senator—again, this is my first year in this body—I have just been in awe of Chairman HARKIN. And I expressed last week my deep respect for Senator LUGAR, who was the former chairman and now ranking member of the committee.

Mr. WELLSTONE. I have never before, in this process, seen anyone lead a committee as he has hold hearings for months, and have the committee markup, where all points of view were recognized, where we voted and passed it out. Has the Senator ever seen a committee chairman give any stronger and better leadership to a committee bill than this one?

Mr. WELLSTONE. I say to my colleague from Minnesota, no. I think Senator LUGAR made such an effort to reach out that he would infuriate some of us on the committee. He really went out of his way to work with Senators on both sides of the aisle. The proof of that, again, is that every provision in the bill—for example, one was passed with a unanimous vote. It was a good markup. It was substantive. I think Senator LUGAR had a lot to do with that as well.

I think Senator HARKIN did everything he could to make this bill a bipartisan bill.

Mr. DAYTON. I would hope all the farmers in the State of Iowa, the Senator’s home State, and all the farmers in America would understand and know that Chairman Harkin has done everything for countless hours and hours over the last months to bring this bill to the floor, making it a good bipartisan bill, and one that, most importantly, speaks to the critical financial circumstances in which many Minnesota and other American farmers find themselves. I think it was extraordinary and heroic. I want to give the chairman that due credit.

I thank the Senator. Mr. WELLSTONE. I agree with my colleagues.

I yield the floor.

Mr. ALLEN. Mr. President, before I get into my statement, I just want to say one thing about all of this deliberation on the farm bill. As far as family farmers are concerned, I am glad for Virginia family farmers in the peanut business that this law is not going to be changed before October of 2002. Changing those laws would have been devastating to those family farmers. And while the Cochran-Roberts and Hutchinson amendments were better, because of the fact this is not going to impact now, they can plan, with their businesses for equipment, in this final year of this farm bill.

(The remarks of Mr. ALLEN and Mr. WELLSTONE pertaining to the introduction of S. 1848 are printed in today’s RECORD under “Statements on Introduced Bills and Joint Resolutions.”)

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

After more than half a century in business, the LTV Corporation will soon shut its doors, barring a government-supplied miracle.

One of the nation’s biggest steel makers, LTV put its millie earlier this month on what is called “hot idle,” which would allow the company to restart them quickly if a government-backed loan comes through at the last minute. But if help does not arrive by today, the company will ask the bankruptcy judge to end its labor contract.

A shutdown would leave about 70,000 retirees and recent employees with no or reduced pensions and health care benefits, and force the government to pick up at least some of the tab for what remains. The pension costs alone would be at least $2 billion. LTV’s predicament—with creditors on one side saying life support no longer makes sense and workers on the other fighting to preserve jobs and benefits—may become all too familiar in the future. More companies are liquidating in bankruptcy under pressure from creditors.

In the steel industry alone, 12 companies have shut down since 1998, according to the United Steelworkers of America, and 17 more are now in bankruptcy. The steelworkers union is lobbying for government assistance—as are Bethlehem Steel, U.S.S. Steel and Wheeling-Pittsburgh—to consolidate in an effort to avoid LTV’s fate. LTV’s decision to shut down, announced last month, comes as part of its second bankruptcy. In its first bout with Chapter 11, the company spent seven years in bankruptcy—one of the longest reorganizations of an American company. LTV’s management has concluded that its losses, $2 million a day, are simply too large.
"The company was running out of cash," said James Bonsall Jr., chief restructuring officer of LTV. Unless it began to liquidate, it would be unable to pay off $100 million in bank debt due at the end of the year. "This is the last 14th place on the Fortune 500 in 1967. The following year, he entered the steel business with LTV's $325 million acquisition of Jones & Laughlin Steel. Mr. Burnell was ousted in 1970 under pressure from LTV's banks and has since emerged as an oil industry entrepreneur in Texas.

LTV is one of the other businesses during its first bankruptcy. "We tried to get rid of the steel business, but we couldn't," said Mark Tomasch, a company spokesman. "The steel business was unattractive to buyers, he said, in part because of the large health care obligations.

With $5 billion in revenues last year, LTV was the third-largest integrated steel producer in the United States, operating steel mills in Cleveland and East Chicago, Ind. Analysts say that jobs hard to come by, are fighting to keep the company alive. Their situation has won them the support of members of Congress from the region. Analysts and investment bankers say the workers' expectations are unrealistic, and ultimately side with LTV's management. Demand for LTV's product is too meager to ensure the company staying in business, these executives said.

[On Tuesday, the U.S. and 38 other nations agreed to double output of steel by nearly 10 percent over the next decade in an effort to drive up demand. C8.]

"All these politicians want the steel mills to open or reopen, but they never look at the other side of the equation," said Charles Bradford, an independent steel industry analyst and consultant based in New York. "They [the steel producers]," Mr. Bradford said, citing a rallying cry of the steelworkers, "but they never think about who's going to buy the stuff."

LTV business, along with that of the other large steel makers, has steadily weakened in recent years, thanks in part to cheap foreign imports that have been flooding the United States since 1998. (Operators of so-called "mini-mills," which are not always small and recycle scrap steel into new products, have generally remained profitable.)

All the integrated steel companies, including LTV, are also paying benefits to a population far larger than their employees. At LTV, there were recently at least 10 retirees for every precision number clear because the union counts 10,000 more retirees than the company does.

Waves of layoffs beginning in the 1980's and continuing in the last 2 years have swelled the ranks of retirees at most steel companies. A provision in many steelworkers' contracts guarantees them the right to claim retirement benefits early if they are dismissed or if their mills shut down, said Cary Burnell, a member of the research staff at the steelworkers' union. As part of their push for industry consolidation, U.S. Steel and Bethlehem Steel asked Congress two weeks ago to assume some of their health care costs.

LTV's workers are laboring furiously to pull off an 11th-hour rescue, but their prospects are dim. Their union is hoping for a $250 million loan backed by the Emergency Steel Loan Guarantee Board, an arm of the Commerce Department. "We're going to fight like hell to save this company," said Leo Gerard, international president of the steelworkers union.

The company's banks, National City and KeyBank, suspended their efforts to secure such a loan last month, after deciding that they could not adequately demonstrate that the loan could be made. Senator Paul Wellstone, a Democrat from Minnesota, was hoping to attach an amendment to the economic stimulus bill that would guarantee such a loan. But it is still unclear when the bill will come to a vote, said a member of his staff. The union also delivered a letter, signed by 91 members of Congress, to the Commerce Department on Friday urging approval of the loan.

But with the union due to report its progress to the bankruptcy court today, time may be running out for LTV's workers. Even if the loan is approved, the company says it will not be enough to keep LTV alive. "The company would need close to $2 billion to return to business," said Mr. Tomasch, the spokesman.

If the bankruptcy court permits, LTV will soon be paying retirement and health benefits. Some of these expenses will be assumed by the government. The Pension Benefit Guaranty Corporation will take over LTV's retirement plan, at what it estimates will be a cost of $2 billion. Retirees over 65 will qualify for Medicare.

Many of LTV's remaining employees will be out of luck. There are limits on the benefits the pension agency will cover, according to Mr. Burnell of the steelworkers union. It will not cover, for example, a payment of $400 a month for the next 10 years to many steelworkers, who are not eligible for Social Security. So, among other things, 10,696 workers dismissed between the ages of 50 to 62, intended to tide them over until they qualify for Social Security. Someone with 20 years at LTV typically qualifies for a payment of $1,450 a month, including the $400 monthly payment, but the pension agency would exclude recent enhancements to the pension plan and probably pay about half that amount, Mr. Burnell said.

Younger employees between 65 will also be on their own for medical costs. A fund set up by LTV when it filed bankruptcy to pay for employees' health care probably will be out of money in less than a year, said Mr. Tomasch, the LTV spokesman. Among the benefits that is in question is a medical plan that covers 80 to 90 percent of the costs of prescriptions ordered by mail. Last year, the company paid $200 million in health care costs, he said.

If LTV's unions are unable to secure the loan, their best hope is to find a buyer for the mills. "Plan A is to keep LTV operating and to do our work in Washington, D.C.," said Stephanie Tubbs Jones, a Democratic representative from the Cleveland area, where LTV has its largest mill. "But in the next stage, is to prepare our community to invite a new buyer to LTV, including providing incentives."

Finding a buyer for the Cleveland mill will not be easy. "We have access capacity around the world, and the Cleveland mill is one of the highest-cost mills," said Mr. Bradford, the independent analyst. 

Even if a buyer is found, that might not help LTV's current employees. The mills will be more attractive to a buyer without the workers, Mr. Bradford said, because then they would not be saddled with the health care costs.

Mr. WELLSTONE. I will read a paragraph:

LTV's workers are laboring furiously to pull off an 11th-hour rescue, but their prospects are dim. Their union is hoping for a $250 million loan backed by the Emergency Steel Loan Guarantee Board, an arm of the Commerce Department. "We're going to fight like hell to save this company," said Leo Gerard, international president of the steelworkers union.

Mr. President, I along with other Senators who try to represent workers and working families and steelworkers, have written a letter to this Emergency Steel Loan Guarantee Board in the Commerce Department asking them to grant this loan. On the Senate floor today, I wish to associate myself with President Gerard's comments. If there is any vehicle—we are down to the wire here—if there is an economic stimulus package or economic recovery package, I will have an amendment which will give that loan board better authorizing language to make it clear that, indeed, this is their mandate to guarantee just these kinds of loans. I don't know whether there are going to have that package. That is being negotiated.

I have also made it clear that I think if there is any other bill that passes in terms of relief for this sector of the economy or that sector, that from my point of view there also has to be an amendment which represents relief for those people who are flat on their back, out of work, without unemployment insurance any longer, without health care coverage or soon to be without coverage, or to help these steelworkers.

I wanted to cite this article because I am sure President Gerard and the steelworkers sometimes think they are shouting in the wind, that they are not being heard. Industrial work is being spit out of the economy. LTV shut down. At the taconite plant in the Iron Range of Minnesota, 1,400 workers are out of work.

I went with them the day the local president called everybody together to tell them it was over. And I got really mixed advice about whether to go because people said, if you are there, like a politician, people are just going to turn on you because they are so angry about losing their jobs. They didn't do that. People appreciate the fact you go up and you are with people, especially in these times.

But the fact is, not just for the sake of these workers who want nothing more but to work, but for financial security as well, we ought to pay attention to what has happened in the steel industry. We should pay attention to what is happening to certain vital sectors of the economy.

Again, just so President Gerard and the International Steelworkers Union don't think there aren't Senators who support them, I know others do as well. Senator ROCKY MULLER has been on this issue for some time, that is not the-by-the-way, the original idea. This Emergency Steel Loan Guarantee Board of the Commerce Department can do this. This is
their mission and mandate. They can say: We guarantee this loan. So far they have not done so. I wish we could rush through some additional language to make it clear this is their mission and mandate. We may not be able to do so. But they ought to go forward with this loan. If they don't, the consequences are going to be very harsh.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. JOHNSON). Without objection, it is so ordered.

RECESS

Mr. REID. I ask unanimous consent the Senate stand in recess until 3:30 today.

Thereupon, the Senate, at 3:03 p.m., recessed until 3:30 p.m., and reassembled when called to order by the President pro tempore (Mr. JOHNSON).

The PRESIDING OFFICER. The Senator from Massachusetts.

JUDICIAL NOMINATIONS

Mr. KENNEDY. Mr. President, we have been hearing a steady drumbeat of complaints from our Republican colleagues about the pace of judicial confirmations by the Senate. For all who know the facts, there is no basis for the charge that Democrats have engaged in delay tactics on judicial nominees. In fact, the Democratic Senate has been significantly more diligent in confirming judges under the Bush administration than the Republican Senate was at any point under the Clinton administration.

In the 5 months since Democrats gained control of the Senate, the Judiciary Committee has already held 11 hearings on judicial nominees. Under Chairman LEAHY's leadership, we held hearings during the August recess, and also just 2 days after the terrorist attacks. In addition, we held a hearing in the Capitol Building, when the Senate offices were closed by the anthrax contamination.

As a result, 27 judges have already been confirmed in the 5 months since Democrats took control of the Senate. By the time the Senate adjourns, we are likely to have confirmed more than 30 judges—more than were confirmed during the entire first year of President Clinton's first term in office when Democrats controlled the Senate, and more than double the number confirmed during the entire first year of the first Bush administration.

Our record is good by any measure. It becomes even better when we compare it to the record of the Republican majority when they controlled the Senate during the Clinton administration.

We have held 11 judicial nomination hearings in just 5 months, almost all of which have included several judges per hearing. In 1999 and 2000, the Republicans held an average of only seven hearings for the entire year.

In confirming judges since the August recess, we have had a more productive post-August-recess period than any Republican-led Senate did for a comparable period in the last 6 years. Some Republicans are now blaming Democrats for the current number of vacancies on the Federal bench. But these vacancies were largely caused by the tactics of the Republican majority over the last 6 years. We know that our colleagues worked to impede President Clinton's executive branch nominees such as Bill Lann Lee, nominated to head the civil rights division, and Dr. Satcher, the nominee for Surgeon General. Our colleagues also blocked or attempted to block President Clinton's judicial nominees by delaying or refusing to hold hearings, and refusing to allow the Senate to vote on some nominees. The average length of time a circuit court nominee waited for a hearing under the Republican Senate was about 300 days. Some nominees waited up to 4 years for a hearing. In 6 years, the Republican Senate failed to confirm nearly half of President Clinton's nominees to the circuit courts. As a result, vacancies in the Federal courts increased by 60 percent.

No one suggests that Senate Democrats should follow the example the Republicans set over the past 6 years. The Judicial Committee will continue to move forward in confirming nominees to the Federal court in a prompt manner. But it is wrong for any of us in the Senate to abdicate our responsibility to thoroughly review the record of each nominee. Lifetime appointments are at stake. The need for careful review is important not just for Supreme Court nominees but for nominees to the lower Federal courts as well. These courts hold immense power. Many civil rights issues in this country are decided at the Court of Appeals level, since the Supreme Court decides fewer than 100 cases per year.

I voted to confirm most of the judges nominated by President Reagan and the first President Bush. The Senate's constitutional duty of "advice and consent" does not mean that the Senate should be a rubber stamp. It certainly does not mean that the Senate should rubber stamp to these nominees. In reading constitutional history, we will find, to the Founding Fathers this was an issue of enormous importance and consequence. They made it extremely explicit that they believed the responsibility ought to be an equally shared responsibility between the President and the Senate. It does seem to me we should meet that responsibility in ways that are fair, that reveal the qualities of the individual, and make a judgment and a decision based upon that process.

TRIBUTE TO JOHN T. O'CONNOR

Mr. KENNEDY. Mr. President, it is a privilege to take this opportunity to remember my friend John T. O'Connor, who passed away on November 30, 2001. A lifelong fighter for social justice, John died suddenly and unexpectedly at the age of 46 while playing basketball, a sport he loved, at the YMCA near his home in Cambridge, Massachusetts.

John O'Connor's zest for life and boundless energy were apparent from the moment you first met him, and those extraordinary qualities continued to amaze even those who knew him best and longest. His undeniable charisma helped win an enormous circle of friends. But his life was always about causes larger than himself. He credited his passion for social justice to the example of his parents, Katherine and George, to the Catholic faith and training he felt so deeply, and to his many
inspiring teachers, especially at Clark University in Worcester, his alma mater.

John’s public journey began when he was still in college in the late 1970s, organizing fellow students to volunteer at that time, a Catholic Worker collective in Worcester dedicated to feeding the poor and homeless. There he perfected his trademark eggplant parmesan. After graduation, John went to work for Worcester Fair Share, knocking on the doors of the three deckers of Grafton Hill in a successful campaign to end arson-for-profit in that neighborhood, a pattern he identified through disciplined research. The fire station built in response to that campaign remains a testament to John’s first venture into grassroots organizing.

The combination of community organizing and strategic research led him to understand that the environment was also an urban issue, affecting the quality of life in low income neighborhoods as surely as in the great outdoors. He began this new work by organizing citizens to resist an ill-conceived landfill proposal and to negotiate with local factory owners to reduce emissions.

Soon, John moved on to a large national campaign, setting out to rid the country of environmental threats such as the asbestos contamination he lived next door to in the downtown of Shelton, CT. At a time when environmental activism was out of fashion among some in Washington, he began traveling across the nation, speaking out against polluters, and convincing more than a million Americans to sign petitions to support toxic waste cleanup. He built his organization, The National Toxics Campaign, into a grassroots campaign to mobilize people from across the country, providing timely and passionate support for the appropriation of $35 billion in Federal Superfund law in the mid-eighties, and helping to realize the promise of that historic legislation.

First and foremost, John was a community organizer. He took on a remarkable range of issues, and he always did so with great dedication and effectiveness. He worked with scientists to document health concerns for veterans of the Gulf War. He made the case for environmental cleanup programs from Boston Harbor to the Rio Grande. He argued against the misuse of pesticides and other chemicals in agriculture. He was a strong believer in the importance of organized labor, and he fought alongside union members for strong protections for health and safety in the workplace. He co-authored a number of books on organizing and the environment, and a book on agricultural democracy was near completion. He was also interested for many years in responsible energy policy, and he led an effort in 1996 to repeal a Massachusetts electricity deregulation law, which he felt was unfair to consumers and the environment.

For John O’Connor, environmentalism was always as much about people as about our physical surroundings. It was logical that he would turn in recent years to the cause of assuring the best possible health care for every citizen, obtaining more than one hundred thousand citizen signatures in support of a health reform measure for the Massachusetts ballot. Momentum generated by that successful signature drive led to the passage of long-delayed legislation on the rights of patients in managed care. Looking ahead, he was poised to play an important and growing role in revitalizing prospects for universal coverage in Massachusetts.

John O’Connor was also an intense and tireless champion of racial justice. He was endlessly fascinated by the diversity of human experience. As an Alderperson about them. In his campaign for the 1997 drive to create the first permanent U.S. memorial to the victims of the Irish Famine on Cambridge Common. To John O’Connor, ethnic background and culture were intended to enrich the democratic process, not divide it. He was known as an “ABC”—an Armenian-by-Choice—after his marriage to Carolyn Mugar, an outstanding leader and activist in the Armenian community. John enthusiastically joined her in making his own impressive contributions to that community.

His passionately-held beliefs made John an intense and frequent critic of the status quo, and of politics in particular. Yet he was profoundly optimistic about what this nation could achieve. He believed deeply in democracy. He looked for inspiration to the early years of our country and the nation’s founders, and he read the Constitution of the United States with a fervor that we would ever think of doing that? Who goes from being a State legislator, which Joan was, a real estate broker, and many other exciting jobs, to working for two Senators? Only Joan.

Actually, before she was hired for us she worked for then-Governor Voinovich for 8 years. Four of those years I was the Lieutenant Governor. Every day when I would come to work, Joan would be the first person I would see—always smiling, always happy, always professional.

Joan continues to amaze me in everything she does. I am astounded by her energy and her great sense of adventure. Nothing ever seems to slow her down. Joan really is a terrific role model for all of us. In fact, she should be the poster child for how Federal employees should treat people. No matter what, Joan always greets everyone who walked into our office with great respect and great compassion. It didn’t matter if it was someone who loved me or hated me. It didn’t matter, Joan was steady. She treated them the right way. She treated everyone in that same sweet, non-threatening, and friendly way.

Joan has always handled herself with such professionalism, and no matter what, no matter how busy she was, she always had time for people, especially for the younger people, younger members of our staff in the office. She really has been a role model. She has been a mentor. Every time I see her, Joan always asks about Fran, asks about our children and now our grandchildren. I have always appreciated that.

I speak for so many in our office and many across the State of Ohio when I
say that, although we are happy for Joan upon her retirement and we wish her nothing but the best with her new post-Senate endeavors, we are saddened by her departure and we will miss her dearly. 

We will miss her dedication to the people of the State of Ohio. We will miss her optimism and her cheerful nature. We certainly will miss her terrific sense of humor. Most of all, we will just miss Joan. She is one great lady. My wife Fran and I wish her all the best in the world.

In conclusion, I thank Joan for her dedication to the people of the State of Ohio, for her friendship, and for the work she has done for our country.

TRIBUTE TO JENNY OGLE

Mr. DeWINE. Mr. President, I rise today to pay tribute to good friend and member of my staff, Jenny Ogle, for all the great work she has done for the people of Ohio. Jenny, who runs the joint casework office we have with Senator Voinovich, is retiring today. We are going to miss her dearly.

When I started thinking about her retirement, I had flooded with fond memories and so many laughs and good stories. There is no one else like Jenny. Before coming to work for our joint casework office, she ran my Senate casework office worked for me when I was in the House of Representatives for 8 years and also worked for Congressmen Bud Brown and Dave Hobson.

She is a true professional—someone who has been really a stabilizing force in our whole casework operation. The casework operation, of course, is what reaches out to people. It is where people of the State of Ohio go when they have a problem. They do not come to us, and they do not come to Jenny unless they are already frustrated with the Federal bureaucracy or the State bureaucracy or something else. When they come in, they already have plenty of problems. Jenny has been the one who worked out those problems.

It takes a great deal of patience to handle the kinds of things Jenny has seen over the years in that casework office. She has seen just about everything.

That is why I have always been amazed by her steadiness—her unbelievable ability to deal with the kinds of cases and the kinds of problems that are seen on a daily basis. What really impresses me is that she is always still smiling and laughing at the end of the day. She always has done her job with great professionalism and great compassion.

Jenny also has been a real leader in our office. For example, she pioneered the military academy nomination process, a very complex process. She essentially wrote the book on it. What she has developed is today being used around the country in congressional office after congressional office. She wrote the bible on how Congressmen should handle their academy nominations. I thank her for that.

I have known Jenny for a long time—since those days when she was working for Congressman Bud Brown, and when she came to work for me at our Springfield office. I remember how her Aunt Tilly used to come in the office and do her filing. I also fondly remember the doughnuts Jenny would bring in from her brother's doughnut shop. Those are great memories.

Jenny is also a rare person—a person with great patience and sympathy for people and their concerns.

Let me thank her from the bottom of my heart for the great job she has done to assist countless thousands and thousands and thousands of Ohioans over the last 20 years.

I am truly privileged to have had the extraordinary opportunity to work with Jenny and to call her my friend.

We wish her and her family all the best in the world.

In conclusion, let me thank Jenny for her dedication to the people of the State of Ohio— for her friendship, and for the work she has done for our country.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

JUDICIAL NOMINATIONS

Mr. DURBIN. Mr. President, over the last few weeks, many conservatives have launched an extensive public relations campaign to assail Democrats on the Senate Judiciary Committee, and particularly Chairman Pat Leahy. They have been critical of the pace of judicial nominations. This campaign is wholly unwarranted. Coming during a war when Democrats are committed to working with the President to shore up our Nation's defenses, it is particularly ill-timed.

The Washington Times has compared Democrats to terrorists, referring to the pending nominations as a "hostage crisis." Another conservative publication, Human Events, labeled my colleagues, Chairman Leahy, as "Osama's Enabler."

Sadly, these outrageous charges are not limited to right-wing media outlets. Many colleagues in the Senate from the other side have leveled the following accusations: One Senator said the Democrats are guilty of racial profiling. Another Senator said the Democrats on the Judiciary Committee are actively hindering the war effort. Another Republican Senator said we are delaying a session to deny the President a chance to make recess appointments.

In truth, Senator Leahy has done an excellent job of moving the President's nominees along—far better than the Republicans did over the previous six years. We have confirmed 27 judges since July of this year. When all is said and done, we will most well end up confirming more than 30. That is more judicial nominees than were confirmed during the entire first year of President Clinton's term in office, when the Senate was controlled by the same party. It is double the number of nominees confirmed during the entire first year of the first Bush term.

Chairman Leahy has had to contend with Senate reorganization, terrorists attacks, a massive antiterrorism bill, and anthrax contamination that shut down his personal and committee offices. We all recall the news reports about the anthrax that went to Chairman Leahy. He has had ample occasions to delay hearings. Yet he has not. He easily could have used any of these obstacles as an excuse to cancel hearings, and he did not.

In little more than 5 months, Chairman Pat Leahy has held more judicial nomination hearings than Republicans held in all of 1996, 1997, 1999, and the year 2000.

The Democrats, under his leadership, have eliminated the anonymous holds that crippled the judicial confirmation process for the last 6 years. If you are not here in the Senate, anonymous holds may be a term you do not understand. Let me explain it. Under Republican leadership, any Senator could block a nominee for any reason, without even identifying him or herself to the rest of the Senate. A nominee would come before the Senate Judiciary Committee and sit there week after week, month after month, and in some cases year after year without any Senator standing up and saying I am the person who is holding this judicial nominee. It was totally unfair.

On some of the nominees, I used to go around the Chamber begging Republican Senators to tell me: Do you have a problem with the nominee? I want to talk about it.

They wouldn't say. It was anonymous. That is over. Under Senator Leahy's leadership, the anonymous holds that have crippled this process for the last 6 years has been eliminated. We have made public a Senator's support or opposition to judicial nominees from their home State. We have moved nominees approved by the committee swiftly to the floor. I presided personally over two or three of these hearings. And those nominees went straight from the committee to the floor in a matter of days. We have voted unanimously to confirm nominees vetted by the committee.

The only vote against all of President Bush's nominees coming out of committee was cast by minority leader Trent Lott.

Quite frankly, it is a bit ironic to hear many of our Republican colleagues complain about unfair delays in judicial nominations. It is no secret that many of our colleagues systematically blocked Democratic appointments, regardless of qualifications, to the Federal courts over a 20 year period. For example, the Republicans failed to confirm one single appellate court nominee—not one.
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In the 106th Congress, Republicans failed to act on an astonishing 56 percent of President Clinton's appellate nominees, despite the fact that his nominees received extraordinarily high ratings from the American Bar Association, and support on a bipartisan basis.

Some of President Clinton's nominees languished after a hearing or committee vote; many more never even got a hearing. Let me tell you about one: Helaine White, a nominee for the Sixth Circuit in Michigan. She waited in vain for over 1,400 days for the Judiciary Committee to schedule a hearing. For approximately 4 years, she sat in that committee.

If my Republican colleagues got a letter marked "Return to Sender" after 1,400 days, they would abolish the Post Office. They thought it was all right to let Ms. White sit for this important judicial vacancy, sit there for approximately 4 years.

The situation was so bad under the Republican leadership of the Judiciary Committee that Chief Justice of the Supreme Court Rehnquist criticized the Bush Administration for creating so many vacancies in the federal courts. In fact, one of President Bush's own judicial nominees, who was unanonymously voted out of the committee last Thursday, criticized the Republicans last year for employment of a double standard for a Democratic nominee to the courts.

Chairman Pat Leahy of Vermont has already held more hearings for the Fifth Circuit than the Republicans held in over 6 years. In 6 months, Pat Leahy has held more hearings to fill vacancies in that circuit than the Republicans held in 6 years. The Democrats have confirmed the first new judges to the Fifth and Tenth Circuits since 1995.

Details like this demonstrate there is simply no comparison between Democratic and Republican records. Our Republican colleagues would have you believe the Democrats are dragging their feet because the ratio of President Bush's confirmations to the number of vacancies is relatively low. But what they don't tell you is this: Close to 70 percent of the current vacancies in the federal courts have been open since President Clinton was in office, several of them since 1995. They are decrying the number of vacancies not filled, and yet during President Clinton's Presidency they would not fill them, even though he sent qualified nominees to the Senate.

The number of judicial vacancies increased by 60 percent during the 6½ years the Republicans were in charge of the Senate. Due to concerted opposition by their party, President Clinton appointed proportionately fewer appellate judges than either President Reagan or the first President Bush. Now, with a Republican President back in the White House, our Republican colleagues are suddenly very concerned about judicial vacancies.

In the wake of September 11, President Bush called on Members of the House and Senate to come together—and we have—to improve air safety, to stabilize the airline industry, to give law enforcement additional tools to fight terrorism, and to strengthen our economy. That is exactly what the Democrats have done. We put aside partisanship to meet the demands of our country at war.

Quite frankly, I would have had an easier time of it, and fewer disputes with the Republicans over judicial nominees, if the President and his Attorney General had sent up more judicial nominees like those we have already confirmed, especially for the Federal Court of Appeals. This simple fact is often lost in the din of partisan rhetoric.

The Democratic leadership has worked hard, in just a few months, to confirm men and women of real integrity and accomplishment to the Federal judiciary. We have advanced judges who enjoy widespread bipartisan support. They have records which demonstrate a commitment to mainstream principles of American values, including the protection and advancement of civil rights and civil liberties for everyone. We have intentionally avoided a contentious and draining fight over controversial nominees.

In the weeks and months ahead, with the immediate national crisis we face, we will still have to confront many controversial nominees. But let me remind my colleagues that we are filling lifetime appointments. These are not temporary. Judges sit on the Federal bench long after many of us have delivered our last speeches and after Presidents have come and gone. We will scrutinize them fairly, but carefully.

Our Republican colleagues have said they want us to work three times as fast because when they were in control they went three times as slow. Sadly, many of the nominees we have been sent do not really hew to the mainstream of American politics. The end result—if we follow and appoint every nominee sent—would be a judiciary that would not represent the values of this country, the mainstream values which we should push for when it comes to these important judicial appointments.

The American electorate has been evenly divided over the last 10 years. This country is entitled to a judiciary that reflects that diversity, not one hijacked by any political extreme, right or left.

Chairman Pat Leahy has done an excellent job as the Senate Judiciary chairman, and his critics on the right should read the facts. I yield the floor.

The PRESIDING OFFICER (Ms. Stabenow). The Senator from Wisconsin.

Mr. FEINGOLD. Madam President, I also have come to the floor, along with the Senator from Massachusetts and the Senator from Illinois, to talk about this very important topic; and that is, the confirmation process for Federal judges.

The first thing I want to do is comment on the chairman of the Judiciary Committee, Senator Leahy, for the professional and diligent way in which he has handled the confirmation process this year, since taking the helm of the committee in June. His, in some way, is a thankless job, because, as we have observed, no matter how many hearings he holds or judges he moves through the committee, there are those in this body who will never be satisfied. Indeed, it seems that the only thing that will satisfy the critics is for Chairman Leahy to shortchange the important constitutional role that the Senate and the committee play in the confirmation process. But that, I know, he will never do, and the Nation should be very grateful to him for that.

There has been some criticism of Chairman Leahy from our colleagues on the other side, and in the press. Given how President Clinton's nominees were treated during 6 years of Republican control of the Senate, I think Senator Leahy's critics have lost none of the arguments we now hear. We have here, really, a numbers game. The argument has reached a new level of absurdity when our Republican friends start talking about things such as the number of hearings being held too soon on some of the nominees. It is pretty obvious that is a meaningless calculation. To the extent that statistics matter, the numbers that count are the number of judges for which hearings have been held and the number of judges confirmed.

When you look at those numbers, the numbers that really matter, I have to say that our chairman really does have the better of the argument. In just 5 months since taking over the committee, Senator Leahy has already held hearings for 34 judges. That is more than the number of judges who received hearings in the entire first year of the George H.W. Bush administration and the entire first year of the Clinton administration. And so far, we have confirmed 27 judges this year. Remember again that the Democrats have only been in control since June I understand that probably 3 more judges will be confirmed before this session begins, meaning 30 will be confirmed this year. That would be more than were confirmed during the entire first year of President Clinton's first term in office and more than double the number confirmed during the entire first year of the elder President Bush's administration. Think about that. Given all that we have had to deal with on the Judiciary Committee this year, I think Chairman Leahy has shown more than good faith in trying to move the process along, especially since September 11, nominations per hour.

There have been times this year when I have been concerned about hearings being held too soon on some
nominees. A hearing that is held before Senators can review the records of the nominees is really nothing more than just a formality. Particularly given the large number of circuit court nominees, I think our colleagues on the Republican side are asking us, in a way, to ignore our constitutional responsibilities when they make blanket demands such as: You should confirm all judges who were nominated before the August recess. Those kinds of arguments are particularly inappropriate when you think about the appointments we are being asked to confirm with little scrutiny. Lifetime appointments to the circuit courts and district courts are not to be taken lightly. With the Supreme Court taking only about 100 cases each year, the decisions made in the lower courts are usually final, and have a huge impact on the development of the law. They also have a profound impact on people’s lives. In addition, there are a number of circuits in this country that are extremely unbalanced ideologically, and the nominations made by President Bush seem to be designed to exacerbate that imbalance. It is entirely reasonable—and, indeed, our constitutional role—to demands—that we examine the records of individuals chosen for the circuit courts very carefully before we approve their nominations.

It is clear to me that neither side in a fight such as this is ever going to be satisfied. In the current situation, despite everything that the chairman has tried to do to move quickly on judicial nominations, including hearings in August, holding more hearings after September 11 when our committee was more than occupied with the so-called anti-terrorism legislation, and even holding a hearing in October when the Senate office buildings were closed and some of our staffs had had nowhere to work for the previous 2 days—despite all of this, my Republican colleagues continue to complain. At one point, they even held up appointments on the floor for over a week, something that our side never did despite our frustration with the pace of confirmations under President Clinton. And now we understand that the minority leader placed a hold on Judge Kenelly in August when it was chaired by my friend, the Senator from Utah. The President did that with Roger Gregory, and I applauded him for it. We can wipe the slate clean with some courageous work, and there are enough vacancies to do this in many circuits. That is the challenge. Are we going to continue the numbers game? Are we going to continue to ignore the fact that we are going to move forward in a bipartisan way and get on with our business on this committee and in the Senate. I think the chairman of the Judiciary Committee is doing an admirable job under the circumstances. I urge him and the majority leader not to submit to pressure tactics. The ball is in the President’s and the minority’s court. Are they going to continue to “change the tone in Washington.” We simply cannot do it alone.

I yield the floor.

Mr. KOHL. Mr. President, I rise today to discuss judicial nominations process being the Judiciary Committee. It is the Senate’s responsibility to confirm judges and fill the vacancies in the Federal judiciary. Unfortunately, this constitutional responsibility has become increasingly politicized in the last few years. It seems that the people accused of slowing the process last year are the same ones that are pushing for faster confirmations today. And those who wanted more judges confirmed last Congress are now defending the pace of current confirmations. What is expected that dynamic once the party in control of the White House and the Senate changed, it is still disappointing.

It would be a good idea to agree upon a set of rules that governed the pace of the confirmation process regardless of the party in control of the White House or the Senate. Since that is unlikely, we are now required to defend our rate of confirmations. The only way to do that is to compare the pace this year with that of past years. When we do that, we find that there is little to criticize in the performance of this year’s Judiciary Committee.

By the end of this session of Congress, we will have confirmed at least 27 district court judges and 6 circuit judges. The Judiciary Committee has held 11 nominations hearings for judges since control of the chamber changed. To put that in context, by the end of the year, the Senate will have confirmed more judges in year of the Bush Presidency than in either the first year of the first President Bush or President Clinton. It is also far more than the 17 judicial confirmations in 1996 and almost the exact number confirmed in 1999 and 2000 when 34 and 39 were confirmed respectively.

The record also shows that close to 70 percent of the vacancies have existed long before President Bush took office. The Senate chose not to act, in some cases, long before the White House nominated some of those highly qualified candidates who never got a hearing or a vote in the Judiciary Committee when it was chaired by my friend, the Senator from Utah. The President did that with Roger Gregory, and I applauded him for it. We can wipe the slate clean with some courageous work, and there are enough vacancies to do this in many circuits. That is the challenge. Are we going to continue the numbers game? Are we going to continue to ignore the fact that we are going to move forward in a bipartisan way and get on with our business on this committee and in the Senate. I think the chairman of the Judiciary Committee is doing an admirable job under the circumstances. I urge him and the majority leader not to submit to pressure tactics. The ball is in the President’s and the minority’s court. Are they going to continue to “change the tone in Washington.” We simply cannot do it alone.

I yield the floor.
to return to that tradition and confirm judges who represent the ideological middle ground.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Madam President, I thank the Senator from Kansas. I know he has some things to say. I will try to be brief. I was in the line to try to talk about this very subject. I will make it brief so we can get on and we can get an explanation of the lovely pictures he has behind his podium.

It, too, is to say a few words about judicial nominations and in particular to defend the chairman of our Judiciary Committee, Senator LEAHY of Vermont. Our friends on the other side of the aisle have made a lot of hay about our record on judicial nominations, but the facts simply don’t bear out the allegation.

Patrick LEAHY has conducted the Judiciary Committee, both when we had the Senate and when Senator Ashcroft’s nomination to be Attorney General, when he was chairman for 17 days, and now as chairman for 5 months, in the most gracious, fair, bipartisan way that I have seen a chairman conduct himself or herself. It is sort of unfair to demonize the guy to be a media technique used by some. They are doing it to our majority leader, Senator DASCHLE, another gracious and fair-minded man, because he doesn’t agree with them. That seems to be the thing that happens. Maybe it started a few years back with the contract on America and all the co-horts there. But it is not a nice way to do politics, to demonize an opponent.

I know there are certain newspapers and TV shows and radios that try to spread the word. I just want to say, first, I don’t think the American people appreciate it. Second, it is not going to cover Senator DASCHLE or Chairman LEAHY. I know them both. They are very estimable people. They are very nice people. They are very strong people. To say that taking personal shots and demonizing somebody is going to make them back off is a silly policy. Put yourself in their shoes.

When we are all under the gun and personally attacked, that doesn’t make us back off. It makes us maybe review what we have done, and then if we think we are right—and I know Senator DASCHLE and Chairman LEAHY have worked well together with our Republican colleagues on several matters since September 11. By and large, we have done well to keep things bipartisan. On judicial nominees, both sides must work together to correct the imbalance on the courts and keep the judiciary within the mainstream—not too far left and not too far right.

Second, my friends from the other side of the aisle complain that we are confirming too few judges. We have put 27 on the bench up to now; that is in 5 months. We have been doing it in the majority. We should get up to 32 by the time we leave this week. Let me underscore 32. That is 5 more than were confirmed in the entire first year of the Clinton administration, when Democrats controlled the Judiciary Committee. They argue we are stalling, but we are putting in more judges nominated by a Republican President, George Bush, in the first year or first 5 months, than we put in when there was a President of our own party, President Clinton, who was nominating sons and henchmen when you look at the facts.

Again, the idea of taking a 2 by 4 and trying to hit the chairman or the members of our committee over the head without the facts is not going to bear fruit. You can give as many speeches as you want.

Third, when we point to raw numbers, our colleagues change their arguments, and then they point to the percentage of seats that remain vacant. You can’t create a problem and then complain that someone else isn’t solving it fast enough.

Why are there vacant seats? There are vacant seats because when people from the other side controlled the Judiciary Committee during the last 6 years of the Clinton administration, vacancies on the Federal bench increased 60 percent—a 60-percent increase during the time they were in control. Now they are complaining that we are making slow progress and we have to fill them all in 1 year. Give me a break.

We are not going to play games and say what is good for the goose is good for the gander. We are not suggesting two wrongs make a right. We are not going to increase the percentage of vacancies. Instead, we are going to decrease it, and we have gotten a good start to the task. But the proof is in the pudding or, in this case, in the numbers. We are going to fill these open seats as quickly as possible, but we are going to do it right. No one is going to cower us in the time-honored, constitutional way in which we select judges, which has been always in the history of this country, at least during our better moments, when we do it with care.

That leads to my fourth point. Because so many Clinton nominees never got a hearing and never were voted on by the Senate when it was controlled by the folks from the other side, the courts now more than ever hang in the balance. Some of the nominees have records that suggest extreme viewpoints. We need to examine their records closely before we act.

Again, one of the most awesome powers we as Senators hold is the power to approve judges. We can’t just blindly confirm judges who threaten to roll back rights and protections won through the courts as we have the last 50 years: Reproductive freedom, civil rights, the right to privacy, environmental protection, worker and consumer safety.

In my State of New York, the administration has so far worked with us in good faith to select nominees who have met what I told them are my three criteria for nominating people to the bench: Excellence, moderation, and diversity.

Nominees who meet those three criteria will win my swift support. But for those nominees whose records raise a red flag, whose records suggest a commitment to extreme ideological agendas, we have to look more closely.

The Supreme Court is taking fewer than a hundred cases a year. That means these trials and, particularly, appellate court nominees will have, for most Americans, the last word on cases that are oftentimes the most important matters in their lives.

We need to be sure the people to whom we give such power—for life—are fairminded, moderate, and worthy of such a deep, powerful, and awesome privilege.

We have worked well together with our Republican colleagues on several matters since September 11. By and large, we have done well to keep things bipartisan. On judicial nominees, both sides must work together to correct the imbalance on the courts and keep the judiciary within the mainstream—too far left and not too far right.

We need nominees who are fair and open-minded, not candidates who stick to a narrow ideological agenda.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

INDIAN GAMING

Mr. BROWNBACK. Madam President, I have an issue I want to explain to my colleagues before the Labor-HHS conference report comes before the body. In that conference report, there was an item that was going to address a wrong that had been placed in an earlier appropriation bill and that was not the Interior appropriations bill and that was not the Interior appropriations bill. This body passed a particular piece of legislation, a very small paragraph, that dealt with a situation in Kansas that was then taken out of the conference report.

That is why I am objecting to the Labor-HHS conference report until I get some assurances that we are going to have this issue dealt with next year. It has to do with a cemetery in Kansas. This building is the future home of a beautiful site in Kansas City, KS, that is called the Huron Indian Cemetery. The area overlooks the Kansas River. It is up on a bluff. It is in downtown...
Kansas City, KS. It is where a number of Native Americans are buried who lived in this area—the Wyandotte Tribe who lived in this area, before a number of them moved to Oklahoma, before the tribe moved to Oklahoma.

You just imagine we have of a peaceful site in Kansas City, KS. It is virtually a park for a lot of people, a very solemn cemetery that is maintained quite nicely in this area.

We have Indian gaming in Kansas, and the tribes that are recognized by the State of Kansas. Each has a casino in the State. There is a tribe in Oklahoma, the Wyandotte Tribe, that wants to build a casino in Kansas, even though they are now located in Oklahoma. Initially, they wanted to build it on top of the cemetery. Local people protested, saying: Why are you ruining this sacred site to put in a casino?

They said: OK, we will put stills on it and you will still have the cemetery, but this will sit on top of it.

Next they said: We want to build it right next to it. We are going to buy property next to the cemetery and we want to put in a casino, even though we are not a Kansas tribe and we are from out of State; some of our ancestors Wyandotte Indians were buried here 200 years ago, so we want to be able to claim this as an Indian reservation in Kansas, even though we are an Oklahoma tribe; we want to be able to claim it in Kansas so we can build there.

That is what they desired to do.

The four recognized tribes in Kansas opposed it and said: Look, you left the State, and we stayed here; we have the appropriate authorization to build casinos; we don't want another one in the State; we don't want you coming here.

The unofficial Wyandottes who stayed in Kansas said: We don't want you to have a casino next to our graveyard. It is a sacrilege to put a casino on it, on top of it, or next to it. We oppose that. Is a sacrilege to put a casino on it, on top of it, or next to it. We oppose that.

The Governor of Kansas opposed them doing that, saying this isn't fair to our tribes in the State. It isn't fair to the Wyandotte Indians and their ancestors who stayed in the area for an Oklahoma tribe. They won at all levels—lower court, district court, and Tenth Circuit Court. So they could not declare this land adjacent to the cemetery as part of the Oklahoma Wyandotte Reservation in Kansas. That is what they were trying to do. The court said they disagreed with that.

Let me take you to the Department of the Interior Appropriations bill. In that appropriations bill, nothing was passed regarding this issue on either side, the House side or Senate side. In the conference committee that met, there was a handwritten sentence that was written in by a staff member that

I overruled the court ruling and allowed for the creation of a casino next to this cemetery. That was done in the Interior Appropriations bill.

Both Senator Roberts and I are opposed to doing this. This was not brought up by us. We do not hand any of the money approved here. This was a handwritten sentence that was inserted. They declared: We are going to overrule the court case, overrule what the Kansas Senators want to do. They are going to allow the Wyandotte Tribe to build a casino next to the cemetery, regardless of what the local tribes and the Governor and what the people in the State of Kansas or what the two Senators say.

It is an egregious abuse of the appropriations process to do this—and in my State where people don't want this to take place—just for the financial advantage of an Oklahoma tribe. If they want to do this in Oklahoma, build casinos there. That is up to them. Fine. But in Kansas, that is not appropriate.

Yet they slipped in that handwritten note to the Interior conference report. This body, the Senate, corrected that in the Labor-HHS appropriations bill. They said: We are not going to tolerate to take place in Kansas. That was the amendment that was on the floor and was accepted. That was the position of this body.

In the conference meeting that took place last night, the House would not agree with the Senate position, so the Senate position was taken out and now we are left with the Oklahoma Wyandotte being allowed to build a casino right next to this cemetery in Kansas City, KS, and overrule a court ruling of the Tenth Circuit Court of Appeals.

Mr. REID. Will the Senator yield?

Mr. BROWNBACK. Yes.

Mr. REID. I have been in touch with Senator Byrd. Senator Byrd agrees with me that, on the Interior bill next year, it would be possible for you to do it in subcommittee, or committee, or any member of the subcommittee has an absolute right to offer that amendment. We know how strongly you feel about it. I personally feel it should not have been in the Interior bill in the first place. I indicated that to the Senator. We will work with you on the majority and minority sides to make sure this issue is left in the subcommittee and at the full committee level next year.

Mr. BROWNBACK. I appreciate that being raised by my colleague from Nebraska. But we got this dealt with next year. We have talked off the floor about that. He agrees this is not the right way for this to come in. I point out that this is something we are going to have to deal with next year. We will still be under construction, or starting to be constructed at that point in time. It needs to be changed back in the Department of the Interior appropriations bill. I am very pleased that the Senator from Nebraska recognizes that as well.

I point this out because I think this is such an abuse of the process. It is just wrong for this to take place.

I ask unanimous consent to have printed in the Record a letter from the Governor of the State of Kansas regarding this matter and also one from the four Indian nations in Kansas, the four recognized tribes, all opposed to the Wyandotte Tribe of Oklahoma into Kansas to build a casino.

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

STATE OF KANSAS,
OFFICE OF THE GOVERNOR,
Hon. PAT ROBERTS,
U.S. Senator, Hart Senate Office Building, Washington, DC.
DEAR SENATOR PAT ROBERTS: On behalf of the State of Kansas, I am writing to express my strong opposition to language proposed to be included in H.R. 2217, the Department of the Interior and Related Agencies Appropriations Act of 2002. Language that proposes to clarify the authority of the Secretary of the Interior should not be included in the final text of the bill.

The language proposed as a technical amendment states, ‘‘The authority to determine whether a specific area of land is a ‘reservation’ for purposes of sections 2701-2701 of title 25, United States Code, was delegated to the Secretary of the Interior by the legislation enacted in 1988.’’

As you are aware the State of Kansas has been actively involved in litigation concerning the authority of the Secretary of the Interior. The Tenth Circuit Court of Appeals in Sac and Fox Nation of Missouri v. Norton, recently upheld the position of the State of Kansas that ‘‘. . . the Secretary lacked authority to interpret the term ‘reservation’ as used in IGRA.’’

The decision of the Tenth Circuit Court of Appeals was reversed and the Wyandotte Nation has requested a writ of certiori to the Supreme Court of the United States. If the proposed language were to be included in the final version of H.R. 2217 it has the potential to negatively impact ongoing litigation. This is simply another effort to avoid IGRA and expand gaming by non-Indian tribes.

I request your support in opposing the inclusion of this proposed language in the final version of H.R. 2217.

Sincerely,

BILL GRAVES,
Governor.

INDIAN NATIONS IN KANSAS,
Hon. BILL GRAVES, Governor of Kansas,
Topeka, Kansas.
Re: Four Tribes’ Joint Resolutions Opposing Gaming Within the State of Kansas by Out-of-State Indian Nations.

Governor Graves: The four (4) Indian Nations in Kansas (‘‘INIK’’) have unanimously supported the governor of the State of Kansas in opposition to out-of-state Tribes attempting to gain land holdings in the state of Kansas for purposes of establishing gaming enterprises. At this juncture, the Four Indian Nations have passed resolutions similar to the Kansas Legislative Resolution (SCR 1611) opposing such efforts. Enclosed herein are INIK’s original of both of their resolutions I opposes the Wyandotte Tribe of Oklahoma’s efforts, and Resolution II opposes all out-of-state Tribes.

The Kansas Tribes join with the State of Kansas in this effort, to have this information to see their formal position, if you have any questions, please feel free to contact any of the Tribal Chairpersons.

Respectfully Submitted,
NANCY BEAR,
Chairperson, Kickapoo Tribe in Kansas.
Mr. BROWNBACK. I want to read from the Governor's letter:

I continue to support the rights of the four existing residential Native American tribes to conduct gaming in Kansas in accordance with approved compacts. Efforts to side-step IGRA negatively impact the rights of our residential tribes as well as the rights of the State of Kansas.

This is a quote from the Indian Nations of Kansas, the four tribes—the Kickapoo, Sac and Fox, Prairie Band, and Iowa Tribe.

The four Indian Nations in Kansas have unanimously supported the governor of the State of Kansas in opposition to out-of-state Tribes attempting to gain land holdings in the state of Kansas for purposes of establishing gaming enterprises.

They are all united and opposed to what was stealthily slipped in the dark of night by staff in a handwritten note, and it is wrong for this to take place.

I put my colleagues on notice, I put the House on notice, and I put the Wyandotte Tribe in Oklahoma on notice: This is going to be back next year. You have bought the land, and you may have won this round, but we will be back for this next year.

The way this happened is not fair. I think it is a sacrilege for them to desecrate this sacred site for their own gaming purposes, their own income purposes, their own purposes of making money that they would take this upon this sacred site. In all traditions, burial grounds are treated as a sacred site. This is wrong. It should not happen, and it was slipped in the wrong way.

Madam President, I thank you for your understanding of this situation. I hope we can correct this next year. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeds to call the roll.

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

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

TRAVEL AND TOURISM INDUSTRY

Mr. REID. Madam President, as we approach the end of this first session of the 107th Congress, there are many significant legislative achievements of which we should be proud. In the wake of the terrorist attacks of September 11, Democrats and Republicans, Senators and Representatives, came together in a bipartisan, bicameral fashion to pass a resolution authorizing the President to use military force in the war against terrorism.

Then we immediately appropriated, on a bipartisan basis, $40 billion in emergency funds to help fight the war against terror and aid in our ongoing recovery, cleanup, and rebuilding efforts in New York, Washington, and Pennsylvania.

We came together to pass antiterrorism legislation, the USA Patriot Act, that will provide law enforcement in this country with the necessary tools to fight terrorism at home and abroad.

In an effort to improve our homeland security, we also passed important legislation that dramatically improve the security of our Nation’s airports.

We passed these initiatives and other legislation because we made a commitment to set aside bipartisan bickering and devote the collective efforts of this Congress toward working on behalf of the best interests of the American people.

I was asked recently by a member of the press how far bipartisan legislation should go during wartime and whether it should apply only to military matters.

I responded that bipartisan legislation should apply at all times, in peace and, of course, in war. Unfortunately, it seems our commitment to bipartisan legislation is unable to produce an economic stimulus package that our economy and so many American working families desperately need.

As I am speaking, I see the chairman of the Finance Committee, Mr. Baucus, the senior Senator from Montana. He has made a valiant effort. There is still a little something that can be done, but he has made a valiant effort. He has worked for weeks to come up with an economic recovery package. It is too bad his efforts have not been rewarded.

Bipartisan legislation in keeping with some of the things I have outlined that we have been able to accomplish.

We need to pass an economic stimulus package before the end of this session that would extend unemployment and health benefits for the hundreds of thousands and even millions of Americans who have lost their jobs since the recession started in March. We need to pass an economic stimulus package that will provide much needed relief for the American businesses that have been hit hard by the downturn in the economy.

An economic stimulus package is also important because we need to address one sector of the American economy that has suffered more than any other: the travel industry.

Mr. REID. Madam President, the travel and tourism industry employed more than 18 million people with an annual payroll of almost $100 billion. In 30 States, tourism is the No. 1, No. 2, or No. 3 industry. It is estimated that travel and tourism generated $93 billion in tax revenues during the year 2000 for State, Federal, and local governments. When our Governors and other State officials find themselves strapped for cash to pay for basic services such as education, $93 billion in tax revenue becomes even more significant. Moreover, during the past decade, travel and tourism has emerged as the Nation’s second largest services export, generating an annual trade surplus of about $14 billion. This, of course, is no surprise to the people and workers of Nevada where travel and tourism is by far the largest industry.

In the year 2000, 36 million people visited Las Vegas, contributing approximately $32 billion to local economies and sustaining approximately 200,000 hospitality and tourism-related jobs. Since September 11, there have been impressive numbers of decline. According to the Hotel and Restaurant Employees International Union, 41 percent of hotel and restaurant employees in the Washington, DC, metropolitan area have been laid off. In Washington, DC, 41 percent of hotel and restaurant employees have been laid off.

In Las Vegas, the fastest growing metropolitan community in the United States, 30 percent of the hotel and restaurant employees have lost their jobs. Similar cuts have been seen in other cities throughout the country, including New York, San Francisco, Boston, Los Angeles, Honolulu, and Miami.

Jonathan Tisch, one of the premier businessmen in the world, has told me on many occasions—he is based in New York—how drastic September 11 has been to his business. I spoke yesterday to Barry Sternly, another fine, outstanding businessman in American today. The tourism industry, the hotel business in which he is involved, has suffered tremendously. Around the country, 450,000 jobs directly related to travel and tourism will be lost this year. Think of those jobs that will be indirectly affected as a result of what has happened since September 11.

The forecast for the industry from this point on is not good. The Travel Industry of America estimates travel by Americans will decrease by 8.4 percent this winter compared to the 3 months of December, January, and February a year ago.

These months are always down months, but they are drastically down now. Many hotels use these months to do renovations and things they can afford to do with the money they would normally have earned in the other months, but they did not make money as they anticipated they would in the months of October and November, which are normally very good months for them. So with the decline of 3.5 percent for the entire year 2001 when compared to the year 2000, the Travel Industry of America estimates it will result in nearly $43 billion in lost travel expenditures in 1 year.

Even more chilling, the International Labor Organization projects up to 3.8 million jobs related to the American travel and tourism industry could be lost in the next few years. $49 billion in travel expenditures have been lost. How can we possibly consider leaving without doing something to address this critical sector of the economy?
Certainly there should be bipartisan support for tourism since it is so important in so many States, whether it is the State of Montana, the State of Michigan, the State of Nevada, or the State of Iowa. Tourism is important in all of these States, and I mention them because they are all Senators that I represent. Today, how can we possibly consider adjourning without doing something to help the hundreds of thousands of people who have already lost their jobs and do something so that millions more will not lose their jobs? How can we possibly discuss an economic recovery package without addressing the needs of travel and tourism? I say if we do nothing except something related to tourism, we will be doing a good job. It has such an important impact on our economies.

Since September 11, I, with a number of other Senators, have come to the Senate floor on various occasions to urge action on a travel and tourism package in conjunction with the so-called economic stimulus plan. We have urged our colleagues in the Senate, the House, and the administration to include legislation that will encourage people to start traveling again in order to stimulate the economy and get workers back on the job. We have taken some important first steps.

A few days after September 11, Congress acted quickly and responsibly to enact crucial legislation to help stabilize our Nation’s airline industry with $15 billion in grants and loans. Since September 11, the airline industry has cut 20 percent of its flights and laid off more than 100,000 workers. The financial package for the airline industry was the right thing to do, but it was just the first step toward making sure travelers truly feel safe to fly.

We then passed a comprehensive airline security bill to dramatically increase the number of sky marshals, strenghten airport security, and feder alize the screening of passengers and luggage at our Nation’s airports.

While we were right to enact these measures, it is important for us to remember travel and tourism in this country entails so much more than just the airline industry. Travel and tourism has many different faces: Hotels, car rental agencies, cruise ships, theme parks, resorts, credit card companies, family-run restaurants, big city convention centers, tour operators and travel agencies. These are just some of the many diverse elements of an industry that in some way reaches every State, virtually every community in America.

More importantly, it is from these nonairline sectors of the travel and tourism industry that the vast majority of the jobs have been lost. That is why I proposed a comprehensive travel and tourism package as part of any economic stimulus plan we would consider.

There are many Senators who have been interested in travel and tourism, but I would specifically mention Senators Conrad, Dorgan, Inouye, Kyl, Bill Nelson, Boxer, Miller, Akaka, Schumer, Clinton, Ensign, Allen, Stevens, and there are many others.

My plan calls upon Congress to enact tax credits for leisure travel to encourage people to fly on the airlines, to rent a car, to stay a few nights at their favorite hotel or enjoy a few meals at their favorite restaurants. The tax cuts would be temporary and would provide immediate results. Travel tax deductions for people to take advantage of all the many wonderful things the travel and tourism industry in this country has to offer while at the same time spending much needed dollars to stimulate the economy.

My plan also calls for a temporary increase in the deduction for business meals and entertainment expenses. This proposal will encourage businesses to increase their entertainment expenses. And, because the average expensed business meal is less than $20, this proposal will assist small businesses. This proposal by itself will have an enormous and positive impact on our Nation’s restaurants and the millions of Americans that employ them.

We need to address the needs of our nonairline travel business such as rental car companies, hotels, travel agencies, airport concessionaires, to name only a few. These businesses need our help. My plan provides a financial package of loan guarantees similar to that for the airline industry. Finally, we need to do a better job of promoting tourism at home and abroad by establishing a Presidential advisory council on travel and tourism to assist in the development of a coherent and comprehensive national tourism policy designed to help strengthen the travel and tourism industry. My plan provides for the necessary funds to help carry out this mission. We need to make sure that this country advertises the great tourism attractions in Florida, New York, Michigan, California, and Nevada. Most other countries spend significant amounts of money advertising tourism. We see advertisements on television and radio all the time. Australia, New Zealand, and other countries advertise and promote tourism to their countries. We need to do the same for America.

The travel and tourism industry is too important to our Nation’s economy, too important to my State and other States and communities throughout the country to be ignored. I hope everyone understands the importance of travel and tourism and how important it is to our country.

I have a letter from the former majority leader of the Senate, George Mitchell. The letter says: ‘I know how hectic these days are for you and so I will be brief. Some of the people who were most adversely affected by the events of September 11 are the working poor. Welfare reform in the 1990s forced the job market and, fortunately, many found work in the travel and tourism industry. Many have lost their job or face unemployment unless we can get the industry moving again.

By embracing the travel credit, we can keep the focus of the economic stimulus bill on individuals and on doing everything we can to help the working poor stay in the job market.’

I also have a letter addressed to me from the chair and chief executive officer of the Carlson Group, one of our nation’s largest travel agencies. I ask unanimous consent it be printed in the RECORD.

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

DEAR SENATOR REID: I cannot tell you how dismayed I was to read the article in the Washington Post, today, concerning the impact of September 11th on the travel and tourism industry.

As I am sure your constituents have told you, domestic air travel has remained down 31% for the past seven weeks. All elements of the travel and hospitality industry dependent on air travelers have watched their revenue drop by at least this amount.

Since personal travel is down 37-40%, tourist destinations, resorts, cruise ships, and non-airline segments of the American travel and hospitality industry have suffered declines as much as 60% over the same period and it continues.

We believe that a personal travel credit and elimination of the 50% penalty on business meals and entertainment expenses are desperately needed to keep Americans employed.

Obviously, being employed is far superior to receiving unemployment compensation and far more beneficial to our wonderful people and their families and the states, which bear the burden of such unemployment costs.

To the extent some in the industry seem to suggest that such assistance is too expensive or impracticable, they are not speaking for our people, our franchisees, our company and many others who have been the casualties of the events of September 11.

We know that you understand this. We deeply appreciate your efforts and those of your colleagues, in particular Senators Jon Kyl and Bill Nelson, and our employees and our businesses regain their economic footing through an amendment to the stimulus bill.

Best Regards,

Marilyn Carlson Nelson, Chair and Chief Executive Officer.

The PRESIDING OFFICER. The Senator from Montana.

UM GRIZZLIES GOING TO NATIONAL CHAMPIONSHIPS

Mr. BAUCUS. Madam President, I rise today to express a little hometown and a little home State pride. Last Saturday, the University of Montana Grizzlies defeated the Northern Iowa Panthers, I say to my very good friend from Iowa who attended Northern State, and is the strongest northern State booster I have ever run across. I will not embarrass my good friend by giving the score of that game, but I will say to my good friend from Iowa and to the world that we are proud that the University of Montana Grizzlies...
prevailed. It was a hard fought football game, and I give utmost credit to the Panthers, who were terrific.

This win gave the Grizzlies the privilege of going to the I-AA championship game in Chattanooga, TN. They will play the Furman University Paladins Friday at 5:30 eastern time. Everyone tune in.

In Montana, folks travel from every corner of our big State. We call ourselves the big sky State. We are a pretty large State, at close to 149,000 square miles. People around Montana come from all corners of our State to see the University of Montana Grizzlies, the Montana State University Bobcats. There is a fierce rivalry between the Cat fans and the grizzly fans.

From Eureka to Ekalaka, from Havre to Virginia City, in buses, vans, cars, and trucks, Montanans travel great distances to cheer on their sons and daughters, their friends and neighbors. When our team, the Grizzlies, made it to the national championship, understandably we were a little bit excited. We are very proud of our team. I wish you could feel the energy and excitement going on in Montana right now. We are very excited.

This is not new for the Grizzlies. They have been to the I-AA playoffs 8 out of the last 9 years. Friday's championship game will be the fourth the Grizzlies have been to since 1995 when they went to the University of Montana Bobcats. I wish I could believe our team has disappeared. I will never forget. I was there. Man, did we have fun.

It is also important to note that most of the UM players are from Montana. We are proud of that. They are great athletes, but they are also good students first. The team averages a 2.9 GPA, virtually a 3.0 team average. They are from small towns, rural communities. Some of them came up playing 6- and 8-man ball—football in small towns. Montana has that tradition.

They are excellent student athletes, like big sky defense man of the year and Academic All-American Vince Huntsberger from Libby, MT. I was talking to Vince the other day after a game, and Vince remembers when I walked throughout the State of Montana running for office. He even told me he carried a sign in a parade I was in when he was a little kid.

We have Brandon Neil from Great Falls and Olakers from my hometown of Helena. Our star quarterback, John Edwards, is from Billings. Then there is Spencer Frederick from a little town called Scobey in the northeastern part of our State. These young people and all the others make us very proud.

If you are an alum, follow I-AA football, they will tell you that the Washington Grizzly stadium is the premier place to play in the country. I commend the UM president, George Dennison, for his leadership at the university and for investing in the program. Also, congratulations to UM athletic director, Wayne Hogan, and his staff. He came about 7 or 8 years ago and is doing a great job. He is from Florida. And Grizzly coach Joe Glenn, with his vision, his leadership, that has earned him the big sky coach of the year for the second straight year.

I think all of these individuals have done such well. I thank them for the pride we have in them.

Finally, I have a wager with my very good friend from South Carolina, Senator Hollings. If the Paladins win—he went to the University of Furman—I will recite the words of the Furman fight song. If the Grizzlies win, Senator Hollings has agreed to come to the floor and recite the UM fight song. Fair wager, for fun. I will send his office the words to our song so he can get started and get the rehearsal going so he can boom forth with the University of Montana fight song at the next opportunity in the Senate.

SOFTWOOD LUMBER—A CALL TO ACTION

Mr. BAUCUS. I rise today to focus attention on the ongoing softwood lumber dispute between the United States and Canada. I believe we have a moral responsibility to permanently remove this blemish on our strong bilateral trade relationship.

In the past 3 months, the U.S. Department of Commerce found that the Canadian Government unfairly subsidized and subsidized those products in the U.S. market, both of which are prohibited by U.S. law. These activities have caused unprecedented upsets in the U.S. market, resulting in record low prices, disruption in supply, mill closures, layoffs, people out of work.

Good jobs in my State of Montana and across the Nation have been put at risk by Canada's foul play. Now is the time to bring this matter to resolution once and for all. The U.S. negotiators have a meeting with their Canadian counterparts to work out what is a desirable solution.

As I have stated many times before, this solution must completely offset the subsidies and dumping. It must bring true competition to the marketplace and must take into consideration the cross-border and environmental issues with the objective of a truly level playing field.

With the offers of our neighbors to the north have been, to date, short of the mark. If we are serious about resolving the issue, the Canadians need to put something on the table, something that reflects a true, open, competitive market for softwood lumber. Some in Canada would prefer the subsidies and dumping. It must be a sure, eternal solution.

As I have stated many times before, this solution must completely offset the subsidies and dumping. It must bring true competition to the marketplace and must take into consideration the cross-border and environmental issues with the objective of a truly level playing field.

The statute does not require that...
South Carolina about you all. We understand about the Grizzlies in Delaware. They have been a very powerful Division I-AA team actually the last—almost the last decade, the last 8 years or so. I just want you to know that, even though the Presiding Officer is from the State of Delaware, his team call is the Spartans—and only they get 100,000 people—or so to show up to their games; they don’t understand, as the Presiding Officer prior to this, from the University of Michigan and Michigan State, where they get 110,000 people—they don’t understand real football that the three of us understand.

At some point we should have a more far-reaching discussion about football as it is really still played, where there are student athletes who take seriously that undertaking, as they do their football.

I want to say that people who do not follow and understand that—and many do not because of the media—who do not follow our Division II football, should understand there are some very serious ballplayers. It is very good football, high-caliber football. And, in any given year, such as this year, a team such as the Grizzlies is able to compete with Division I football, should they could not do it in day and day out. They could do it 10 games a year. But it is very serious football.

I have been through these bets myself over the last 29 years here because my alma mater has been engaged in this national championship more than once. Delaware this year had a lousy season, relatively speaking—a winning season but a lousy season. But we have a coach who this year made it to the ranks of only 6 coaches in the history of college football to win over 200 football games.

I just want to rise and salute Division II football, where it is not a 40-hour-a-week job to attend school, but it is football. I argue the pressure on some of the fine athletes at Northern Iowa and the University of Montana, the University of Delaware, to play this caliber football and what is also expected of them off the field, is a real strain, a real burden on some of them because they do not get the same opportunities, same scholarships, same treatment, on occasion, that some of the major Division I school athletes do.

I salute the Grizzlies. They are one tough team. When I told my friend from South Carolina about your record, because I was very familiar with it, he blanched and said, as only he could say because he is one of the most humorous guys here: Mr. Lord, if that’s the case and they lose, and I have to recite that, they should change that fight song.

Having said that, I yield the floor and wait my turn to speak on a more serious subject.

Mr. BAUCUS. If I may ask the indulgence of my good friend, one of the teams in the home State of the Presiding Officer, of course, is the Badgers.

For the previous occupant of the chair, it was the Wolverines, and the Grizzlies of Montana.

The PRESIDING OFFICER (Mr. WELLSTONE). The Chair would observe the team in Minnesota is the Gophers. The Senator from Wisconsin.

Mr. BAUCUS. So we have the Gophers, Wolverines, Panthers, Grizzlies, and Maine has the Black Bears. I am going to ask my good friend from Delaware, whom we have in Delaware?

Mr. BIDEN. Mr. President, Delaware has proudly named after the strongest group of revolutionary fighters in the Revolution from the State of Delaware. Back in those days, cock fights were very much in vogue. The toughest of those competitors were the Blue Hens of Delaware. I want the record to show the Blue Hens have taken Panthers, Badgers, and Bears in their stride, including the Black Bears of Maine. We are little, but we are very strong.

I often wish the mascot in the Revolutionary War for Delaware regiment had been a panther or a lion, but it happened to be a blue hen. So we are the Delaware Blue Hens, and proud to be such.

Mr. BAUCUS. Mr. President, I will bet they are the strongest, toughest Blue Hens that have ever existed on this Earth.

Mr. BIDEN. That is a fact.

Mr. BAUCUS. I look forward to next year when the Senator from Delaware stands in the Chamber and gives a recitation of the Grizzlies’ fight song. I hope we can come to that day.

I thank all Senators for indulging me.

The PRESIDING OFFICER. The Chair recognizes the Senator from Iowa with the good-looking holiday sweater.

THE ECONOMIC STIMULUS PACKAGE

Mr. GRASSLEY. Mr. President, the session is about to end. I would like to argue the pressure on some of the fine athletes at Northern Iowa and the University of Montana, the University of Delaware, to play this caliber football and what is also expected of them off the field, is a real strain, a real burden on some of them because they do not get the same opportunities, same scholarships, same treatment, on occasion, that some of the major Division I school athletes do.

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I thank all Senators for indulging me.
The Congress of the United States has addressed that and has given the President the backing that our Constitution demands from a partner in a war act, as Congress is a partner in that.

We need to remember that we are in a state of war and that things aren’t the same. The Senate ought to respond as if we were in a state of war.

I think one of the ways to responsibly respond is for the Senate to vote on the security or economic stimulus package. I hope the Senate majority leader will let his caucus vote the conscience of the individual Member. I hope there isn’t any attempt to put the position of the party ahead of the good of the country in the closing hours of this session so we can pass this bill.

It is time to finish our work, but it is also time to do the people’s business. There is nothing more important right now than responding to the needs of the unemployed.

We are in the position of finishing the last of the appropriations bills. It is time to help the dislocated workers and those who are working and create jobs for the employed people by providing health insurance for unemployed workers, including people who can use it to extend COBRA insurance benefits.

Somehow there is an insinuation that this isn’t something coming to the Senate just on the spur of the moment in the sense that there is a rude awakening and we ought to do something about the economic situation and pass some stimulus. The President recommended it in early October when he proposed a program of accelerated depreciation, tax reduction, tax rebates for low-income people, enhancement of unemployment compensation, and help for the health care of unemployed. The President did that. It wasn’t the President who started it. There were lots of meetings held by Senator Baucus with Democrats and Republicans, and maybe meetings with only Democrats. We held separate Republican meetings in early October on whether or not we ought to have a stimulus package. We sought the advice of Chairman Greenspan.

There was some question in late September or early October when these meetings were being held about whether or not we needed an economic stimulus. But it was just a matter of a couple of weeks until the President, probably on his own, made a determination and pass some stimulus. It is a proposal. We have gone way beyond what the President wanted to do in some of these areas. It does not have some of the baggage of a bill that previously passed the House of Representatives, had, as for instance, the retroactive alternative minimum tax, where there is a lot of money just coming out of the Federal Treasury back to corporate America. It has many of the things the Democrats wanted and many of the Republicans wanted. But it is going down the same road now because it is bipartisan, bicameral, and it is coming to the Senate.

As to things such as accelerated depreciation, there are some changes in the alternative minimum tax that reflect the realities that accelerated depreciation will not work if there are not some changes in the alternative minimum tax brackets for middle-income taxpayers by reducing the 27 percent bracket down to 25 percent, and doing it January 1, 2002, instead of January 1, 2004, and January 1, 2006.

We recognize the needs of stimulating the consumer demand by tax rebates to low-income Americans. We increase unemployment compensation by 13 weeks. We have, for the first time in 70 years, a very dramatic change in the social policy for unemployed people by providing health insurance for unemployed people. That is welcomed by a lot of Republicans. And it ought to be welcomed by a lot of Democrats, I believe.

I would also like to take an opportunity to clear up the record on press conferences that are being held by my friends in the Democrat leadership. Too often it is said, in a disinformation way, that what is really holding this up is that Republicans do not want health benefits for dislocated workers. I think I have just now said, in this new policy—the first in 70 years; the biggest social change in the policy for dislocated workers in 70 years—that we support this. It is part of this package. So why would anyone say that Republicans do not care anything about health benefits for dislocated workers?

The President proposed it early on—not in a way I thought was very workable, but he proposed spending money on it. We have a package that has $23 billion of such benefit in it. In fact, it is a package with $2 billion less which helps more people than what some of the Democratic proposals would do.

So if you can help more people for less of the taxpayers’ money, isn’t that good? And isn’t it good, too, that there is agreement that it needs to be done? I do not think it is fair for people in the Democratic leadership to say Republicans are against helping with the health benefits for unemployed workers when it has been in every one of our plans and even the President was the first to propose it.

I think the bipartisan, bicameral provisions that are coming before the House and Senate within the next 48 hours represent a genuine compromise. Not only does it provide an unemployment insurance extension of 13 weeks, but it also has Reed Act transfers—more money—to the States for them to spend for enhancing their own—

The PRESIDING OFFICER. It is the Chair’s understanding that the time allocated in morning business to the Senator from Iowa has expired.

Mr. GRASSLEY. I am not sure I was aware of it or I would have asked permission to go beyond that because I know all the previous speakers spoke longer than 5 minutes and the gavel was never rapped. So if that is the case—

Mr. BIDEN. I have no objection to the Senator continuing his speech. I am wondering how long he is likely to speak.

Will the Senator say roughly how long he is going to speak?

Mr. GRASSLEY. I think now that I have spoken this long, I would say about 10 minutes.

Mr. BIDEN. I thank the Senator.

Mr. GRASSLEY. We give more money to the States if they want to improve even more their unemployment benefits. We are giving a 60-per- cent tax credit for health care tax for unemployed workers, including people who can use it to extend COBRA insurance benefits.

States will have the ability to address problems such as part-time work. There is a monstrous package to accelerate income tax rate reductions in the 27-per cent bracket.

I am sure there are a lot of Members of this body, particularly those who voted against the bipartisan tax bill last spring, who are not going to want to speed up, from 27 percent to 25 percent, the reduction of that tax rate. Somehow there is an insinuation that if you do that, you are helping the wealthy. I want my colleagues to remember that this benefits a single taxpayer earning as little as $27,051 and going up to $65,000. And then, for a married couple, that would kick in at $45,201, going up to $109,000.

For people making $27,000, where this bracket starts, or for married couples making $54,000, these are not rich people or rich families. What we are talking about is a 2-percentage-point tax cut for these folks.

So is there anything wrong with a single person paying $770 less in taxes and a married couple paying $1,281 less in taxes if they fall into this income tax bracket that we would call middle income?
It seems to me it is fair, but, most importantly, it is meant to be a stimulus. This is something that middle-of-the-road Democrats and Republicans support. This is part of the original centrist package.

We also have a 30-percent bonus depreciation. That is something that was in everybody’s package. Republican or Democrat, House or Senate.

We have also a 5-year net operating loss carryback. That was not in the President’s package. That was not in the Senate Republican package. That was in the Senate Democratic package.

On corporate alternative minimum tax, there is no repeal, no retroactivity, like was lambasted when it came out of the House that way. There is no corporate AMT repeal, retroactive or otherwise, in the White House-centrist package. There are some well thought out reforms that cost about one-twentieth of what the House bill did on alternative minimum tax. If I were the majority leader, I think we could manage major movement. That is why the centrist support this compromise.

The White House-centrist package extends expiring tax provisions by 2 years.

Finally, the White House-centrist package includes bipartisan tax relief proposals for victims of terrorism and business in New York City. These are much needed, and they are urgent matters. I believe the Senators from New Jersey, New York, and Connecticut ought to find it inviting that these things are in there for their constituents and support this package.

Let’s get the record straight. Let’s have a good debate. Let the votes fall where they may. I can’t help but ask our distinguished majority leader, Senator Daschle, to give the people what they want—a bipartisan economic stimulus bill with the largest aid going to dislocated workers in a generation.

It is clear that the people and the President don’t want stalling, don’t want muddling, don’t want delay and, most important in this state of war we are in, don’t want partisanship.

I urge the Senate majority leader to do the right thing: End this session by delivering a bipartisan priority. By doing it, we put the people’s business first. If I were the majority leader, I would not know how to explain to the American people, as I returned home to the Senate by the high season there with my family on the farm at New Hartford, why millions of Americans are desperately waiting for the Senate to pass an economic and job security bill that has been in this body for the last 2 months. If I were the majority leader, I don’t know how I would explain to the people of Iowa, how I could look my constituents straight in the eye, and all of my taxpayers and all the small business owners of Iowa, and explain, by not passing this bill, how I would choose politics ahead of people. I would choose politics ahead of people.

There is still time to do it. If people are allowed to vote their conscience and not have the restriction of party, we can get the job done, I believe. I yield the floor.

ORDER OF BUSINESS

The PRESIDING OFFICER. The Senator from Delaware.

Mr. REID, Mr. President, on behalf of Senator Daschle, I announce there are no more votes tonight.

UNANIMOUS CONSENT AGREEMENT—CONFERENCE REPORT TO ACCOMPANY H.R. 3061

Mr. REID, Mr. President, I ask unanimous consent that at 9:30 a.m. on Thursday, December 20, the Senate proceed to the consideration of the conference report to accompany H.R. 3061; that there be 90 minutes for debate equally divided between Senators Harkin and Specter or their designees; that an additional 20 minutes be given to Senators McCain and Brownback—that is 10 minutes for each of them, for a total of 20 minutes—that there be 10 minutes each for Senator Domenici and Senator Wellstone; that upon the use or yielding back of time, the Senate vote on adoption of the conference report.

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

UNANIMOUS CONSENT AGREEMENT—CONFERENCE REPORT TO ACCOMPANY H.R. 2506

Mr. REID, Mr. President, I ask unanimous consent that the majority leader, after consultation with the Republican leader, may turn to the consideration of the conference report to accompany H.R. 2506 and that there be 1 hour 5 minutes for debate divided as follows: Senator Leahy, 10 minutes; Senator Byrd, 45 minutes; Senator McConnell, 10 minutes; that upon the use or yielding back of time, the conference report be agreed to, the motion to recommit be laid on the table, and any statements related thereto be printed in the RECORD at the appropriate place, with no intervening action or debate.

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

The PRESIDING OFFICER. Mr. Biden, Mr. President, I ask unanimous consent to proceed as in morning business for up to 10 minutes.

Mr. President, I ask unanimous consent to proceed as in morning business for up to 10 minutes.

ECONOMIC STIMULUS

Mr. BIDEN, Mr. President, before I speak on what I came over to the floor to discuss today, I would like to respond in 60 seconds to the Senator from Iowa.

I don’t think the stimulus bill is about partisanship. The stimulus bill is about whether we are going to take care of workers and displaced people because of the economy or whether we are going to reward corporate entities that are not going to reinvest instantly in the economy and stimulate the economy. How can we stimulate the economy if what we are going to be spending through either tax expenditure, direct cash or doesn’t spend out for 2 years or more?

This is about fairness. The stimulus package I have seen so far is not remotely bipartisan and is in fact a serious mistake, based on what I know, unless there is some sense in the last 12 hours of which I am unaware.

MAINTAIN OUR BALKAN COMMITMENT

Mr. BIDEN, Mr. President, I rise today to take issue with Secretary of Defense Rumsfeld’s comments yesterday in Brussels, in which he called for reducing NATO forces in Bosnia by one-third by the end of next year.

I find Secretary Rumsfeld’s proposal both faulty in its logic, and dangerous in its implications.

Mr. Rumsfeld based his suggestion upon the allegation that the size of the NATO mission in Bosnia, known as SFOR, is “putting an increasing strain on both our forces and our resources when they face growing demands from critical missions in the war on terrorism.”

From this assertion, one might think that the United States and NATO have massive numbers of troops in Bosnia. In fact, SFOR’s strength is now about 18,400 troops. The U.S. contingent is only 3,100.

According to the Pentagon’s new Quadrennial Defense Review, we must be able to “swiftly defeat aggression in overlapping major conflicts while preserving the option of decisive victory, including regime change or occupation and conduct a limited number of small-scale contingency operations.”

By any calculation, therefore, we should have plenty of troops and materiel to handle the smaller-scale operation in Bosnia and still meet our commitments elsewhere in the war on terrorism.

In short, Secretary Rumsfeld’s argument that Bosnia is a serious drain on our war-fighting capabilities simply doesn’t wash.

I should also point out that we have already greatly reduced the size of the NATO-led operation in Bosnia. The current level of 18,400 troops is down from an original 60,000. The 3,100 Americans are down from an original 20,000.

Moreover, why should we quit a game in the fourth quarter when we’re winning? Bosnia and Herzegovina still has many problems, but even the harshest critic of our policy there must admit that significant progress has been made since the Dayton Accords were signed six years ago. For example, there are non-nationalist, multi-ethnic coalitions now govern both the Federation and the national parliaments. All of the political, economic, and social
progress has been made possible by the umbrella of SFOR.

But the victory is not complete. In that context, I’m rather surprised that Secretary Rumsfeld juxtaposed Bosnia with the war on terrorism, because al-Qaeda is known to have cells in Bosnia. The man who co-wrote the book Osama bin Laden in the grotesque video from Afghanistan, which nauseated the civilized world, had previously fought with the mujahedeen in Bosnia.

Mr. President, extirpating al-Qaeda from Bosnia is reason enough to keep the three thousand American troops there.

I have been to Bosnia nearly every year since the outbreak of hostilities in 1992. I have talked with most of the leading politicians of all ethnic groups. I have visited the headquarters of the combined Muslim-Croat Federation Army outside Sarajevo and reviewed the troops there. I have met with local officials from Banja Luka and Brcko in the north to Mostar in the south. No one, Mr. President, no one - - thinks that the current peace and progress in Bosnia could survive a premature withdrawal of NATO, especially American, troops.

Rather than setting an artificial date for withdrawal of NATO forces from Bosnia, we should concentrate on finishing the job, and then withdraw victoriously.

Moreover, the United States is sending a totally confusing message to the world, friends and foes alike. The same week that we reopen our embassy in Kabul, and James Dobbins, our envoy to Afghanistan, declares that we are there to stay, we announce that we will leave Bosnia within twelve months!

How seriously can Afghans take Mr. Dobbins’ declaration? Can the Afghans possibly think that we will stay the course there when we won’t do it in the Balkans?

Or are we perhaps planning to transfer some American troops from Bosnia to peacekeeping duty in Afghanistan? I don’t think so. Secretary Rumsfeld and others in the Administration frequently declare that peacekeeping duty is a poor use of the American military.

Unfortunately, however, the Administration’s mantra runs afoot of the so-called Strategic Concept, the document which guides overall NATO strategy. The Strategic Concept lists ethnic and religious conflicts like Bosnia among the greatest threats to the Alliance.

If we’re going to opt out of NATO peace enforcing missions, and we’re going to exclude NATO from our anti-terrorist military campaigns as we have done in Afghanistan, then what does that tell our allies about our commitment to NATO? I suppose we’ll agree to keep an American general as Supreme Allied Commander Europe.

Unfortunately, Secretary Rumsfeld’s arbitrary deadline-setting in Bosnia fits right into the Administration’s announcement that we will withdraw unilaterally from the Anti-Ballistic Missile Treaty with Russia, a decision whose folly I criticized on this floor less than a week ago.

This administration’s foreign and defense policy is driven by ideology, not by a realistic threat assessment. A stable Europe is the precondition for our pursuing terrorists in Central Asia, the Far East, or the Middle East. Since we continue to preach “in together, out together” in the Balkans, what will we do if our European NATO partners point to tomorrow—as is likely to be the case—that there is still need for SFOR to remain in Bosnia?

In that case the administration’s theory will collide with the hard facts of reality. Whether reality or ideology will win out will be more than an academic question. The future, both of the Balkans, and of NATO, may depend on the answer.

The American people should recognize that a member of that committee, along with the distinguished Senator from Connecticut, another leader of the committee, and how much you have taught me and how much you have encouraged me.

With that background, I am going to spend the next few days of this session to try to keep the peace, to keep the peace.

Mr. President, I wanted to comment to the chairman of the Foreign Relations Committee about how much I appreciate his leadership, how much of a privilege it has been for me to be a member of that committee, along with the distinguished Senator from Connecticut, another leader of the committee, and how much you have taught me and how much you have encouraged me.

With that background, I am going to Afghanistan on January 3, and I am really looking forward to bringing back a report to the committee that might be of value as we discuss the future of the coalition, keeping it together, of those countries in the region that we will visit, as well as for the future of Afghanistan.

I commend the chairman of the committee for how he has been so steadfast in his insistence for the role of women in the new Government of Afghanistan. Afghanistan has a history of having very prominent women in the professions. Of course, all that disappeared with the Taliban. It is time to reassert the right of women and, particularly, in our case, to insist on that as they form the government. It is with a great deal of appreciation I say to my chairman and to the chairman of the subcommittee how much I thank them for their leadership.

TERRORISM INSURANCE

Mr. NELSON of Florida. Mr. President, I wanted to speak briefly on the subject of terrorism insurance because in the closing couple of days of this session, there is some question as to whether or not we will even get a bill. I want to say if we don’t, that is a mistake. It is a mistake because to do nothing would leave us in the condition that we are now, where so many of the businesses and homeowners and automobile owners of America would be in a position of not knowing if they are covered by terrorism or not because a number of companies have already refused to write insurance policies for the 50 States, withdrawing terrorism as a risk that would be covered.

The flip side of that is where terrorism may be covered, it may be covered in the 50 States, withdrawing terrorism as a risk that would be covered.

In this particular case, we have presently terrorism insurance. The insurance companies of the 50 States would know, but an insurance commissioner has to determine if a rate is fair by looking at data and looking at experience.

In this particular case, we have precise and verifiable data. Therefore, the insurance departments of the 50 States are simply not going to know or, even if they thought a rate was excessive and arbitrary, they are not going to be able to deny the rate because they cannot deny it if they went into court and proved to a judge in an administrative law court, or in a court of law, that it was excessive. But they don’t have those tools.

So what should we do? Well, let me say one thing. If the bill fails, and I hope it doesn’t—and I am talking to the Senator from Connecticut, who is a leader; I want to talk about his bill—instead of us doing nothing, we ought to take a period of time and pass a bill that would say that the Federal Government will treat this as an act of war for this short period of time, and assuming the terrorism risk for insurance purposes, that there would be no rate hikes and there would be the guaranty of terrorism coverage in the insurance policies—in other words, a moratorium on the cancellations that are going on right now on terrorism coverage, and a rate freeze on the rates that are presently being jacked up sky high in many cases.

That is what I would suggest that the Congress consider as a backup, but we should not have to get to the backup.

I want to talk to the Senator from Connecticut and the rest of the Senate about the Dodd-Sarbanes bill, that if we opt out of terrorism, such as the Dodd-Sarbanes bill—it could be that or it could be the Fritz-Hollings approach but an approach that blends the risk being shared by insurance companies for the lower amounts, generally in a range of about up to $10 billion so losses from an insurance event, and above that the Federal Government would share in an 80-20 or 90-10 arrangement, depending on the size of the terrorism loss.

All of these bills have similarities. All of what I would urge, and will urge if such a vehicle comes before the Senate by the offering of this amendment, is that there be a limitation on the
Mr. WARRNER. Mr. President, the Senators were advised by the Foreign Relations Committee through a hotline of the desire of the Senate to act on H.R. 3167. I have objected, and will continue to object, to the Senate considering this bill. It is a very significant bill, and I feel that it comes to the Chamber and state to the Senate exactly why I object at this time in the few hours remaining in this session—I say a few hours, tonight and tomorrow—to proceeding to consider such an important document.

The document is an affirmation of a policy statement by President George W. Bush who said as follows on June 15, 2001, in a speech in Warsaw, Poland:

- All of Europe’s new democracies from the Baltic to the Black Sea and all that lie between should have the same chance for security and freedom and the same chance to join the institutions of Europe as Europe’s old democracies
- NATO membership for all of Europe’s democracies that seek it and are ready to share the responsibility that NATO brings.

NATO is an affirmation of a very important document as this.

The document is an affirmation of a most significant declaration of policy.

The Congress endorses the vision of further enlargement of the NATO Alliance expressed by the Alliance in its Madrid Declaration of 1997 and its Washington Summit Communique of 1999.

And this perhaps is the most significant declaration of policy.

By this way, these authorizations are contained in the foreign operations bill such that they can go forward. It will not impede the distribution of these funds.

From time to time, Members put holds on matters. I take that obligation very seriously and come to state with some precision exactly why I take that step and will continue to do so for the balance of this session of the Congress, namely that it deserves the full attention of the Senate, preceded by a debate in the chamber with consideration by the two committees that have specific oversight of these matters.

ORDER OF PROCEDURE

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, Senator DODD and Senator MCCONNELL are in the Chamber. I ask unanimous consent to speak for 3 minutes and at the conclusion of my statement leader be recognized for a statement.

The PRESIDING OFFICER. Without objection, it is so ordered.
CLOSING THE GUN SHOW LOOPHOLE

Mr. REED. Mr. President, today the Brady Center to Prevent Gun Violence issued a very important report on ‘‘Guns and Terror,’’ and they pointed out the link between terrorist activity and our lax gun law in the United States, including reporting what should urge us to action. We have seen throughout the last few weeks newspaper reports indicating terrorists are exploiting our lax gun laws, particularly when it comes to gun shows.

When Attorney General Ashcroft testified before the Senate Judiciary Committee on December 6, he held up an al-Qaeda manual and talked about how terrorists are instructed to use American freedom as a weapon against us, and he talked about the way they are urged to lie to deceive our law enforcement authorities.

He neglected to point something else out. These terrorists have been trained to exploit our gun laws. A few weeks ago, a terrorist, whose terrorist manual was seized in Kabul in which these jihad trainees were urged to obtain an assault rifle legally, enroll in American gun clubs to take courses in sniping, general shooting, and other rifle courses. We have to understand if this is their playbook, using gun shows is one of their plays and we have to stop this loophole.

I introduced legislation last year based upon the Lautenberg legislation this year, and I hope we could bring this legislation to the Senate very quickly, and we could move to close this gun show loophole, that we could apply the Brady law to every purchase at a gun show, that we could ensure there is a full-time period for law enforcement to evaluate, up to 7 days, the purchase.

These things are necessary. I think it would be a mistake to delay further, and I think also it would be a mistake to take lightly the weakness of the law when we have already passed a corrected bill that can make huge progress in closing off this loophole.

We already know individuals on behalf of the Irish Republican Army have used gun shows, that American militia movements have used gun shows. They do that because they know they can go to the shows, find unlicensed dealers and avoid any type of Brady background check. I hope we could move very promptly in the next session to close this loophole.

There are 22 cosponsors of my legislation. It is a bill we have already passed in the Senate. It is something I believe is long overdue and I hope indeed we can do it to ensure terrorists do not exploit our laws to do damage to our country and to our people.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Mr. President, I compliment the distinguished Senator from Rhode Island for his comments now and for the leadership he has shown on this issue now for several years. Our caucus and the Senate owe him a debt of gratitude for the job he has done in sensitizing us to the importance of this legislation and our efforts to address this issue.

As the Senator noted, this legislation has a very favorable history. Senator Lautenberg, our former colleague from New Jersey, has also worked with the Senator from Rhode Island to pass this legislation at some point in the past, and because this is something that is long overdue and I hope indeed we could move very promptly in the Senate. It is something I believe is long overdue and I hope we could move very promptly in the Senate.

Mr. REED. Mr. President, the Chamber may be sparse in participation at this late hour and it may be after working hours for most, but may I suggest what we are about to introduce is ‘‘landmark’’ legislation. It will have been one of the last times this body dealt with the issue of voting rights from a Federal perspective. The Voting Rights Act was the last major civil rights legislation dealing with the voting rights of the American public.

I begin these remarks by, first of all, expressing my deep gratitude to my friend from Kentucky who has been my chairman on the Rules Committee, and is now my ranking member on the Rules Committee, for his efforts, and those of his staff and others over these many weeks in putting this proposal together which we now offer to our colleagues as a bipartisan compromise. Our hope is that on our return, at some early date—and again I would urge leadership for advice and counsel—we might bring this matter before the Senate when we return to the second session of Congress to adopt this election reform proposal.

Everyone is aware of what the world was like a year ago when the major story was not about Afghanistan and terrorism but about the condition of the election system in the country, particularly the events surrounding the Presidencial race. I am here today to talk about what happened. What happened last year was not an occurrence in one State or one election but a wake-up call for everyone about the deteriorating condition of our election system across the country. This is a corrected bill and a corrected bill, and send a clear message, at least when it comes to the gun show loophole, that we can take steps to protect ourselves and protect this population, and find ways in which to do it in a reasonable way. That is what the Senate is here to do.

Again, as I say, I thank him for his leadership, his commitment, and I will work with him to assure this legislation can be taken up successfully sometime next year.

Mr. REED. I thank the majority leader for his kind comments.

Mr. DASCHLE. I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. I thank the Chair.

ELECTION REFORM

Mr. DODD. Mr. President, it is after 6 p.m. in the evening and I suspect that many normal people are sitting down having dinner, enjoying a quiet moment with their families. I hope in fact that many of our colleagues are doing that since there are no longer any votes this evening. We are about to make an announcement, my colleague and friend from Kentucky, and, if he can make it, our colleague from Missouri, along with my friends from New York and New Jersey and others who have joined us in crafting an election reform proposal.

Mr. President, the Chamber may be sparse in participation at this late hour and it may be after working hours for most, but may I suggest what we are about to introduce is ‘‘landmark’’ legislation. It will have been one of the last times this body dealt with the issue of voting rights from a Federal perspective. The Voting Rights Act was the last major civil rights legislation dealing with the voting rights of the American public.

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Again, as I say, I thank him for his leadership, his commitment, and I will work with him to assure this legislation can be taken up successfully sometime next year.

Mr. REED. I thank the majority leader for his kind comments.

Mr. DASCHLE. I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. I thank the Chair.
This bipartisan compromise reflects the necessary balance between the Federal interests in assuring the integrity of Federal elections and the authority of State and local officials to determine the best means by which to conduct elections.

I am very grateful to my colleagues for their considerable contributions to this compromise. I thank the ranking member of the Rules Committee, Senator McCONNELL, for his leadership in this matter and for his very significant contributions which I will identify shortly. Senator SCHUMER of New York, a member of the Rules Committee, has been active working on election reform since the beginning of this Congress when he became interested in the subject matter. My good friend from the State of Missouri, Senator BOND, early on recognized the need for Federal leadership in this area, particularly the need for Federal antifraud standards. And Senator ROBERT TORRICELLI, along with Senator McCONNELL, introduced one of the very first election reform measures in the Senate following the elections of last year. So many others were involved in the debates and discussion, but those are the principals who have worked the hardest to craft this package and to present it to this Chamber.

I acknowledge the tireless work of my colleagues in the House, Congressman JOHN CONYERS, the dean of the Congressional Black Caucus. Throughout this long year of hearings, debate, and negotiation, he has been a friend and a leader in the responsibility of the Federal Government to ensure that every eligible American has an equal opportunity to vote and to have their votes counted. This compromise owes much to his vision and dedication to producing a bipartisan agreement.

Simply put, this bipartisan compromise makes it easier for every eligible American to vote and to have their votes counted while ensuring that protections are in place to prevent fraud. As my colleague and friend from Missouri has said so succinctly, it ought to be easy to vote in America and it ought to be very hard to cheat. We think we have struck that balance. We do not claim perfection, but we believe we put together the provisions which will certainly advance the measure of both goals: to make it easy to vote and hard to cheat in this system and thus devalue the legitimate vote of those who honestly go about the business of counting ballots.

The bipartisan substitute we introduce today represents a strong response to the first civil rights challenge of the 21st century: to ensure that every American, regardless of the individual’s race, ethnicity, disability, English proficiency, or the level of financial resources available to the community in which he or she lives and votes, is able to honestly go about the business of casting a ballot.

This compromise preserves the fundamental philosophy of the original bill: The Federal Government must set minimum standards for the conduct of Federal elections. We have expanded the original standards to include minimum requirements to defer fraud and have created a new Election Administration Commission to assure that, going forward, election assistance will be available to the States and localities to meet these minimum standards.

Specifically, this compromise sets the following three minimum standards:

- **First**, beginning in the year 2006, election systems must meet voting system standards providing for acceptable error rates, and provide notification for voters who overvote, while ensuring such systems are accessible to every blind and disabled person, and to language minorities, in a manner that ensures a private and independent vote.

- **Second**, beginning in the year 2004, States must have in place provisional ballots so that any registered voter in America can ever be turned away from the polls without the opportunity to cast their ballot.

- **Third**, States must establish a statewide computer voter registration list, and begin to provide for electronic verification for voters who register by mail in order to prevent fraudulent voting.

Those are minimum standards. They do not require a one-size-fits-all approach. Rather, they require that any particular voting system be used or discarded, for that matter. Instead, the minimum standards ensure that every voting system—be it electronic machines or paper ballots—meet certain basic standards. And we explicitly guarantee to every State the ability to meet these standards in a way that best serves the unique needs of their communities.

Most importantly, this bipartisan compromise provides funds to help States meet these requirements. For the first time, the Federal Government will contribute its fair share to the cost of administering elections for Federal office. That, in and of itself, is a historic change.

The compromise authorizes a total of $3.5 billion over 5 years towards this end. A total of $3 billion is authorized to fund the minimum standards, and an additional $500 million is authorized in fiscal year 2002 for incentive grants to help States immediately move forward to implement election improvements, particularly in the antifraud area.

There is $100 million in fiscal year 2002 provided for grants to make polling places physically accessible to those with disabilities. Never again should our fellow Americans who are blind or wheelchair bound have to suffer the indignities of being lifted into polling places or held at a curbside waiting for an accessible machine.

This significant commitment of resources underscores the fact that nothing in this bill establishes an unfunded mandate on States or localities. To the contrary, this compromise reflects a commitment on the part of Democrats and Republicans in this Chamber to provide not only the leadership but the resources at the Federal level to ensure the integrity of our Federal elections.

The Senate majority leader, Senator DASCHLE, has publicly committed to bringing S. 565, the Equal Protection of Voting Rights Act to the floor early next year, at which time this bipartisan compromise will be offered as a substitute.

I encourage my colleagues and the leader to make this bill one of the first measures—maybe the first measure—in the second session of the 107th Congress. I can think of no better way to begin the second session of this historic Congress than with a bipartisan measure whose sole purpose is to ensure the integrity of our system of Federal elections and the continued vitality of our democracy.

I think of all that has happened since September 11, that we could not think of a better way to begin the new year than to work together in the Chamber to do something so critically fundamental to the success and soundness of our democracy.

I thank again, my cosponsors—Senator McCONNELL, specifically for his crafting of the commission concept, which I think is a wonderful idea, so we will have a permanent venue to begin dealing with these issues. I am sure the leadership in the other chamber will explain in greater detail how this commission works. But without its contribution we might have only ended up with a temporary commission that would have gone out of existence in a short period of time and allowed, once again, the system to deteriorate.

There is no guarantee it will not. But with a commission in place, we will be in a much stronger position over the years to respond to these issues on a continuing basis.

I thank Senator BOND. His contribution was to the fraud area. Without him coming to the table and adding that element here, we might have left that out. It is a serious issue, one that deserves consideration. He has crafted some very sound provisions in this bill which add a very important leg to this.

With what I have talked about in the area of disabilities and provisional voting in addition to our requirement of states to provide voters with disabilities why the commission can make a significant contribution to major issues.

I want to thank specifically our staff: Tam Sommerville and Brian Lewis of Senator McCONNELL’s Rule Committee staff; Julie Dammann and Jack Bartling of Senator BOND’s office; Sharon Leach and Polly Trottenberg of Senator SCHUMER’s office; Sarah Wills and Jennifer Leach of Senator TORRICELLI’s office; and, in my office,
Kennie Gill, Veronica Gillesie, and Stacy Beck, along with Shawn Maher and others, for helping put this together.

I look forward, in the early part of the year, to debate and discussion on the subject matter.

Again, I appreciate the wonderful work of my colleagues.

It has been a long road but we think we have produced a very good piece of legislation. I look forward to working with my colleagues with whom we see.

I see the distinguished leader. I know he probably has other obligations. My colleague from Kentucky is here, but if the leader would care to make a comment on this, we welcome it.

Mr. DASCHLE. Mr. President, I will be very brief. I congratulate the distinguished Senators from Connecticut, Kentucky, and Missouri for their extraordinary work in this regard. I would not have bet we could have gotten to this point when the effort began many months ago.

There was a great deal of concern for how the last election was conducted—on both sides. Given the acrimony and difficulty in reaching even some consensus about how to approach this issue, if anything was going to happen, it would be long. But these leaders overcame the odds. They articulated a vision for how this country ought to perform in every election and worked together, in spite of these difficulties, and have achieved a result that I think is extraordinary.

I do not think the Senator from Connecticut is far off when he talks about this being landmark legislation. Indeed, if it can incorporate the opportunities for millions of voters who have been disenfranchised, it will be landmark legislation. If we can deal with the fraud that has existed on occasion in elections in the past, it will be landmark legislation.

I cannot think of any higher priority. I cannot think of anything for which there is greater cause for excitement than the opportunity to address this issue in the comprehensive and very commendable way the Senators from Connecticut and Kentucky have.

I commit to work with the two Senators to find a time very early in the next session of Congress where we can take this bill up on a bipartisan basis, and maybe even set the tone that could be taken into other legislation as well. I think that would be conducive to bringing about the kind of result we would like as we begin all of our work in the next session. I will work with them. I will commit to them that we will find the time in the schedule to ensure that this legislation can be considered early.

I, again, congratulate both Senators for the extraordinary job they have done getting us to this point tonight.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I thank the distinguished majority leader for his kind comments about the work of the three of us here, and others, on this important piece of legislation. We are grateful that he thinks we will be able to schedule this debate sometime early next year.

Rarely do you get the feeling around here that you are working on something that is truly unique and has the potential, as the Senator from Connecticut indicated, to be a landmark piece of legislation. We are all working on issues that are important to somebody in the country all the time. But nothing is more important, obviously, than the right to vote.

I say at the outset to my friend from Connecticut, it has been a pleasure working with him. And to my colleague from Missouri, he has been a joy to work with.

We had three areas about which we cared a great deal. Senator Dodd is a passionate advocate for the disability community and for reducing, to the maximum extent possible at the Federal level, the ability to vote. They may not be intentional, but as a practical matter, barriers still exist. Senator Dodd, as we worked through these 13 long months of negotiations, was always looking for a way to improve this bill. If there is any hero in America to the disability community, it ought to be the Senator from Connecticut. On this legislation, he was constantly trying to strengthen it to the benefit of that community. I will be happy to testify on his behalf at any time that that was his focus.

The Senator from Missouri was relentless in pursuing the notion that we should, to the maximum extent possible at the Federal level, make it difficult to cheat. It has been a tradition in some parts of the country, including a number of counties in my State, that death not be a permanent disability to vote. They may not be intentional, but as a practical matter, barriers still exist. Senator Dodd, as we worked through these 13 long months of negotiations, was always looking for a way to improve this bill. If there is any hero in America to the disability community, it ought to be the Senator from Connecticut. On this legislation, he was constantly trying to strengthen it to the benefit of that community. I will be happy to testify on his behalf at any time that that was his focus.

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through, and worked out. Hopefully, we can convince our colleagues when we get out here on the floor, where it is always potentially a free-for-all, that there is some rational basis for the decisions we reached. And on amendments which may unravel it, hopefully we can make a bipartisan argument that we have been there, we have talked about that, and we have worked our way through that and we can say this is why we think that is not a good idea and why we believe what we came out with is a superior position.

They may or may not take our advice. But at least we have spent a lot of time going into these uncharted waters wrestling with these issues and working them out.

As Senator DODD, the chairman of our committee, pointed out, there are not many people still around tonight. But we feel good about this. We thought we would share it with the Senate. We are pleased to be able to introduce this bill today with a sense of real pride of accomplishment. We look forward to not only getting it through the Senate early next year, as the majority leader indicated, but getting it through the conference, getting it on the President's desk, and making a difference for America in the most basic thing we do—cast our votes.

The Senate is commonly known as the world's greatest deliberative body. After 13 months of hearings, negotiations, compromises, offers, counteroffers, bills, promise bills, deals, and new deals, I think I speak for all of us by saying: we have had about all of the deliberation we can handle on one issue.

Today's bill introduction is the result of 13 months of work and countless hours of negotiations.

Senator DODD and I began discussions about election reform at the Rules Committee more than one year ago.

Exactly one year ago last week, I introduced an election reform bill with Senator TORRICELLI.

Last winter, Senator DODD and I began a series of hearings on election reform.

Last May, I introduced a new bill with Senator SCHUMER and Senator TORRICELLI—that garnered strong bipartisan support with 71 Senator co-sponsors. Although many in the press seem to have forgotten—We were fully prepared to go to the Senate floor and pass the bill last June—but were out-tracked on the way to the Senate floor with a little thing we'll simply call Senate reorganization.

The agreement we announced last week incorporates three key principles that I have been promoting since the original McConnell-Torricelli bill last year.

Those principles are:

No. 1. respect for the primary role of States and localities in election administration.

No. 2. establishment of an independent, bipartisan commission appointed by the President to provide bipartisan election assistance to the states; and

No. 3. strong antifraud provisions to cleanup voter rolls and reduce fraud. No longer will we have dogs, cats, and dead people registering and voting by mail.

On this last point, I want to tip my hat to Senator BOND, who has been a tireless champion and advocate for strong anti-fraud provisions. His work on this issue has been instrumental in achieving today's agreement.

Today's bill is a classic example of compromise. None of us got everything we asked for, but all of us got what we wanted: a bipartisan bill to dramatically increase the resources for and improve the process of conducting elections in America.

My goal throughout this process has been to ensure that everyone who is legally entitled to vote is able to do so, and that everyone who does vote is legally entitled to do so—and does so only once.

I believe today's agreement will help us achieve this goal.

I thank Senator DODD for his unending and sometimes unrelenting devotion to this issue. I would also like to thank Senators SCHUMER, and TORRICELLI for their hard work and significant contributions to this legislation.

I thank the staffs of my colleagues who worked tirelessly on this effort over the past months. Specifically Kennie Gill and Veronica Gillespies of Senator DODD's staff, Julie Dammann and Jack Bartling of Senator BOND's staff; Sharon Levin of Senator SCHUMER's staff; Sarah Wills and Jennifer Leach of Senator TORRICELLI's staff; and Tamara Somerville, Brian Lewis, and Leon Sequeira of my staff.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I thank my colleagues for the distinguished Senator from Connecticut and the distinguished Senator from Kentucky. These Senators are experts in laws of elections. Having both served as chairman of the Rules Committee, they are well known as experts in this field. I appreciate their permitting me to join them as we work to craft what I think has rightly been described as a very important piece of legislation.

We are in this joyous holiday season. We hope this package that is not only wrapped nicely but contains provisions that will be of significance and a significant improvement in our election system.

As has been said already, truly, voting is the heart of our democracy. If you do not do it, if you exclude some people, and some people do not do it right, then our entire system suffers. One of the great freedoms we enjoy in this country is the freedom to have every qualified person vote.

As Senator DODD pointed out, even if a person has certain disabilities, we ought to make it easier for that person to vote. People ought not be denied a right to vote where they are otherwise qualified if they are poor or in places where in the past they have not had adequate opportunity.

Senator DODD started to work on this process of reforming elections to make it easier to vote. I had some experience in doing the same thing right before that, and we suggested to add an additional part to that: that is, make it easier to vote but tough to cheat. I think both sides of that equation are important if we are to assure the fullest and fairest participation in our electoral system. I think this compromise achieves that.

We need to make it easier to vote. For those who have been confused by machines or confounded by lack of phone lines to get questions answered, this proposal says we should let the voter know if he or she has made a mistake. If the system has made a mistake, then we set up a new system to give that voter an opportunity to cast the ballot which can be counted after the voter is identified as being a legitimate voter.

As has always been mentioned, we don't try to throw out any particular system. We don't say that "one size fits all!" and Washington is going to tell every local election official that this is the kind of system you have to use.

Some 23 different States, I believe, use at least in part paper ballots. In some areas that is how they vote. In my hometown we vote by punch cards. I do not know when anybody has challenged the ballot there as having problems. Voter election officials might say check your card to make sure it is punched out. It is a simple thing. But it works. In St. Louis County, the largest voting jurisdiction in Missouri with the most diverse population—from some very wealthy areas to areas in great need which qualify as an enterprise and empowerment zone, a wonderful diversity of people with long-time residents and newly arrived immigrants—they use punch cards. Their error rate is 0.3 percent—one of the lowest in the country. Clearly, it isn't a problem there. We don't say you can't use punch cards.

For disabled voters, as has already been mentioned by Senator DODD, who has been a true champion, we require polling precincts to improve their voting systems so voting machines are accessible even for those who are visually disabled. For those new citizens whose English proficiency is still a work in progress, we want to make sure that newly arrived people with different languages are not excluded from the protections of voting laws. If we have a credible population in a jurisdiction that speaks a different language and has literacy problems, we must publish the election information in their language. All of these changes go long toward achieving the goal of making it easier to vote.

Senator MCCONNELL's insistence on a commission—which would be a full-
time commission, a bipartisan commission, that would help solve these problems—is a tremendous contribution. I think that is going to make a difference.

But let me tell you how my interest and enthusiasm for challenging voter fraud was reignited. You have heard that old story about: Deja vu all over again. Well, on the night of the general election, in November of 2000, we were ready to see the votes start to come in in St. Louis. But lo and behold, a case was filed in the court in St. Louis City challenging the voting process, saying that people were being illegally excluded. As a matter of fact, the plaintiff who filed the case had been dead for over a year. He alleged that long lines were keeping him from voting. I suggest that the long lines may not have been at the polls that kept him from voting. He probably had other problems that were keeping him from voting.

But we heard about this and lawyers went in and went to the court of appeals. And the court of appeals shut down that scheme within about an hour, after a few votes were cast.

I say deja vu all over again because the funniest thing—I ran for Governor in 1972. I am from an outstate area. I ran against a candidate who was from St. Louis City. I had a pretty good lead in the outstate area, and on election night we were starting to get ready to declare victory, and we heard that in St. Louis City they kept the polls open. They kept the polls open hour after hour after hour, and it reached around midnight. The charge was that, in a Democratic-controlled city, in a Democratic-controlled State, the Democratic election officials were making it more difficult for Democratic voters to cast votes for Democratic candidates. Now, if that raises some eyebrows, I think it should.

But we set about cleaning up the system and getting good election boards in place. And we thought that old trick of keeping open the voting machines in areas where they are heavily partisan was over. But, no, it came back on election night 2000. We asked for an inquiry.

As we started kicking over good rocks, more and more little election frauds crawled out.

We found out that, for example, there was sort of a system of provisional votes. Voters could go before a judge and say: I have been denied the right to vote.

And the judge would say: Here is an order. You can go vote.

Well, they voted. They cast their ballot. And they were not segregated. When we went back to look at them, we were kind of interested.

They said: You have to put down what your reasons for not being able to vote were. And one of them wrote on the back of the registration:

"I have been denied the right to vote."

Sounds like a good reason for keeping them from voting. But the judge ordered that person be allowed to vote.

Another one said: I just moved here, and I wanted to vote for Al Gore.

It seemed like a good reason to that judge, so that person was allowed to vote.

The Missouri Secretary of State went back and examined those 1,300 ballots that were cast. Ninety-seven percent of them were illegal, people who were not lawfully registered as required under the Missouri Constitution. They were allowed to cast them. But there were 13,000 of those provisional votes in St. Louis County. We have not even completed an examination of those. But we also went and we started taking a look and doing some research, and we found there was some mess in the city of St. Louis. Some 25,000 voters—10 percent of the voters in St. Louis were double registered. Some voters were registered three times. Some were registered four times. The charge of the other party, now found it to be of great interest to look into the bona fide of these registrants.

Fortunately, we had a very aggressive and inquiring media in St. Louis that went out and started looking. It is part of the job of the secretary of state, but I can tell you, just in St. Louis City and St. Louis County, there was enough evidence of questionable voting that the warning given by the court of appeals in St. Louis should be taken to heart.

That is that it is a significant denial of the right to vote if you have your vote diluted by multiple votes cast by some other person or by votes cast in the name of a nonexistent person. If people are not registered, and they are permitted to vote, that is a denial of the right of franchise. This bill takes very significant steps towards curing that.

One other thing. The Carter-Ford Commission said all people who register to vote must affirm their citizenship. That seems to be reasonable. I understand that one of the al-Qaeda members actually voted in Colorado. A couple more illegal immigrants suspected of being involved with the September 11 activities were registered in Michigan. I don't know whether or not they managed to vote.
I guess my favorite, one that was uncovered by the media in St. Louis, was when they looked at the mail-in registrations, they did some groundwork and they focused on Ritzy Mecker. They went to inquire about the whereabouts of Mecker. They finally tracked down her owner and found out it was a mixed-breed dog.

I don’t know what Ritzy’s preference in the election was. I don’t know whether she was a Democrat or a Republican. Maybe she voted a split ticket, whether Ritzy was a Democrat or a Republican. She may have registered to vote, to be able to cast one vote, but the people who don’t fall in that category should not be voting. And the dogs that don’t fall in that category should not be voting.

One of my dear friends in State government when I served there, Tom Villa, his father was a legendary alderman, Red Villa, Albert “Red” Villa, legendary; he died in the early 1960s. But if you are a colorful senator, I can tell you that he came back to register for the 2000 election. Does your heart good to know that, yes, you can come back from the dead and register. We would like to see the photo ID of those people who have registered to make sure they have not departed us. As I said some time ago, I like dogs. I have a great respect for the dearly departed. But I really don’t think they ought to vote.

When we talked about the fraud in the city of St. Louis, another good friend of mine, State representative Quincy Troupe, talking about the danger he saw in the primary of illegal registration, said about St. Louis: The only way you can win a close election in this town is to beat the cheat.

Time is long gone when we ought to have to ask candidates for office to beat the cheat if they want to hold office. This legislation we have crafted will have worked on in the Chamber. I imagine it will be worked over, and we may be able to improve on it. But as my colleague from Kentucky said: We have hashed out a lot of these issues. I hope we can explain what we have done to our colleagues on both sides of the aisle so we can get strong support.

It is incumbent on us and the time is now. We have come to this place after a lot of sweat and tears that we and our staffs have put in, and I thank the staffs of my colleagues, my colleague from New York, Senator Schumer; my colleague from New Jersey, Senator Torricelli; their staffs. I thank my chief of staff Julie Dammann and my counsel Jack Bartling. I haven’t seen them for 3 months. I am looking forward to having them back in the normal office business after the Christmas recess. I hope that the mutually worked on effort is going to produce something that will be a real present for all Americans in this holy season.

I thank my colleagues. I thank the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNEL. Mr. President, I also thank the staffs of all of the Senators on the other side. We couldn’t have made it without them.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, this could be a fairly historic moment for our country. I thank my friends from Connecticut and Kentucky and Missouri for their good work. This is an issue that is vital to the people of our country. In fact, in light of September 11, which caused such problems for my city and for our country, if you had to think of the No. 1 reason that those overseas, those terrorists, hate us, it is because we vote, because we don’t have a dictator, religious or otherwise. It is because we vote.

We have to make voting as perfect as possible. It is never going to be perfect. But such a sacred right, such a vital right should be made perfect.

This bill comes a lot closer to doing that. It has taken a lot of work. We all know what the bill is. The week after the Florida election I said we had to do something and came out with the idea that we ought to give the States money if they upgrade their machines, and that is at the core of this bill.

We all worked together. I compliment my colleague, particularly from Connecticut, who pulled everybody together, who, as I mentioned earlier, had the patience of Job. And my colleague from Kentucky, he and I had a bill originally. It probably would have been the bill on the floor had Mr. Jeffords not switched. But this is a better bill. I am proud to be on it because it not only provides money, but it requires the States to upgrade.

I thank my colleagues from Missouri as well. His addition in terms of election fraud is something of which we on the Senate of the U.S. are long gone when we ought to have made sure they have not departed us. It has taken a lot of work. We all worked on it. And if your vote is not counted, then they will check. And if your vote should be counted, it will be. If it shouldn’t, they will notify you.

I thought that was a very clever and good provision in the bill. They will tell you why so you can correct it. Within a few years of this bill becoming law, not only will voting be modernized but fraud will decline, and the ability of people to vote quickly and easily and correctly will have greatly improved.

So I just again want to say that this could be a fairly historic moment in the history of the Republic. We have had poll taxes, limitations on voting by sex, by property, by income, and by race. Thank God, we have eliminated those. But we have also had limitations on voting just because of the method we vote. On its face, it may not be as pernicious as those others, but it is every bit as detrimental to the Democracy. We are going to end that with this legislation—or at least greatly reduce it.

I hope that when we return, we will move quickly. Again, I thank our leader in the Rules Committee, somebody who really has patiently and diligently tillied the vineyards, improved the product over and over again, and then came to a consensus. One of the reasons I look forward to coming back—and I look forward to coming back for many reasons—is to work to see that New York gets its $20 billion, to get a stimulus bill to move the economy and help the unemployed and those who don’t have health insurance. We have so many things to do.

One of the main reasons I want to come back next year—and that is a short time away because it is late in the year—is to get this legislation passed and stop the scene that I mentioned before: People who wait and wait and wait and, through no fault of their own, are denied the right to vote. I yield the floor.
Mr. DODD. Mr. President, I thank my colleague from New York. Before he arrived, I thanked him. In his presence, I thank him. The Senator played a very critical role in putting this product together. He is a new Member of this Senate, but he has already demonstrated, as others have pointed out, that he is very much a seasoned legislator. He brings from the New York legislature and from the other body years of experience, and it is a pleasure to do business with my colleague from the neighboring State of New York.

I hesitate to use the word “landmark” because we haven’t finished it, but you can sense the enthusiasm we all feel about this compromise and at being able to arrive at a moment where we have the names already as cosponsors of a substitute that demonstrates a bipartisan commitment to this issue. We don’t claim perfection with this bill, but we are going to certainly improve the process immeasurably. My hope is that the leaders will find a time, if not as the first bill, as one of the early proposals we can bring to the consideration.

I didn’t want the Senator to leave the floor because I wanted to change the subject briefly. I will leave the record open for others who may want to comment about this bill. The hour is getting late and the time is running short. We all want to depart.

I want to mention the terrorism insurance bill, which is of critical importance to my colleague from New York. It is very important to many people across this country. I don’t know what is going to happen with the so-called stimulus bill, but the terrorist insurance proposal is about as important a piece of legislation as this body could consider.

We have been at this now for a couple months trying to craft a proposal that would allow us to bridge this time from the September 11 events to a time when the industry would be able to calculate risk through the reinsurance efforts, and then through competitive pricing, be able to get back into this business.

It is a very complicated and arcane subject. It is not one that is going to be easily understood because the subject matter is complicated. Suffice it to say this: A critical leg of a healthy economy is the insurance industry. You cannot really have a healthy economy without it. People can’t buy a home without fire insurance. You can’t get loans today without having proper insurance.

The Presiding Officer, of course, brings a wealth of experience in this area, because of his previous work in State government, where he dealt with insurance both in the private sector as well as a Governor. We have heard from Senator Nelson of Florida, also.

I know the Senator from New York is running off, but I hope—and it is my fervent plea this evening with a day left—there is still time for us to get this matter up. We are very close. I hope that Members on both sides will allow a motion to proceed to go forward. One of the things that we can have, to consider various amendments on this bill. The House already passed one.

Bob Rubin, the former Secretary of the Treasury, was asked how he would calibrate the importance of this issue—and I can paraphrase his remarks and I think my friend from New York may have been there—said that this was as important, if not more important, than the stimulus package we have been considering.

Our failure to address and deal with this issue could mean that small businesses, construction projects, all across America, come January, will cease. Unemployment will go longer—not of CEOs or the kind ofinsurance, but of construction workers, small business people, shopkeepers—all of whom need to have this bill if they are going to get the bank loans to continue to operate.

This has to get done. If we don’t do it, this Congress, this Government of these contracts are up for renewal, and we will create a further problem for our economy.

So I know it is not at an issue that attracts a lot of support automatically. It is complicated. There is no great affection for the issue of insurance. Those knowledgeable about the importance of this issue for the strength and vitality of our economy, to leave and go home for the holidays and leave this悬案 to be adjudicated. We will not succeed, but you have to try. I hope this matter will come up on the floor so we can at least debate it and, hopefully, pass it.

I know my colleague has a deep interest in the subject matter because of the facts concerning his own city and State. I wanted to give him an opportunity to comment about this as well. I am happy to yield to him or have him claim the floor in his own right.

Mr. SCHUMER. I thank the Senator for yielding. He is so right. If there was ever a time when the perfect should not be the enemy of the good, it is on this insurance bill. If you think this doesn’t affect you because it is the arcane Dickensian, almost, world of insurance, it does. My colleague is exactly right. If we don’t have terrorism insurance, and as of January 1—less than 2 weeks away—we will have a problem. I think we need to come back over the next day and address this. We may not succeed, but you have to try. I hope this matter will come up on the floor so we can at least debate it and, hopefully, pass it.

I know my colleague has a deep interest in the subject matter because of the facts concerning his own city and State. I wanted to give him an opportunity to comment about this as well. I am happy to yield to him or have him claim the floor in his own right.

Mr. DODD. Mr. President, I thank my colleague. I know Senator DASCAMYO and others are working on this. Colleagues who are paying attention to this and heard the comments of our colleague from New York. If I had a grand compromise. Is it perfect? No. Is it a lot better than letting terrorism insurance lapse? You bet.

This is a test. I say to my friend from Connecticut, for this body, this Congress, this Government, had a grand September 11 world. When we have new necessities and new urgencies, we all cannot pull together a little bit to deal with the problems and instead we let rumor-mongering, ego, or whatever else get in the way, we are going to hurt this country.

This ain’t beanbag, as Boss Tweed said in Plunket’s book on New York City politics. This ain’t beanbag, this is serious stuff. As my friend from Connecticut knows, this Government, the post-September 11 world, when we have new necessities and new urgencies, we all cannot pull together a little bit to deal with the problems and instead we let rumor-mongering, ego, or whatever else get in the way, we are going to hurt this country.

I join my colleague in his heartfelt plea that we make an effort to take this bill up and deal with one of the hidden but very seriously vexing problems facing our economy in the post-September 11 world.

I yield back to my friend.

Mr. DODD. Mr. President, I thank my colleague. I know Senator DASCAMYO and others are working on this. Colleagues who are paying attention to this and heard the comments of our colleague from New York. If I had a grand compromise. Is it perfect? No. Is it a lot better than letting terrorism insurance lapse? You bet.

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them to hold up if they can and not allow a larger debate on those questions and not stop the debate on something that needs to be dealt with in the next 24 hours before we recess for the year.

The President has urged us to do this. Every single industry group I know of beyond the insurance industry—the private sector—is calling on us to deal with this issue. Even the Consumer Federation has different ideas but understands our failure to act could create a serious problem. Failure to not even try I think would be a huge mistake.

I urge before we recess that we make an effort, starting early tomorrow, to give this body time to hear some of the various ideas my colleagues may have. I may disagree with them on those ideas, but I am prepared to spend the time necessary tomorrow to engage in debate on those ideas, resolve them one way or another, and send this bill from this conference with the one adopted in the House and resolve it, so we can finish the business of giving the President a proposal that will avoid the kinds of problems the Senator from New York has very properly described.

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

The PRESIDING OFFICER. The clerk will call the roll.

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

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

JUDICIAL NOMINATIONS

Mr. HATCH. Mr. President, I understand some of my colleagues were on the floor today trying to make some points and I would like to set the record straight because I think they protest too much. There is just far too much protesting and far too much misinformation being given out about judges by some in this body.

Having been intimately involved in trying to get as many judges through as I could over the last 7 years, I have to say I find some of the comments that were made were a little unctuous and perhaps to some people who have been involved and have worked so hard to do a good job a little bit irritating and maybe offensive.

As Congress nears the end of its current session, we are beginning to see the end result of the systematic and calculated efforts by some Senate Democrats to confirm the absolute minimum number of President Bush’s judicial nominees they believe will be acceptable to the American public.

Some of the Senate Democrats want us to believe they have done everything that can be expected because they have confirmed as many judges during President Bush’s first year in office as were confirmed in President Clinton’s first year 8 years ago. What they are not telling the public is the Senate has purposefully ignored more judicial nominees than in any other President’s first year in office in recent history.

Thirty-two of President Bush’s nominees have been prohibited from even having a hearing, the first step in the Senate’s constitutionally-required process of advice and consent.

Some Senators want to use an inaccurate measure of performance focused on the end result of 8 years ago rather than exposing the percentage of their work they left uncompleted this year. The percentage is a much more appropriate gauge. For the simple reason our current President Bush sent many more judicial nominations to the Senate than the previous President did in his first year.

So let us look at the percentages. The Senate has exercised its advice and consent duty on only 21 percent of President Bush’s circuit nominees this year. The other 79 percent of our work remains unfinished. This is despite the fact President Bush sent his first batch of 11 circuit nominations to the Senate on May 9 of this year, which gave the Judiciary Committee plenty of time to act on them. Even so, only 3 of those 11 have been confirmed. A significant number of these have the highest possible rating from the American Bar Association. Even so, only three, as I say, have been confirmed.

President Clinton, on the other hand, did not send his first circuit nominations until August 1990, but still saw 60 percent of his circuit court nominees confirmed before the Senate adjourned in November of 1993. The Senate’s record on overall judicial nominations is not much better than our record on circuit nominees. Since some of my colleagues on the other side of the aisle are so fond of comparing their record to the first year of the Clinton and first Bush Administrations, let us stick up. President Clinton had nominated 32 judges by October 31 of his first year in office. Eighty-eight percent of those, or 28 nominees, were confirmed by the time Congress went out of session in 1993. The first President Bush had nominated 18 judges by October 31, 1989, of which 89 percent, 16 nominees, were confirmed by the time Congress recessed at the end of that year. In contrast, as of today, the current President has nominated 66 judges and only 27 have been confirmed, a mere 41 percent. (I hope that tomorrow we will confirm the five who are presently on the Senate calendar.)

The importance of this percentage is that it is an actual 41 percent of its job this year. In other words, nearly 60 percent of judicial nominees are somewhere in the Senate’s black hole. We will conclude our work by leaving nearly 100 vacancies in the judicial branch, which means more than 11 percent of all Federal courtrooms in this country are presided over by an empty chair.

Some of my Democratic colleagues recently asserted the present vacancy crisis is the result of Republican inaction on judicial nominees during the Clinton administration. Incredibly, some have asserted that the vacancy rate increased 60 percent under Republican control of the Senate. This is a wild exaggeration. The truth is that, during the 6 years when I was chairman of the judiciary committee, the vacancy rate was never above 8 percent at the end of any session of Congress.

December 31, 1995, there were 3 vacancies in the Federal courts, which is a vacancy rate of 7.4 percent. In December 1996, after Congress had been out of session for nearly 2 months during which it could not immediately fill any vacancies, there were 75 openings in the Federal judiciary. December 1997, 81 vacancies; December 1998, only 54 vacancies; December 1999, 68 vacancies, and last year, only 67 vacancies. All told, the average number of vacancies never approached my chairman’s commitment in the month of December is 68—a vacancy rate of 8 percent.

Contrast this to 2001: We are about to adjourn with nearly 100 vacancies, a rate of over 11 percent. This year will likely go down as a black hole—and a black mark—for the failure to confirm judicial nominees.

Of course, trying to shift the blame for this present vacancy crisis ignores the end result of how Republicans treated President Clinton’s judicial nominees. During the Clinton Administration, the Senate confirmed 377 judicial nominees. This number is only 5 short of the all-time record of 382 judges confirmed during the Reagan administration. And keep in mind, for 6 years of the Reagan administration the Senate was controlled by the President’s party. But for 6 of President Clinton’s 8 years, the Senate was controlled by Republicans. So the Republican-controlled Senate confirmed essentially the same number of judges for Clinton as it did for Reagan. We have not heard a single Democratic Senator acknowledge this fact because it proves that the Republicans treated Democratic nominees fairly. The fact is, contrary to the assertion that Republicans held up President Clinton’s judicial nominees, the Republicans who controlled the Senate during 6 years of the Clinton administration put a near-record number of judges on the bench.

What is more, those 377 confirmed judges represent nearly 80 percent of all of President Clinton’s judicial nominees.

As for the pace of moving nominees, it is worth noting that 20 Clinton judicial nominees received a hearing within 3 weeks of their nomination. Thirty-four Clinton judicial nominees received a hearing within 3 weeks of their nomination, and 66 received a hearing with-in a month of their nomination.

In contrast to the Republican Senate, the present Democratic-controlled Senate has only contributed to the vacancy crisis. In the first 4 months of
Democratic control this year, only six Federal judges were confirmed. At several hearings, the Judiciary Committee considered only one or two judges at a time. The Senate has been behind the curve ever since, and the Federal judiciary continues to suffer from a backlog. The number of judicial emergencies has increased by 17 in the last year.

Now I must pause a moment to talk about the Tenth Circuit since it encompasses my home state of Utah. Several of my Democratic colleagues remarked that the present leadership held the first hearing for a Tenth Circuit nominee since 1995. The implication, of course, is that the Republican-controlled Senate failed to approve Clinton nominees for the Tenth Circuit.

A closer examination of the facts reveals that there were no Tenth Circuit nominees for most of the 6 years the Democrats were in control. At the first confirmation of a Tenth Circuit Clinton nominee in 1995, there was not another Tenth Circuit nominee until 1999, and that nomination was subsequently withdrawn. The next Clinton Tenth Circuit nominee was not nominated until just before August recess in 2000, which left the Senate little time to act on the nomination given the dynamics of last year’s election.

So the suggestion that the Republican leadership failed to act on Clinton nominees for the Tenth Circuit for 6 years is inaccurate at best and downright misleading at worst. Unfortunately, the same cannot be said of the Judiciary Committee’s present leadership. We have an eminently well qualified candidate from Utah for the 10th Circuit, Michael McConnell, who has been awaiting a hearing for more than 7 months. He received the highest rating given by the American Bar Association and is considered one of the true legal intellects in the country today.

Not long ago, I talked with one of the leading law deans in the country. He is a very liberal Democrat. I asked him intimately. He said: I have met a very liberal Democrat. I asked him about Michael McConnell. He knows him intimately. He said: I have met two absolute legal geniuses in my lifetime and Michael McConnell is one of them.

In addition, both Timothy Tymkovich of Colorado and Terrence O’Brien of Wyoming are awaiting hearings on their nominations to the Tenth Circuit. So, despite the recent confirmation of Tenth Circuit nominees, there is still substantial work left undone in the Tenth Circuit.

The Senate’s constitutional obligation to provide President Bush advice and consent on his judicial nominations is as important as any other Democratic colleagues seem to believe. This is not football, or baseball, or basketball, where the whole point is to beat the other team. Neither the Senate nor the American public scores a victory when some Senate Democrats execute a deliberate strategy of ignoring more than half of President Bush’s picks for the Federal Judiciary.

Any excuse for not moving a nominee that hinges on his or her supposed ideology is just that—an excuse. If we start imposing an ideological litmus test, then we will not get people of substance to sit on the Federal benches in this country. If we start denying hearings simply because they are personally pro-abortion or pro-life, it would be a tremendous mistake.

We should confirm the President’s nominees where we can. Sometimes we can’t, but one issue that I understand that I have been there. I had people on both sides of this floor mad at me, and I was doing everything I could to support President Clinton’s nominees through the Senate process. I don’t expect the current Judiciary Committee chairman to have an easy time, either. He is a friend. But the fact of the matter is, I don’t think the job is getting done.

There are myriad reasons why political ideology has not been, and is not, appropriate for judicial qualifications. A nominee’s personal opinions are largely irrelevant so long as a nominee can set those opinions aside and follow the law fairly and impartially as a judge. I am very concerned that undergoing the gold standard today by some of my Democratic colleagues indicate a renewed intention to subject judicial nominees to a political litmus test, instead of focusing on their intellectual capacity, integrity, temperament, health, and willingness to follow precedent.

Despite the unfortunate decisions made this year, I believe there is some room for hope in 2002. The same results-oriented strategy that led the Judiciary Committee this year to match President Clinton’s first year, should lead the committee to equal his second year, as well. During President Clinton’s second year in office, the Senate confirmed 100 of his judicial nominees. The American people expect Senate Democrats to do the same for President Bush. In fact, I think we should take this year’s systematic and calculated performance as a pledge that the Senate will confirm at least 100 of President Bush’s judicial nominees in 2002.

Mr. President, there is another fact that I think ought to be brought up. That is, when the first President Bush left office, there were around 67 vacancies—far fewer reasons that are still left pending. On election day of 2000, only about 42 Clinton nominees were left pending, several of whom were sent there so late in the year that there was no way the Judiciary Committee could have processed them. I tried to do my best as Judiciary Committee chairman, and I don’t think anybody on the other side has a right to complain. Admittedly, there were a few judges that we just couldn’t get through, but it wasn’t for lack of trying. There are some Senators in each party who may not want to see many of the other party’s judges get through, and they make it tough. But those Members are very much in the minority. I think most Members in both parties would like to see a better job done.

Now, I have great hope we will do a better job next year. It is an absolute disgrace to allow 79 percent of President Bush’s circuit court nominees to languish. In particular, I will mention three of them.

Michael McConnell is one of the greatest minds in the field of law today. He has all kinds of Democrat support, but one or more single-issue special interest groups are mouthing off against him. He has wide bipartisan support and everybody that knows him knows he would make a great circuit court of appeals judge. I would like to see him on the Tenth Circuit Court of Appeals because I think he would help that court a great deal.

Another one is Miguel Estrada. Here is one of the leading minorities in the country today, an immigrant who graduated from Columbia University and is a Catholic. The Senate leadership has been sitting on his nomination for 7 months, preventing him from having a hearing. He received the American Bar Association’s highest rating, which some Democrats have taken to the gold standard for nominees, but still cannot get the time of day from the Judiciary Committee.

John Roberts is another excellent nominee. He is considered one of the greatest appellate lawyers in the country today. My friends on the other side have left him languishing as a nominee of the first President Bush, back in 1992. Here he is, languishing for another 7 months, not even being given a chance to have a vote up or down.

Now let me just say a few words about two executive branch nominees who also have been mistreated. One is Eugene Scalia, the nominee for Solicitor of Labor. Listening to his critics, you might think the plan is to turn OSHA over to Eugene Scalia, who disdains the law. But he will have nothing to do with that. And besides, both Houses rejected those rules by a majority vote. The Solicitor of Labor basically has no power other than to issue legal opinions, and Scalia is one of the brightest young legal minds in the country today.

I suggested last week that Mr. Scalia’s nomination is being stopped only because other special interest groups are mouthing the ones that keep cropping up. And I hope these are not the true reasons why any Senator would stop an executive branch nominee. I would be tremendously disappointed at our Senate if there were the true reasons.

The fact is that he is a pro-life Catholic. This is not a persuasive argument for voting against Eugene Scalia’s nomination. It is offensive to me if anyone in this body would actually vote against someone for that reason. The fact that he is a pro-life Catholic has nothing to do with whether or not he can do a good job as Solicitor of Labor. Everybody knows he is
an excellent lawyer. He has said he will abide by the law, whatever it is. Whether he agrees or disagrees with it, he will enforce the law. What more can you ask of a nominee? And he is the President’s choice for this position. He deserves my support.

If people feel so strongly against him that they want to vote him down, let them vote against him. But at least let this man, and the President, have a vote on this nomination.

The second reason that Eugene Scalia’s nomination is being stopped, is that some may hold it against him that his father happens to be Justice Antonin Scalia on the U.S. Supreme Court. I hope nobody in this body would hold it against a son, the fact that they might disagree with the father. I do not have to speak in favor of Antonin Scalia. He is one of the greatest men in this country. He is a strong, moral upright, honest, intellectually sound, brilliant jurist—just the type we ought to have in the Federal courts. The fact that he may be more conservative than some in this body is irrelevant.

But even if there were some good reason to criticize Justice Scalia, there is no basis at all for using such a criticism against his son, who is a decent, honorable, intelligent, intellectual, brilliant young attorney who deserves the opportunity to serve his Government, and who has already said that as Solicitor of Labor he will abide by the law whether he agrees with it or not. Knowing how honorable he is, I know he will do exactly that.

The second executive branch nomination I want to mention is Joseph Schmitz for Inspector General of the Department of Defense. I happen to know a lot about him; he is one of the brightest, most honest, most decent, honorable men. They deserve votes in this body. If they lose, then I can live with that result. I do not believe they will lose.

The purposeful delay on all of these nominations bother me a great deal, and I hope we do something about it. If we can’t do anything before the end of the current session, then I hope we will do it shortly after we get back.

I will do my very best to work as closely as I can with Senator LEAHY. We are friends, and I respect him. I want to support him in every way. But some of the comments I have heard in this Chamber today are nothing more than a distortion of the facts, a distortion of the numbers, and a distortion of the record. I personally resent it.
Just a few days ago, the Finance Committee approved a bipartisan Trade Promotion Authority bill by a vote of 18–3. This bill contains specific and detailed negotiating instructions relating to multilateral, regional, and bilateral trade negotiations. The issues raised in the debates on those framed as negotiating instructions, should have been considered by the Finance Committee in the context of the mark-up of TPA legislation, not on the floor in the context of legislation authorizing appropriations under the Arms Export Control Act.

For these reasons, Mr. President, I will continue to hold this legislation until the concerns I have raised here are addressed.

CAMBODIA KILLINGS

Mr. MCCONNELL. Mr. President, an article in last week’s New York Times did not cite—these species are called ‘Cambodian democrats.’

The membership of the Cambodian People’s Party (CPP) has blamed these murders on witchcraft and business deals gone sour. This is poppycock. Diplomats in Phnom Penh must show some spine in demanding the CPP to cease the killings and to hold credible and competitive elections—something they did not do prior to the 1998 parliamentary elections. I hope that the Senate leadership attempted to pass this bill without affording us any opportunity to offer amendments.

Unfortunately, S. 1499 came to the Senate floor without debate, without committee hearings, and without an opportunity for concerns about the bill to be raised and addressed. No CBO score was released, depriving those who might have been considering any future action a fair evaluation of this legislation. Yet the Senate leadership attempted to pass this bill without affording us any opportunity to offer amendments.

Scarcely any explanation of this bill’s provisions was ever offered before it was moved to the Senate floor—and that is extremely troubling.

We do know now that the costs of this bill—as much as $815 million—would actually exceed the entire 2002 budget for the Small Business Administration, nearly doubling it, at a time of a economic slowdown.

Additionally, the agency responsible for carrying out this legislation—the Small Business Administration (SBA)—has raised a number of concerns that have not been adequately addressed.

First, some of the provisions of the Kerry bill duplicate efforts already underway by the Bush administration. After the terrorist attacks, the SBA established the Emergency Injury Disaster Loan, EIDL, assistance program to make loans available to small businesses throughout the United States, which could demonstrate economic injury as a result of the terrorist attacks or terrorist acts.

This was an appropriate and necessary response. I emphasize, Mr. President: these loans already are being made available.

In addition to duplication of ongoing efforts, the SBA also expressed concern that provisions of the Kerry bill would actually increase the number of small-business loan defaults, at the expense of the American taxpayer.

As the SBA wrote in a letter to the sponsors of this measure:

By relaxing credit requirements, reducing interest rates, eliminating fees, increasing the government guarantee, and increasing government liability, S. 1499 could make government-guaranteed small business loans more attractive than conventional loans, potentially displacing private sector options. In addition, S. 1499 significantly reduces lender and borrower stakes in a loan, thereby increasing the likelihood of default.

Certainly the sponsors of this measure do not want to promote defaults. After all, the goal of small-business assistance is to help entrepreneurs build, sustain and grow small businesses, with sound and fiscally-responsible loan assistance programs.

The existing EIDL assistance program provides a reasonable mechanism for needed aid by offering up to $1.5 million in emergency loans to small businesses at four percent interest over 30 years. Loans are not intended purely as a means of disaster relief.

Additionally, S. 1499’s language is so broad that loan assistance could be provided to any small business that have “been, or, that (are) likely to be directly or indirectly adversely affected” by the terrorist attacks. Obviously, such language is ripe for abuse and could lead to exorbitant costs for the American taxpayer. Surely, this is not what the bill sponsors intended from this provision.

Lastly, the Small Business Administration expresses concerns regarding S. 1499’s provisions providing emergency relief for Federal contractors. The provisions would allow an increase in the price of a federal contract that is performed by a small business in order to offset losses resulting from increased security measures taken by the Federal government at Federal facilities. As the SBA points out: “providing equitable relief through SBA acting as a central clearing house would prove ineffective, costly, and burdensome on the Federal acquisition process.”

All of us want to come to the aid of small businesses adversely affected by the September 11 attacks and their aftermath. But we can do so in a cost-effective and responsible way, instead of a rushed, haphazard process designed to thwart compromise.

I am confident that a bipartisan compromise on this issue can be found in the near-term, so that the concerns raised by the administration can be taken into account, and we can pass something the President will support.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of this year. The Local Law Enforcement Act of 2001 would categorize and fund current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.
I would like to describe a terrible crime that occurred October 7, 1998 in Traverse City, MI. A gay man was attacked by two men yelling anti-gay epithets. The assailants, Jeremy Jamróz, 21, and James Johnson, 21, were acquitted of aggravated assault in connection with the incident.

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

LEGISLATIVE BRANCH EMERGENCY PREPAREDNESS TASK FORCE

Mr. LANDRIEU. Mr. President, I stand here today to pay tribute to a group of Americans who have worked tirelessly to protect all of us. Following the tragic events of September 11, Al Lenhardt, the Senate Sergeant at Arms and Chairman of the U.S. Capitol Police Board recognized the value of bringing together a group of experts from outside the legislative branch to provide the expertise necessary to respond to this unprecedented attack on America. He brought in a team of experts, and created the Legislative Branch Emergency Preparedness Task Force to conduct a comprehensive assessment of the Capitol Complex and provide recommendations that would enhance our security.

This extraordinary group of experts could quite easily have taken a simplistic approach and recommended turning the Capitol into an armed camp. Fortunately, they recognized that this building, known throughout the world as a symbol of freedom and democracy, is first and foremost the people’s house. It is the People’s House.

Mr. Gary Quay of the Department of Defense, Colonel Richard Majauskas, Lieutenant Colonel Donald Salo and Lieutenant Colonel Stanley Tunstall of the Army, Lieutenant Commander David Klain of the Navy, Deputy Chief Chris McGaffin and Captain Edward Bailor of the U.S. Capitol Police, Mr. Michael DiSilvestro of the Office of Senate Security, Mr. Michael Johnson of the Office of the Sergeant at Arms, Kevin Brennan of the House Sergeant at Arms, and Mr. Bill Weidemeyer and Mr. Jim Powers of the Architect of the Capitol dedicated themselves to the task of looking at every aspect of emergency preparedness on Capitol Hill.

All of us remember the confusion that reigned on September 11. In light of what happened, that confusion was perfectly understandable. After all, never before had someone turned one commercial airliner into a weapon of mass destruction, let alone four. I am convinced that the rapid implementation of the Task Force’s recommendations by Jeri Thomson, the Secretary of the Senate, Alan Hartman, the Architect of the Capitol, and Jim Varey, Chief of the U.S. Capitol Police, has significantly enhanced our ability to respond to emergencies and will prevent a recurrence of the confusion.

In a world where cynicism and selfishness rule the day for some, I am proud to say this is not the case for these dedicated Americans. The safety of our nation’s Capitol, and all who work in and visit it, is enhanced by their efforts. On behalf of Americans everywhere and the 107th Congress in particular, I am proud to stand here today and say ‘Thank you—job well done!’

PRESIDENTIAL COMMISSION TO ESTABLISH AN AFRICAN AMERICAN HISTORY AND CULTURE MUSEUM

Mr. BROWNBACK. Mr. President, one of the most important chapters in our national story of human freedom and dignity is the history and legacy of the African American march toward freedom, legal equality and full participation in American life. Yet, in our Nation’s front yard, the national mall, there is no museum set aside to honor this legacy.

Yesterday, the Senate began the very important step toward establishing a national museum in Washington, DC to honor the rich history of African Americans.

With the passage of H.R. 3442, a bill that creates a Presidential commission that will develop a plan to establish and maintain the National Museum of African American History and Culture, the Senate has taken a tremendous step closer to honoring those African Americans who not only fought for their own freedom but fought for the freedoms in this country that we enjoy today.

I thank my colleague Senator MAX CLELAND for his leadership in the Senate on this issue. Senator CLELAND worked diligently with me to draft a bill that would properly honor the history of African Americans. This legislation will enable our Nation to start the process that will honor this important aspect of American history.

Specifically, the legislation creates a 19-member commission made up of individuals who are part of African American history, education and museum professionals. The commission has 9 months to present its recommendations to the President and Congress regarding an action plan for creating a national museum honoring African Americans.

The commission will decide the structure and makeup of the museum, devise a governing board for the museum, and among other action items, will consider planning the museum within the Smithsonian’s arts and industries building, which is the last existing space on the national mall.

As a Kansan, I feel a special connection to the African American history. The State of Kansas not only played a significant role in the civil war but also was chosen by many African American families as a place to begin their new life of freedom and prosperity in the ‘Land of Oz’.

I believe that it is long over due that we properly honor African American history by establishing a world class museum that showcases the achievements of African Americans in this country. I look forward to the commission’s recommendations for establishing this museum on the national mall in Washington, DC, where African American history belongs.

I do not pretend that this legislation is a cure-all for the problem of racial division, it is, however, an important and constructive step toward healing our nation’s racial wounds. This museum will both celebrate African American achievement and serve as a landmark of national conscience on the historical facts of slavery, the reconstruction, the civil rights struggle and beyond.

Dr. King expressed his hope for national reconciliation. I too hope “That the dark clouds of [misconceptions] will soon pass away and the deep fog of misunderstanding will be lifted from our fear-drenched communities and in some not too distant tomorrow the radiant stars of love and brotherhood will shine over our great nation with all their scintillating beauty.”

Today, we are one step closer to fulfilling this goal. I am proud to be a part of honoring this ancient history. As a nation we have an extraordinary opportunity before us—a chance to learn, understand and remember together our nation’s history and to honor the significant contribution of African Americans to our history and culture.

Mr. SMITH of New Hampshire. Mr. President, the gas additive MTBE has become a huge concern for millions across the nation because of the contamination that it has caused. That is certainly true of many communities throughout New Hampshire where it has become a crisis, and the crisis will continue to escalate unless it is dealt with.

I have been fighting for the past two years to get the Senate to act on legislation that will solve this problem and up to now, unfortunate roadblocks have prevented this from happening.

I was pleased last week when the majority leader made a commitment to me that the Senate will vote on MTBE legislation before the end of February. I know that the majority leader will honor that commitment and I want to express my appreciation to him for working with me.
Until the day that vote arrives, I will continue to come to the floor to remind Senators of the terrible impact that MTBE is having on the nation and remind them why it is important that we act now. Make no mistake about it—cleaning up MTBE contamination and preventing further contamination is something that the residents of New Hampshire are demanding and I will do all that I can to solve this problem.

Let me and provide some background on how we got where we are and why this legislation is so important to those many States that have suffered from MTBE contamination.

MTBE has been a component of our fuel supply for two decades. In 1990, the Clean Air Act was amended to include a clean gasoline program. That program mandated the use of an oxygenate in our fuel—MTBE was one of two options to be used.

The problem with MTBE is its ability to migrate through the ground very quickly and into the water table. Several States have had gasoline leaks or spills lead to the closure of wells because of MTBE.

MTBE is only a suspected carcinogen, but its smell and taste do render water unusable. Many homes in New Hampshire and across the nation have lost use of their water supply because of MTBE contamination.

According to the New Hampshire Department of Environmental Services, there may be up to 40,000 private wells with some MTBE contamination and of those, up to 8,000 may have MTBE contamination over State health standards.

Because of MTBE, New Hampshire has been left with no option but to divert funds from other programs in order to pay for safe water for residents with contaminated wells, in many instances, the State has had to provide bottled water.

They are also installing and maintaining extremely expensive treatment equipment and these costs are so expensive that an average family could not afford to have clean drinking water without assistance.

Yesterday, I came to the Senate floor to talk about the hardships faced by many in the Western part of New Hampshire and I focused on the plight of a small business owner and two families in the Richmond area.

Today I want to talk about those in the Southern part of New Hampshire that have faced similar problems. This past spring, as chairman of the Environment and Public Works Committee hearing in Salem, NH, at the hearing, the committee heard about the nightmares caused by MTBE.

I want to take a moment to tell you about one particular witness who lives in Derry, NH, Mrs. Christina Miller. Mrs. Miller is the daughter of a small business owner and two families in the Richmond area.

Today I want to talk about those in the Southern part of New Hampshire that have faced similar problems. This past spring, as chairman of the Environment and Public Works Committee hearing in Salem, NH, at the hearing, the committee heard about the nightmares caused by MTBE.

I want to take a moment to tell you about one particular witness who lives in Derry, NH, Mrs. Christina Miller. Mrs. Miller is the daughter of a small business owner and two families in the Richmond area.

Mrs. Miller, her husband Greg, and their infant son Nathan live in the Frost Road community in Derry, the area has been particularly hard hit by MTBE.

The gas additive was first detected there a little over three years ago and the concentration of MTBE in the well water was over ten times higher than the level where a person can smell it and taste it.

Since the discovery of MTBE in the wells, testing in the neighborhood has been ongoing.

Currently, some 40 homes in the Frost Road community are being monitored for MTBE and so far, seven treatment systems, including one in the Miller home, have been installed in homes on and around Frost Road.

In April of last year, while Mrs. Miller was pregnant with Nathan, a water sample from the Miller well showed a high MTBE contamination level, and due to this discovery, the Millers began receiving bottled water from the State to replace the contaminated drinking water.

But while bottled water is fine for drinking, Mrs. Miller pointed out that it doesn’t help with other daily needs such as: bath, cooking fruits and vegetables; and cooking.

There is also the potential health concerns associated with the contamination and not much is known about the health affects of MTBE—but when you have a new born, as the Miller’s do with Nathan, the health uncertainties add to the already existing anxiety.

The State has installed a treatment system in their basement and it is a large, cumbersome intrusion in their house—it is also expensive.

This system consists of a residential air stripper and two carbon filter units and while the State is currently paying for the system, there is the concern about how long this will last and whether they will pay for any upgrades as well.

Needless to say, with the MTBE contamination and the presence of a large treatment system in their home, the Millers are quite concerned with impact on the home’s resale value.

What adds to the concerns is that the State still has not been able to determine the source of the MTBE.

It is a bad situation—one that begs for a remedy and the people of Derry are looking for relief from this federally mandated gas additive that has caused so much pain.

This problem is not unique to New Hampshire, it exists in Maine California, Nevada, Texas, New York, and on and on.

In fact, in Maine, one single car accident rendered 12 drinking wells unusable—just like that—we must do something.

I have a bill that has been reported out of Committee, as it was in in to—briefly, the bill will: Authorize $400 million out of the Leaking Underground Storage Tank Fund (LUST Fund) to help the states clean up MTBE contamination; Ban MTBE four years after enactment of this bill; Allow Governors to waive the gasoline oxygenate requirement of the Clean Air Act; Preserve environmental benefits on air toxics, and; Provide funds to help transition from MTBE to other clean fuels.

Also, I am very pleased to be joining our subcommittee ranking member, Senator Chafee in introducing a new underground storage tank bill that includes MTBE cleanup funding.

So, as I said yesterday, I will continue to come to the floor until the Senate acts on this issue. It is time to help out the families who have fallen victim to a Federal mandate.

PORT AND MARITIME SECURITY ACT

Mr. HOLLINGS. Mr. President, we worked hard with the administration to incorporate many of their suggested changes in this bill to sharpen the policy and create a better legislative product. I had intended to work with Chairman LEAHY of the Judiciary Committee to modernize and update some of our maritime criminal laws to reflect the realities following the attacks of September 11th, and to strengthen our laws to protect against maritime terrorism.

Unfortunately, the administration did not consult or share with the Judiciary Committee the changes in criminal laws and other matters within the Judiciary Committee’s jurisdiction that were provided to me. I ask the chairman of the Judiciary Committee if he would be willing to work to work with me and Senator MCCAIN next year to consider whether new criminal provisions are necessary to enhance seaport security?

Mr. LEAHY. Mr. President, I am also very concerned that we develop policies to more adequately protect our maritime vulnerabilities and protect the public from the threats emerging as a result of maritime trade. I would be happy to work with Chairman Hollings and Ranking Member McCain next year to evaluate whether any gaps in our criminal laws to protect our maritime safety and seaport security exist and the appropriate steps we should take to close those gaps.

Additionally, I have expressed to Chairman Hollings my concerns that we properly limit access to and use of sensitive law enforcement information relating to background checks which are provided for in this bill. Chairman Hollings has assured me that the bill sets strict and appropriate limits as to both when such access will be required and how the information will be used once obtained. I would like to ask Chairman Hollings if he could explain those provisions?

Mr. HOLLINGS. Mr. President, I share Chairman Leahy’s concern that we provide adequate safeguards for both access to and use of this sensitive
I ask that the article be printed in the RECORD.

The article follows. [From the Washington Post, Dec. 14, 2001]

UNILATERAL? YES, INDEED (By Charles Krauthammer)

Last month’s Putin-Bush summit at Crawford was a failure because the rumored deal—Russia agrees to let us partially test, but not deploy, defenses that violate the 1972 Anti-Ballistic Missile Treaty—never materialized. In fact, it was a triumph. Like Reagan at the famous 1986 Reykjavik summit, at which he would not give up the Strategic Defense Initiative to떠이도리, Bush was not about to allow Putin to lock the United States into any deal that would prevent us from building ABM defenses.

Bush proved that yesterday when he dropped the bombshell and unilaterally withdrew the United States from the treaty, and thus from all its absurd restrictions on ABM technology.

This is deeply significant, not just because it marks a return to strategic sanity, formally recognizing that the ballistic missile will be to the 21st century what the tank and the bomber were to the 20th, but because it unashamedly reasserts the major theme of the Bush foreign policy—never give an inch.

The essence of unilateralism has been voiced by the president’s critics, both at home and abroad. What the war on terrorism and the decision to withdraw from the Anti-Ballistic Missile Treaty, however, the president has demonstrated not isolationism, but leadership. Leadership, as defined by the willingness to make unpopular decisions and accept the consequences out of a conviction that the decisions in question are in the best interests of the United States.

Pre-war concerns that the entire Muslim world would rise up against us if we went after 9/11 Qaeda and its Taliban protectors have proven unfounded. Worst-case scenarios surrounding the President’s decision to withdraw from the ABM Treaty have similarly failed to materialize. There are consequences to both decisions, but they were the right decisions and the consequences are far less than the benefits accruing to the United States from their having been implemented.

I urge my colleagues to take a minute to read the article by Charles Krauthammer and think about it. I am grateful to him for the article.

ADDITIONAL STATEMENTS

CHARLES KRAUTHAMMER ON PRESIDENTIAL LEADERSHIP IN FOREIGN POLICY

• Mr. KYL. Mr. President, I commend to my colleagues a recent column by Charles Krauthammer entitled “Unilateral? Yes, Indeed.” It ran in the December 14 issue of the Washington Post.

Once again, Krauthammer has done a fine job of articulating sentiments shared by many of us regarding the President’s conduct of foreign policy. The essence of the issue can be summarized in one word: leadership. Since the start of his presidency, George W. Bush has been the target of innumerable criticisms emanating from his approach to the conduct of foreign policy. Greatly exaggerated fears of isolationism have been voiced by the president’s critics, both at home and abroad. What the war on terrorism and the decision to withdraw from the Anti-Ballistic Missile Treaty, however, the president has demonstrated not isolationism, but leadership. Leadership, as defined by the willingness to make unpopular decisions and accept the consequences out of a conviction that the decisions in question are in the best interests of the United States.

Premiered during the first three months is all it took to make non-sense of these multilateralist protests. Coalition? The whole idea that the Afghan war is being fought by a “coalition” is comical. What exactly has Egypt contributed to the war against terrorism? What did they have to place on the table, other than their having been implemented.

A unilateralist does not object to people joining our fight. He only objects when the multilateralists, like Clinton in Kosovo, give 18 countries veto power over bombing targets.

The Afghan war is not a war run by a coalition. We made tough bilateral deals with useful neighbors. Pakistan, Uzbekistan, Tajikistan, Russia. The Brits and the Australians added a sprinkling of guys on the ground risking their lives, and we will always be grateful for their solidarity. But everyone knows whose war it is.

And the world has not risen up against us—not more than did the Arab world over the Afghan war, as another set of foreign policy experts were warning just weeks ago. Outrages of unilateralism, the sense of unilateralism, the whole idea that we do not allow others, no matter how well-meaning, to deter us from pursuing the fundamental security interests of the United States and the free world. It is the driving force behind the Bush foreign policy.

And that is the reason it has been so successful.

RUSSIA AND ENERGY SECURITY

• Mr. BIDEN. Mr. President, I rise to point out that while the attention of the world is now rightly focused on Afghanistan and the war against terrorism there, we should not forget that a large part of the oil and gas consumed by the United States and the rest of the industrialized world comes from the conflict-ridden Middle East.

In addition to addressing the issue of energy independence, we must also address the vulnerability of our domestic sources of supply, conservation, and the development of renewable energy resources, it is imperative for us to be thinking about the best possible way of protecting the security of alternative sources of oil and gas outside the United States. The Caspian Sea is also on Russia’s doorstep, and we should encourage development that will foster positive political as well as economic relations with the world’s second largest oil exporter.

Russia’s resolve to follow OPEC’s lead in slashing production is one more example of its ability to play a positive role on world oil markets, and the recently opened $2.5 billion Caspian oil pipeline, Russia’s largest joint investment to date and one in which U.S. firms hold more than a onethird interest, is an example of the kind of project that will encourage Moscow to continue to look westward.

Akef Khan Kazhegeldin, an economist, businessman, and former prime minister of oil-rich Kazakhstan, has written a thoughtful article on these subjects that appeared in the Russian
journal Vremya Novostei on October 15, 2001. In his article, Dr. Kazhegeldin states that oil and gas from Kazakhstan and the other energy producing nations of the former Soviet Union could provide an important back-up source of energy, complementing what now comes from the Persian Gulf countries.

Moreover, referring to the debate surrounding the route of future, additional pipelines carrying oil to consuming countries, Dr. Kazhegeldin asserts that there is no reason for the West and Russia to be at loggerheads now that the Cold War is over. He goes on to describe how the West and Russia could, in his view, work together on a comprehensive pipeline solution that would benefit everyone.

Some of Dr. Kazhegeldin’s ideas will undoubtedly elicit healthy debate. I urge my colleagues to read his provocative article, and ask that the text be printed in the RECORD.

The article follows:

[By Akezh Kazhegeldin]

The September 11 tragic events and the launching of the Afghan campaign, seen as the first stage in “the global war against terror”, have changed the world dramatically. Protection of peaceful citizens from possible terror acts appears as just a tip of the huge pyramid of new problems. We are facing an acute and more global problem, the problem of ensuring the industrial world’s economic safety.

The supply of the developed nations’ energy, above all, oil and gas, is a critical and vulnerable element in the world’s economic relations. A great part of the developed oil fields are concentrated in the highly insecure and conflict-ridden Middle Eastern region, which makes the threat of oil blockade and economic sanctions over the industrial countries, the main oil and gas consumers, a perpetual nightmare. Unpredictable dictators are no less dangerous than terrorist groups. Should both be in power in the region at the same time, the rest of the world would find itself in an impasse.

Even if everything goes very well and the anti-terrorism strategy of the Afghan campaign ends quickly, a huge community of industrial countries will have to make sure that the threat of energy blackmail is ruled out in principle. In the global economy, it is necessary to use reserve and back-up methods in order to ensure safety. Caspian oil reserves can play a major role here.

For gas, which has also become the main source of the world’s energy supplies, the situation on the gas market is such that the Central Asian countries will have to strengthen the special status of the region, which makes the threat of oil blockade even more frightening.

Setting aside the controversial definition of the Central Asian countries as post-colonial nations, one should admit that the time is coming when the region’s energy reserves do become important to the outside world, these leaders will look to the United States as a friend and not as yet another external exploiter.

However, political solutions can’t become global automatically, thanks only to rich oilfields. Stable export routes are required to deliver oil and gas to consumers. Even so, all the reserves of the Caspian states put together won’t make the Caspian project global. It is necessary to select and develop the routes to transport oil and gas to markets.

The main advantage of the northern export route, Russia would be the main player in a Caspian-Eurasian project. Moreover, Russia should initiate its realization. Technological and economic calculations will give optimal solutions. However, political will and vision are still primary considerations. History teaches us that it is they rather than mathematical and economic calculations that have brought into existence such giant projects as the Suez and Panama Canals that formed the global markets of those days.

Looking into the future and putting aside the required political decisions, I would like to stress that the Russian route could give an incredibly promising opportunity of opening up global markets for Eurasian oil and gas. Russia would be the main player in a Caspian-Eurasian project. Moreover, Russia should initiate its realization. Technological and economic calculations will give optimal solutions. However, political will and vision are still primary considerations. History teaches us that it is they rather than mathematical and economic calculations that have brought into existence such giant projects as the Suez and Panama Canals that formed the global markets of those days.

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Lucy approached this task with the same dogged determination and positive attitude that she has with everything in her life. She took driving lessons, received her license and continued to drive for the next ten years until her declining eyesight took her off the road.

Still, despite her eyeglass and her getting on in years, Lucy is an important member of her community. For over fifty years, she has been contributing to the St. Joseph's Indian Tribe and has been a life-long member of their community.

Now at the Village at Waterman Lake in Smithfield, RI, Lucy is an active adult who exercises and socializes with her fellow residents.

When I think of Lucy Cicilline, I recall the magic days of youth when I was surrounded and protected by adults like my parents and the Cicillines who set an extraordinary example of kindness and commitment to faith and family. Many moments in my life, I drew on those memories for inspiration and strength. Her example is with me today.

So today, I would like to thank Lucy for her kindness and her friendship and also wish her the happiest of birthdays.

THE URGENT NEED FOR BALLISTIC MISSILE DEFENSE

Mr. KYL. Mr. President, I rise to submit for the RECORD an article written by Brian T. Kennedy, vice president of the Claremont Institute, entitled “The Urgent Need for Ballistic Missile Defense.” Published in the Imprint newsletter of Hillsdale College, Mr. Kennedy persuasively argues that the United States is defenseless against a ballistic missile attack.

In view of the events of September 11, I commend this article to the Senate for review of its substance.

Mr. President, I commend this article to the Senate for review of its substance.

THE STRATEGIC TERROR OF BALLISTIC MISSILES

Brian T. Kennedy

On September 11, our nation’s enemies attacked us using hijacked airliners. Next time, the vehicles of death and destruction might well be ballistic missiles armed with nuclear, chemical, or biological warheads.

And let us be clear: The United States is defenseless against a ballistic missile attack, just as we suffered helplessly on September 11. But the dead would number in the millions and a constitutional crisis would ensue. But the survivors would wonder—with good reason—if their government were capable of carrying out its primary constitutional duty to provide for the common defense.

Osama bin Laden, but as deliberate act of a consortium of nations who hope to remove the U.S. from its strategic positions in the Middle East, in Asia and the Pacific, and in Europe, they believe that the U.S. can be made to abandon its allies, such as Israel, if the cost of standing by them becomes too high. It is not altogether unfounded to hear such a belief.

The failure of U.S. political leadership, over a period of two decades, to respond proportionately to terrorist attacks on American soil, has enabled the Russian and Chinese governments that are supplying our enemies in Iraq, Iran, Libya, and North Korea with the ballistic missile technology to terrorize our nation. If it is possible that Russia and China don’t understand the consequences of transferring this technology? Are Vladimir Putin and Jiang Zemin unaware that countries like Iran and Iraq are known sponsors of terrorism? In light of the absurdity of these questions, it is reasonable to assume that Russia and China transfer this technology as a matter of high government policy, using these rogue states as proxies to destabilize the West because they have an interest in expanding their power, and because they know that only the U.S. can stand in their way.

We should also note that ballistic missiles can be used not only to kill and destroy, but to create geopolitical chaos. Feb. 26, 1996, during a confrontation between mainland China and our democratic ally on Taiwan, Gen. Qiu Qingsheng, a senior Chinese official, made an implicit nuclear threat against the U.S., warning our government not to interfere because Americans “are more about losing than they do Taipeh.”

With a minimum of 20 Chinese intercontinental ballistic missiles (ICBMs) currently aimed at the U.S., such threats must be taken seriously.

Congressional Record — Senate, December 19, 2001

S13696

Turkmen gas. The share of gas in the Caspian hydrocarbon reserves can be much higher than those suggested by the most optimistic forecasts. On the one hand, Caspian gas should be regarded as being vital for the needs of the European industrial world, but in the other hand, Caspian gas won’t be a rival for Russian gas and a source of contention between Russia and its neighbors in Central Asia.

Where the two huge pipelines run side by side, where a joint exploitation system exists, one will naturally expect to have a transnational highway and info-highway—a powerful communication line originating from Europe and going further to the south.

These prospects are both exciting and distant. However, they should be taken into account when addressing today’s problems. No doubt, the global economy does have enough investment resources for such a large-scale project. The U.S. Congress has given $40 billion for primary measures to safeguard national security. Much less investment is needed to ensure energy security of the industrial states. Especially as it is much more reasonable and profitable to invest in crisis prevention than in recovering from them.

A pipeline bridge between the Caspian region and Western Europe, Central Asia and the world’s oceans will help solve the problems of the so-called Eurasian energy resources. It could become a basis for an “arc of stability” in Europe. It not only shifts the so-called arc of tension running close to the Balkans via the Caucasus, Central Asia, Iran, and Afghanistan, but will also exclude the Caspian states—the critical link—from this chain. When involved in the global economy, these countries, close to Russia from the Balkans via the Caucasus, Central Asia, Iran, and Afghanistan, can turn into strongholds of stability in a part of Asia that today poses major threats to the world.
nearby 1.3 trillion dollars, roughly one-fifth of GNP.

Missile defense critics insist that such an attack could never happen, based on the expectation that the U.S. would immediately strike back at whomever launched it with an equal fury. They point to the success of the Cold War U.S. Mutually Assured Destruction (MAD) system. But even MAD is premised on the idea that the U.S. would “absorb” a nuclear strike, much like we “absorbed” the attack on Pearl Harbor. After immediately striking the President, or surviving political leadership, would mightily remain vulnerable to missile attack. This would fulfill the premise of MAD, but it would also almost certainly guarantee additional ballistic missile attacks from elsewhere.

Consider another scenario. What if a president, in order to avoid the complete annihilation of the nation, came to terms with our enemies? What rational leader wouldn’t consider such an option, given the unprecedented horror of the alternative? Considering how Americans value human life, would a Bill Clinton or a George Bush order the unthinkable? Would any president launch a retaliatory nuclear strike against a country, even our own, if it meant the wholesale destruction of massive casualties to American citizens? Should we not agree that an American president ought not to have to make such a decision? Is the answer not to express publicly when he said that it would be better to prevent a nuclear attack than to suffer one and retaliate?

Then there is the blackmail scenario. What if Osama Bin Laden were to obtain a nuclear ballistic missile from Pakistan (which, after all, has the Taliban regime), place it on a ship somewhere off our coast, and demand that the U.S. not intervene in the destruction of Jerusalem? Looked at this way, nuclear blackmail would be as devastating politically as a nuclear strike would be physically.

ROADBLOCK TO DEFENDING THE ABM TREATY

Signed by the Soviet Union and the United States in 1972, the Anti-Ballistic Missile Treaty forbids a national missile defense. Article I, Section II reads: “Each Party undertakes not to develop or maintain any offensive defensive system in the territory of its country and not to provide a base for such a defense, and not to deploy for defensive purposes in any individual region except as provided for in Article III of this Treaty.” Article III allows each side to build a defense for an individual region “for the defense of the territory of its country.” In other words, the ABM Treaty prohibits our government from defending the American people, while allowing it to defend missiles for other peoples.

Although legal scholars believe that this treaty no longer has legal standing, given that the Soviet Union no longer exists, it has been held as law by successive administrations—especially the Clinton administration—and by powerful opponents of American missile defense in the U.S. Senate. As a side note, we now know that the Soviets violated the ABM Treaty almost immediately. Thus the Russians possess today the world’s only missile defense system.

Retired CIA Analyst William Lee, in the ABM Treaty Charade, describes a 9,000-interceptor system around Moscow that is capable of protecting 1.5% of the Russian population. In other words, the Russians did not share the belief of U.S. arms-control experts in the moral superiority of purposefully volatile space-based missile defense.

HOW TO STOP BALLISTIC MISSELS

For all the bad news about the ballistic missile threat to the U.S., there is the good

news that missile defense is well within our technological capabilities. As far back as 1982, a test missile fired from the Kwajalein Atoll was intercepted (within 500 yards) by a test fired from Vandenberg Air Force Base. The idea at the time was to use a small nuclear warhead in the upper atmosphere to destroy incoming enemy warheads and thereby militarily and politically correct—as it is still today—to use a nuclear explosion to destroy a nuclear warhead, even if that warhead is racing toward us at a speed that seems to be unpreventable. But we should be squeamish in this regard: Russia’s aforementioned 9,000 interceptors bear nuclear warheads. The evidence, as President Reagan reintroduced the idea of missile defense in 1983 has been aimed primarily at developing the means to destroy enemy missiles through direct impact or “hit-to-kill” methods.

American missile defense research has included ground-based, sea-based and space-based interceptors, and air-based and space-based lasers. Each of these systems has undergone successful, if limited, testing. The space-based systems are especially effective since they seek to destroy enemy missiles in their first minutes of flight, known also as the boost phase. During this phase, missiles are most vulnerable, if it means the deployment of any so-called decoys or countermeasures, and are especially vulnerable to space-based interceptors and lasers.

The key interim option for ballistic missile defense, recommended by former Reagan administration defense strategist Frank Gaffney, is to place a new generation of interceptors, currently in research, aboard U.S. Navy Aegis Cruisers. These ships could then provide at least some missile defense while more effective systems are built. Also built on U.S. space-based system in the strategically important state of Alaska, at Fort Greely and Kodiak Island. This should represent not only a component of a comprehensive “layered” missile defense that will include land, sea, air and space.

ARGUMENTS AGAINST MISSILE DEFENSE

Opponents of missile defense present four basic arguments. The first is that ABM systems are technologically unrealistic, since “hitting bullets with bullets” leaves no room for error. Second, the tests of ground-based interceptors that have had mixed results. Two things are important to note about these tests: First, many of the failures were due to the fact that the tests are being conducted under ABM Treaty restrictions on the speed of interceptors, and on their interface with satellites and radar. Second, some recent test failures involve science and technology that the U.S. perfected over 30 years ago, such as rocket separation. But putting all this aside, as President Bush’s former science advisor William Graham points out, the difficulty of “hitting bullets with bullets” could be simply overcome by placing small nuclear charges on the heads of the bullets to “fall into” the target for when they miss their targets. This would result in small nuclear explosions in space, but that is surely more acceptable than the alternative of enemy warheads detonating over American cities.

The second argument against missile defense is that warheads would dare launch missile attack at the U.S., for fear of swift retaliation. But as the CIA pointed out two years ago—and as Secretary of Defense Donald Rumsfeld reiterated recently in Russia—an enemy could launch a ballistic missile from a ship off one of our coasts, scuttle the ship, and leave us wondering, as on September 11, who was responsible.

The third argument is that missile defense can’t work against ship-launched missiles. But over a decade ago U.S. nuclear laboratories, with the help of scientists like Greg Canavan and Lowell Wood, conducted successful tests on space-based interceptors that could stop ballistic missiles during the boost phase from wherever location they were launched.

Finally, missile defense opponents argue that U.S. and Russia’s defense will ignite an expensive arms race. But the production cost of a space-based interceptor is roughly one to two million dollars. A constellation of 5,000 such interceptors could cost on the order of tens of billions of dollars, a fraction of America’s defense budget. By contrast, a single Russian SS-18 costs approximately $100 million, a North Korean Taepodong II missile costs $500 million, and an Iraqi Scud B missile about $2 million. In other words, if we get into an arms race, our enemies will go broke. The Soviet Union and China possess today the means to destroy us. We must work and hope for peaceful relations, but we must also be mindful of the possibility that they may in other plans. Secretary Powell has invited Russia and China to join the coalition to defeat terrorism. This is ironic, since both countries have been active supporters of the regimes that sponsor terrorism. One wonders what they might demand in exchange. Might this allow us to delay for another decade the defense? Or to renegotiate the ABM Treaty?

So far the Bush administration has not demonstrated the urgency that the ballistic missile threat warrants. It is troublesome that the President’s newly appointed director of Homeland Security, Pennsylvania Governor Tom Ridge, has consistently opposed missile defense—a fact surely noted with approval in Moscow and Beijing. On the other hand, President Bush has consistently supported missile defense, both in the 2000 campaign and since taking office, if he has the power to carry through with his promises.

Had the September 11 attack been visited by a nuclear missile, the deaths of three to six million Americans, a massive effort would have immediately been launched to build and deploy a ballistic missile defense. America, thankfully, has a window of opportunity—however narrow—to do so now, before it is too late.

Let us begin in earnest.●

MARGARET MEAD’S 100TH BIRTHDAY

Mrs. CLINTON. Mr. President, I ask that the following statement, and the excerpts from the Mead Centennial press release, be printed in the RECORD in honor of Margaret Mead’s 100th birthday:

December 19, 2001

CONGRESSIONAL RECORD—SENATE

S13697
On December 16, Margaret Mead would have celebrated her 100th birthday. As one of New York’s Senators, I am proud that Margaret Mead called New York home for so many years. New York State has such a rich history of women who have made a difference at home and throughout the world.

As my colleague Senator Chuck Hagel stated so well, Margaret Mead was an American patriot who dedicated her life to understanding the people and cultures of our world. She recognized the distinctiveness of various cultures...Margaret Mead took her responsibilities of citizenship seriously by sharing her knowledge with those engaged in public service.

On the occasion of the Margaret Mead centennial, I hope that more of today’s youth will be exposed to the lifework of this great woman, and will be inspired to learn about cultures around the world. She devoted her life to studying other cultures, and to encouraging us to develop a desire to learn about other cultures.

The following excerpt from a speech on the Margaret Mead Centennial 2001 press release captures Margaret Mead’s accomplishments, and their relevance to our country today:

HAPPY BIRTHDAY, MARGARET MEAD: IN THE 21ST CENTURY HER IDEAS REMAIN TRUE

“How to describe Margaret Mead? Physically, she was short and pudgy, walked with a light, firm step, wore a distinctive cape and carried a tall, forked walking stick. As an American icon, anthropologist, futurist, environmentalist, feminist, curmudgeon, and ‘grandmother to the world,’ she stood for many different things in people’s mind. Above all she stood for the need for Americans to understand other cultures. Since September 11, it has become clear that this is an idea that urgently needs to be reinforced.

As a young scientist, Mead traveled to Samoa, New Guinea, and Bali in the 1920s and ’30s to study more ‘primitive’ societies, wanting to see what she, as an American and a westerner, could learn from cultures that were so different from our own. Mead’s theories about adolescence, sexuality, aggression, gender roles, and education opened up new ways of thinking about our own society. In later years, she studied more contemporary cultures, but always with an eye toward learning about how better to understand ourselves in a world that is rapidly becoming multicultural.

Mead’s ideas and thoughts are inextricably interwoven in our fabric today, many decades after her first studies of cultures, and nearly a quarter century after her death. While some still attract lively controversy, many of the concepts we take for granted today in any discussion of cultural difference, community, peace, gender, or human rights—were brought to the forefront by Mead in the ’30s, ’40s, and ’50s.

More than thirty books, dozens of films, and thousands of articles later, her ideas continue to thrive and inspire. Her famous admonition, ‘Never doubt that a small group of thoughtful, committed citizens can change the world,’ has become the motto of hundreds of community action groups. For the Centennial, more than a dozen of her books have been reissued with new introductions. Many organizations and individuals across this country and around the world are taking time to remember Mead and reacquaint themselves with what she stood for, her work, and its implications for the future. The Institute for Intercultural Studies (IIS), founded by Mead in 1944, continues under the guidance of Mary Catherine Bateson, author, cultural anthropologist and Mead’s only child. The Institute’s mission, an increasingly important one, is to advance knowledge by creating and funding projects that are likely to affect contemporary intercultural and international relations. The IIS maintains a website, www.mead2001.org.

‘If my mother were alive today, I know she would be online, using the internet to communicate rapidly, to gather and discuss ideas, to bring people together,’ says Bateson. ‘It is the continued interchange among her ideas that we hope to foster in commemoration her 100th birthday.’ Happy birthday, Margaret Mead—and let intercultural and international understanding reign in this new century.”

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 nominations which were referred to the Committee on the Judiciary.

(REPORTS RECEIVED in the Senate on the following nominations:)

REPORT ON AERONAUTICS AND SPACE ACTIVITIES FOR FISCAL YEAR 2000—MESSAGE FROM THE PRESIDENT—PM 62

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 am pleased to transmit this report on the Nation’s achievements in aeronautics and space during Fiscal Year (FY) 2000, as required under section 206 of the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2476). Aeronautics and space activities involved 11 contributing departments and agencies of the Federal Government, and the results of their ongoing research and development affect the Nation in many ways.

A wide variety of aeronautics and space developments took place during FY 2000. The National Aeronautics and Space Administration (NASA) successfully completed four Space shuttle flights. In terms of robotic space flights, there were 24 U.S. expendable launch vehicle launches in FY 2000. Five of these launches were NASA managed missions from the Department of Defense (DOD)—managed commercial launches. In addition, NASA flew on payload as a secondary payload on one of the FAA licensed commercial launches. This year, two new launch vehicles debuted: the Lockheed Martin Atlas IIIA and the Boeing Delta III, each serving as transition vehicles leading the way for the new generation of evolved expendable launch vehicles.

Scientists also made some dramatic new discoveries in various space-related fields such as space science, Earth science and remote sensing, and life and microgravity science. In aerospace, achievements included the demonstration of technologies that will reduce the environmental impact of aircraft operations, reinvigorate the general aviation industry, improve the safety and efficiency of U.S. commercial airlines and air traffic control systems, and reduce the future cost of access to space.

The United States also entered into many new agreements for cooperation with its international partners around the world in many areas of space activity.

Thus, FY 2000 was a very successful one for U.S. aeronautics and space programs. Efforts in their areas have contributed significantly to the Nation’s scientific and technical knowledge, international cooperation, a healthier environment, and a more competitive economy.

GEORGE W. BUSH


MESSAGES FROM THE HOUSE

At 11:33 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 107. An act to require that the Secretary of the Interior conduct a study to identify sites and resources, to recommend alternatives for commemorating and interpreting the Cold War, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 287. An act to amend title 10, United States Code, to make receipts collected from mineral leasing activities on certain naval oil shales reserves available to cover environmental restoration, waste management, and environmental compliance costs incurred by the United States with respect to the reserves; to the Committee on Armed Services.
H.R. 3054. An act to award congressional gold medals on behalf of government workers who responded to the attacks on the World Trade Center and perished and on behalf of people aboard United States Airlines Flight 93 who helped resist the hijackers and caused the plane to crash.

H.R. 3072. An act to designate the facility of the Postal Service located at 125 Main Street in Forest City, North Carolina, as the “Vernon Tarlton Post Office Building”; to the Committee on Governmental Affairs.

H.R. 3178. An act to authorize the Environmental Protection Agency to provide funding to support research and development projects for the security of water infrastructure.

H.R. 3334. An act to designate the Richard J. Guadagnolo Headquarters and Visitors Center at Humboldt Bay National Wildlife Refuge, California.

H.R. 3379. An act to designate the facility of the United States Postal Service located at 375 Carlls Path in Deer Park, New York, as the “Raymond M. Downey Post Office Building”; to the Committee on Governmental Affairs.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 273. Concurrent resolution reaffirming the special relationship between the United States and the Republic of the Philippines; to the Committee on Foreign Relations.

The message further announced that the House has passed the following bill with an amendment, in which it requests the concurrence of the Senate:

S. 1389. An act to provide for the condemnation of certain real property in South Dakota to the state of South Dakota with indemnification by the United States government, and for other purposes.

The message also announced that the House has passed the following bill, without amendment:


At 3:54 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:


The message also announced that the House has agreed to the report of the committee of conference of the two Houses on 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.

The message further announced that pursuant to section 205(a) of the Vietnam Education Foundation Act of 2000 (Public Law 106-398) and upon the recommendation of the majority leader, the Speaker appoints the following Member of the House of Representa-

tives to the Board of Directors of the Vietnam Education Foundation: Mr. SMITH of New Jersey.

At 5:21 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed 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. 2506) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes.

**MEASURES REFERRED**

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 107. An act to require that the Secretary of the Interior conduct a study to identify sites and resources, to recommend alternatives for commemorating and interpreting the Cold War, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 2187. An act to amend title 10 United States Code to extend the prohibition against mineral leasing activities on certain naval mineral leasing areas, and for other purposes; to the Committee on Armed Services.

H.R. 2954. An act to award congressional gold medals on behalf of government workers who responded to the attacks on the World Trade Center and perished and on behalf of people aboard United States Airlines Flight 93 who helped resist the hijackers and caused the plane to crash.

H.R. 3072. An act to designate the facility of the United States Postal Service located at 125 Main Street in Forest City, North Carolina, as the “Raymond M. Downey Post Office Building”; to the Committee on Governmental Affairs.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 273. Concurrent resolution reaffirming the special relationship between the United States and the Republic of the Philippines; to the Committee on Foreign Relations.

**MEASURES PLACED ON THE CALENDAR**

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 3178. An act to authorize the Environmental Protection Agency to provide funding to support research, development, and demonstration projects for the security of water infrastructure.

**MEASURES READ THE FIRST TIME**

The following bill was read the first time:


**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-4939. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled: “Amendment to the List of Proscribed Destinations” (22 CFR Part 125) received on December 18, 2001; to the Committee on Foreign Relations.

EC-4940. A communication from the General Counsel of the Department of Treasury, transmitting, a draft of proposed legislation to provide for direct billing for water and sanitary sewer usage by the District of Columbia to Federal agencies, and direct payment by those agencies in the District of Columbia; to the Committee on Governmental Affairs.

EC-4941. A communication from the Executive Director of the Federal Retirement Thrift Investment Board, transmitting, a draft of proposed legislation to clarify the authority of the Executive Director of the Federal Retirement Thrift Investment Board to bring suit on behalf of the Thrift Saving Fund in the District Courts of the United States; to the Committee on Governmental Affairs.

EC-4942. A communication from the Special Assistant to the Director of the Office of Administration, Executive Office of the President, transmitting, pursuant to law, a Aggregate Report on Personnel for Fiscal Year 2001; to the Committee on Governmental Affairs.

EC-4943. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled: “Sodium thiosulfate; Exemption from the Requirement of a Tolerance” (FRL6811-6) received on December 18, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4944. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled: “Fluoracetate-methy; Pesticide Tolerance” (FRL6806-7) received on December 18, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4945. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled: “Flusilazole-methy; Pesticide Tolerance” (FRL6806-2) received on December 18, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4946. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled: “Federal Airworthiness Directives: Rolls-Royce plc. RB211 535 Turbofan Engines, Access and Door Designs” (RIN2120- AA64)(2001-0002) received on December 10, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4947. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled: “Airworthiness Directives: Rolls-Royce plc. RB211-225 Turbofan Engines, Compressor” (RIN2120- AA63) received on December 14, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4948. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation,
transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Raytheon Model Beech 400, 400A, and 400T Series Airplanes, Model Mitsubishi MU-300 Airplanes, and McDonnell Douglas MD-360 Series Airplanes" ((RIN2129-1A64(2001-0577)) received on December 14, 2001; to the Committee on Commerce, Science, and Transportation.

EC-9546. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 757 Series Airplanes" ((RIN2129-1A64(2001-0573)) received on December 14, 2001; to the Committee on Commerce, Science, and Transportation.

EC-9547. A communication from the Acting Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Listing the Tumbling Creek Cave as Endangered (Emergency Rule)" ((RIN1018-1A19) received on December 17, 2001; to the Committee on Environment and Public Works.

EC-9548. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a letter clarifying how revisions to the Petroleum Refinery Air Toxics Reporting Rule apply to the 40 CFR 61.3(g) exclusion; to the Committee on Environment and Public Works.

EC-9549. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a letter addressing the Regulatory Determination on the Status of Catoxix Units; to the Committee on Environment and Public Works.

EC-9550. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Implementation Provisions for Hazardous Air Pollutants; District of Columbia; Department of Health” ((FRL7120-8) received on December 18, 2001; to the Committee on Environment and Public Works.

EC-9551. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval of Section 112(1) Authority for Hazardous Air Pollutants; State of Kansas” (FRL7120-2) received on December 18, 2001; to the Committee on Environment and Public Works.

EC-9552. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Kentucky: Final Authorization of State Hazardous Waste Management Program Revision” (FRL7121-8) received on December 18, 2001; to the Committee on Environment and Public Works.

EC-9553. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Tennessee: Final Authorization of State Hazardous Waste Management Program Revision” (FRL7121-1) received on December 18, 2001; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 415: A bill to amend title 49, United States Code, to require that air carriers meet public convenience and necessity requirements by providing air transportation access to major cities, and for other purposes. (Rept. No. 107-130).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. SARBANES for the Committee on Banking, Housing, and Urban Affairs:

*Vickers B. Meadows, of Virginia, to be an Assistant Secretary of Housing and Urban Development.

*Diane Leneghan Tomb, of Virginia, to be an Assistant Secretary of Housing and Urban Development.

By Mr. HOLLINGS for the Committee on Commerce, Science, and Transportation:

*Jeffrey Frankel, of Connecticut, to be an Assistant Secretary of Transportation.

*Sean O’Keefe, of New York, to be Administrator of the National Aeronautics and Space Administration.

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 DUTY-CUTTED COMMITTEE OF THE SENATE.

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. ALLEN: S. 144. A bill to provide mortgage payment assistance for employees who are separated from employment; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SCHUMER (for himself and Mrs. CLINTON): S. 1849. A bill for the relief of Thomas J. Sansone, Jr; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CHAFFEE (for himself, Mr. CARPER, Mr. DODD, Mr. EMHOFER, Mr. HOPE, Mr. JORDAN, Mr. ROCKEFELLER, Mr. SPECTER, Mr. THURMOND, Mr. VISNOY, Mr. WYDEN, Mr. HATCH, Mr. KENNEDY, Mr. LEVIN, Mr. ROTH, Mr. SCHUMER, Mr. SMITH, Mr. BURDICK, Mr. BURTON, Mr. DODD, Mr. ROCKEFELLER, Mr. SPECTER).
their contributions to the Nation during World War I and World War II; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. ALLEN (for himself and Mr. MCCAIN):
S. 1853. A bill to amend title 38, United States Code, to enact into law eligibility of certain veterans and their dependents for burial in Arlington National Cemetery; to the Committee on Veterans’ Affairs.

By Mr. KERRY (for himself, Mr. BURNS, Mr. COZINE, and Mr. BAUCUS):
S. 1856. A bill to amend the Internal Revenue Code to promote employee and employer participation in telework arrangements, and for other purposes; to the Committee on Finance.

By Mr. CAMPBELL (for himself and Mr. INOUYE):
S. 1857. A bill to Encourage the Negotiated Settlement of Tribal Claims; to the Committee on Indian Affairs.

By Mr. ALLEN (for himself and Mr. KERRY):
S. 1858. A bill to permit the closed circuit television of the criminal trial of Zacarias Moussaoui for the victims of September 11th; to the Committee on the Judiciary.

By Mr. SCHUMER (for himself and Mr. CHAFEE):
S. 1859. A bill to extend the deadline for granting posthumous citizenship to individuals who die while on active-duty service in the Armed Forces; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DASCHLE (for himself and Mr. LOTTY):
S. Res. 193. A resolution authorizing certain employees of the Senate who perform service in the uniformed services to be placed in a leave without pay status, and for other purposes; considered and agreed to.

ADDITIONAL COSPONSORS

S. 94
At the request of Mr. DORGAN, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 94, a bill to amend the Internal Revenue Code of 1986 to provide a 5-year extension of the credit for electricity produced from wind.

S. 267
At the request of Mr. DASCHLE, the name of the Senator from Vermont (Mr. LEAR) was added as a cosponsor of S. 267, a bill to amend the Packers and Stockyards Act of 1921, to make it unlawful for any stockyard owner, market agency, or dealer to transfer or market nonambulatory livestock, and for other purposes.

S. 321
At the request of Mr. GRASSLEY, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 321, a bill to amend title XIX of the Social Security Act to provide facilities of children with the opportunity to purchase coverage under the medicaid program for such children, and for other purposes.

S. 351
At the request of Ms. COLLINS, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 351, a bill to amend the Solid Waste Disposal Act to reduce the quantity of mercury in the environment by limiting mercury fever thermometers and improving collection, recycling, and disposal of mercury, and for other purposes.

S. 683
At the request of Mr. SANTORUM, the name of the Senator from Alabama (Mr. Sessions) was added as a cosponsor of S. 683, a bill to amend the Internal Revenue Code of 1986 to allow individuals a refundable credit against income tax for the purchase of private health insurance, and to establish State health insurance safety-net programs.

S. 990
At the request of Mr. JOHNSON, his name was added as a cosponsor of S. 990, a bill to amend the Pittman-Robertson Wildlife Restoration Act to improve the provisions relating to wildlife conservation and restoration programs, and for other purposes.

S. 1209
At the request of Mr. BINGAMAN, the name of the Senator from Michigan (Mr. LEVIN) and the Senator from North Carolina (Mr. EDWARDS) were added as cosponsors of S. 1209, a bill to amend the Trade Act of 1974 to consolidate and improve the trade adjustment assistance programs, to provide community-based economic development assistance for trade-affected communities, and for other purposes.

S. 1335
At the request of Mr. SCHUMER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1335, a bill to amend title XVIII of the Social Security Act to provide for equitable reimbursement rates under the medicare program to Medicare+Choice organizations.

S. 1355
At the request of Mr. KENNEDY, the name of the Senator from Georgia (Mr. MCCAIN) was added as a cosponsor of S. 1355, a bill to support business incubation in academic settings.

S. 1707
At the request of Mr. LEAHY, his name was added as a cosponsor of S. 1707, 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.

S. 1754
At the request of Mr. KENNEDY, the names of the Senator from Michigan (Mr. LEVIN), the Senator from Florida (Mr. NELSON), and the Senator from Oklahoma (Mr. NICHOLS) were added as cosponsors of S. 1754, a bill to enhance the border security of the United States, and for other purposes.

S. 1778
At the request of Mr. LEAHY, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1778, a bill to authorize appropriations for the United States Patent and Trademark Office for fiscal years 2002 through 2007, and for other purposes.

S. 1842
At the request of Mr. CLELAND, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 1842, a bill to modify the project for beach erosion control, Tybee Island, Georgia.

AMENDMENT NO. 2533
At the request of Mr. CRAPO, the names of the Senator from New Mexico (Mr. DOMENICI), the Senator from Wyoming (Mr. THOMAS), the Senator from Nevada (Mr. ENSIGN), the Senator from Colorado (Mr. ALLARD), the Senator from Colorado (Mr. CAMPBELL), and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of amendment No. 2533 intended to be proposed to S. 1731, an original bill 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, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ALLEN:
S. 143. A bill to provide mortgage payment assistance for employees who are separated from employment to the Committee on Health, Education, Labor, and Pensions.

Mr. ALLEN, Mr. President, today I rise to introduce the Homestead Preservation Act. It is a bill to provide displaced workers with access to low-interest loans to help cover monthly home mortgage payments while they are looking for a new job. This is commonsense, compassionate legislation designed to help working families, who through no fault of their own, are affected by international competition.

During the past months, all Americans have been deluged with grim news...
of recessions, plummeting consumer confidence and rising unemployment. Since October of last year, unemployment has jumped 1.8 percent, bringing the unemployment rate to 5.7 percent, the highest in over 6 years. This is more than just a statistic. The 5.7 percent represents more than 1 million people who are now without a job, a paycheck, and the means by which to provide their family with a sense of economic security, knowing that the bills will be paid, food is on the table, gifts will be under the Christmas tree.

Virginia has not escaped the effects of the recession. While the unemployment is not as high as the national average, we have seen a 1.4 percent increase in unemployment from October 2000 to October 2001. There were 20,000 layoffs in October, an increase of 8 from the year before. And there have been 2,713 new claims for unemployment benefits in October—almost double from October 2000.

While it is a sad time for everyone, regions such as Southwest Virginia and Southside, with heavy concentrations in manufacturing—especially the textile and apparel industries—have been especially hard hit. Nationwide, manufacturing lost more than 10,000 jobs just last month. Factory employment has plummeted in the past year and a half. One of every three layoffs in Virginia is from the manufacturing industry. In only one in six jobs throughout the Commonwealth are in this sector. In Virginia, October was the 15th consecutive month of factory job losses.

Virginia’s Southside and Southwest regions are already suffering from the economic effects of international competition, such as NAFTA. Nationally, an average of 37,500 Americans lose their jobs because of NAFTA-related competition each year. During the 1990s alone, the loss of 15,400 apparel jobs—a decline of 54.3 percent—and 15,300 textile jobs—a decline of 36 percent.

Fair and free trade is necessary if American businesses are to have the opportunity to promote their goods and services and continue to expand through growth abroad. NAFTA has created a net increase in employment. As Governor of Virginia, I led several trade missions abroad to promote our products. We brought back agreements that will bring half a billion dollars in new investment and sales for Virginia, investments made possible only through fair and free trade.

But, while trade is helping our economy as a whole, there are many good, hard working families, who have been adversely affected by international competition—especially in the textile and apparel industries. Anytime a factory closes, it is a devastating blow to all of the families and businesses in the community and region.

While I am proud of the outstanding way the close-knit Southside and Southwest communities in Virginia came together to help those who lost their jobs, when companies like Pluma and Tultex closed their doors, they should not be forced to go through these times alone. After the Tultex plant closing in Martinsville in early December of 1999, people donated toys to the Salvation Army, and even made sure that Christmas came to the homes of the thousands of laid off workers.

I am proposing that the Federal Government do its part to help these workers through already thoughtful programs in place, such as the NAFTA Transitional Adjustment Assistance program, that helps workers get additional job skills training and employment assistance, and, provides extended unemployment benefits during job training. These programs are the result of the common sense, logical conclusion that good, working people can lose their jobs because of trade—not because they did anything wrong or because they don’t want to work.

We ought to find a way to ease the stress and turmoil for people whose lives are unexpectedly thrown into transition after years of steady employment with a company that suddenly has to cut back. These hard-working folks are finding appropriate employment, they should not fear losing their homes. For most people and families, their home is the largest investment they make in life. Many have considerable equity built up.

Government agencies already have low-interest loan programs in place to help families who have met with unexpected economic disaster, such as a natural disaster like a hurricane, flood or tornado.

When a factory closes, it is an economic disaster to these families and their communities. The effects are just as far reaching and certainly as economically devastating. Like a natural disaster, the lives of families who are laid off due to international competition are not responsible for the events leading to the factory closings. The Federal Government ought to make the same disaster loan assistance programs available to our displaced workers.

This is my rationale for introducing the Homestead Preservation Act. This legislation will provide temporary home mortgage assistance to displaced workers, helping them make ends meet during the transition after years of steady employment. Workers take the time to become retrained and reeducated, expand upon their skills and search for new employment.

As Governor, there was nothing I enjoyed more than being able to recruit and land investment from new or expanding enterprises in Virginia. By recruiting businesses, we brought new and better jobs for the hard-working, caring people of Virginia. One example is Drake Extrusion from the United Kingdom, which chose Martinsville in Virginia for a new carpet and bedding fiber manufacturing plant. It was announced as a $12 million investment. It doubled in value at the official opening in 1996. It brought in additional small businesses. As of last year, Drake employed over 150 workers.

Unfortunately, it can take time to bring in new companies and industries to a region. Just as it takes time to learn a new skill or earn a degree. Displaced families do not have time; they need help. They need their mortgage paid, in full, no excuses. The Homestead Preservation Act provides the financial assistance necessary to bridge the time it takes to find employment. Without this bridge, many working families would not be able to take advantage of the opportunities our there for them. They would be denied the necessary tools to help them succeed in the changing economy.

The current recession has made it even more vital that the Federal Government do what is right by our workers and their families. These jobs are not coming back. Only about 70 percent of displaced factory workers find reemployment, well below the access-industry average.

Losses are expected to continue accumulating as the industries brace for worldwide open trade, which is scheduled to begin in 2005. When these workers are displaced, meager savings and temporary unemployment benefits are
frequently not enough to cover expenses that had previously fit within the family budget. Without immediate help, these families, at the minimum, risk ruining their credit ratings and, in the worst-case scenario, could lose their home or car.

The Homestead Preservation Act would provide families vital temporary financial assistance, enabling them to keep their homes and protect their credit ratings as they work toward strengthening and updating the skills and continue their search for a new job. Hard-working Americans, facing such a harrowing situation, ought to have a response to help them. People need transitional help now.

The Homestead Preservation Act provides the temporary financial tools necessary for displaced workers to get back on their feet and succeed. It is a caring, logical and responsible response.

Mr. President, as I said, I rise today to introduce the Homestead Preservation Act. This is a commonsense, compassionate place of legislation that is designed to help working families who, through no fault of their own, lose their homes as a result of international competition.

It is a bill to provide displaced workers with access to low-interest loans to help cover monthly home mortgage payments while they are out looking for a new job.

During the past few months, all Americans have been deluged with grim news of recessions, plummeting consumer confidence, and rising unemployment.

Clearly, these are uneasy times for everyone in all regions of the country, whether in the South, the Midwest, the Northeast, and out West as well, but particularly in the areas where there are heavy concentrations of manufacturing. These textile and apparel industries have been especially hard hit. That industry is generally in the South and, to some extent, in the Midwest.

Nationwide, employment in apparel manufacturing lost more than 10,000 jobs just last month. That is in Virginia, North Carolina, South Carolina, Mississippi, Alabama, Georgia, Arkansas, Missouri, and various other States.

Factory employment has plummeted in the past year and a half. In Virginia alone, 1 out of every 3 layoffs in Virginia is from the manufacturing industry.

I am a supporter of fair and free trade. I think trade is good for American consumers. It is good for our retailers and our farmers. I think it is necessary for our businesses and farmers to have opportunities to promote their goods, their products, their services abroad. That allows them to expand and grow.

I think NAFTA has created a net increase in employment. As Governor of Virginia, I led several trade missions abroad, whether to Canada, Mexico, various countries in Western and Central Europe, as well as East Asia. We brought back agreements that initially meant over a half a billion dollars in new investment and sales for Virginia products. These investments and sales in Virginia were only made possible by fair and free trade.

But while trade is helping our economy as a whole, there are many good, hard-working people and families who have been adversely affected by international competition, particularly in the textile and apparel industries.

Any time a factory closes, it is a devastating blow to all of the families and, indeed, all of the businesses in the communities in that region. You can see, with great pride, how communities come together—close knit communities—and try to help out if a major manufacturer shuts down.

I remember back in December 2 years ago—in early December, 1999—when Tultex shut down. Thousands of jobs were lost. People donated toys to the Salvation Army, though, to make sure Christmas would come to every family.

What I am proposing is that the Federal Government does its part to help people in these times, so that people and communities are not alone during these transitions.

There are already thoughtful programs in place. The NAFTA Transitional Adjustment Assistance Program helps workers maintain job skills in training and employment assistance, as well as provides extended unemployment benefits during job training.

These programs are the result of the good, commonsense, logical conclusion that working people can lose their jobs because of trade, not because they did anything wrong or because they did not want to work. They do want to work.

We ought to find a way to help ease the transition for people whose lives are unexpectedly thrown into transition after years of steady employment with a company that suddenly disappears. Especially in textile areas, you see folks who have worked there for decades; some of their parents may have worked at that same mill or facility.

These are hard-working people. They are trying to find employment. But while they are doing so, they should not have to worry about or fear losing their homes.

For most people, and most families, their home is the largest investment they will make in their lives. Many have considerable equity built up in their homes that could be lost.

The Federal Government already have low-interest loan programs in place to help families who have been hit with unexpected disasters—such as a natural disaster, such as a hurricane or a tornado or a similar event. When a factory closes, it is truly an economic disaster to these families and communities. The effects are just as far reaching and certainly as economically devastating. Like a natural disaster, families displaced by international competition are not responsible for the events leading to those factory closings.

The Federal Government ought to make similar disaster assistance programs available to our displaced workers. That is the rationale of my introduction of the Homestead Preservation Act.

This legislation would provide temporary mortgage assistance to displaced workers, helping them make ends meet during the search for a new job.

Specifically, the Homestead Preservation Act authorizes the Department of Labor to administer a low-interest loan program—4 percent—for workers displaced due to international competition.

The loan is for up to the amount of 12 monthly home mortgage payments. The program is authorized at $10 million per year for 5 years. It distributes the loan through an account providing a monthly allocation to cover the amount of the worker’s home mortgage payment. The loans would be paid or repaid and paid off over 5 years, but no workers would be under a harrowing situation. We ought to have a response to help them.

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This will provide, in effect, a bridge loan assistance to these displaced workers. If you look at it, the unemployment benefits are fine, but usually they are not enough to cover the expenses which previously fit within a family budget.

Without immediate help, these families, at a minimum, risk ruining their credit ratings and, in the worst case scenario, could lose their home. The Homestead Preservation Act provides families with vital temporary financial assistance, enabling them to keep their homes, protect their credit ratings, and, as they work toward strengthening and improving their skills, to continue to be able to search for a job without worrying about losing their homes. They are under a harrowing situation. We ought to have a response to help them.

This legislation is needed. It provides transitional help that is needed. As we move forward to expand trade opportunities, let’s also improve the transitional adjustment assistance programs.
The Homestead Preservation Act provides the temporary financial tools necessary for displaced workers to get them back on their feet and to succeed. In my view, it is a very caring, logical and responsible response. I trust my colleagues will agree and support this tangible, balanced idea. I ask unanimous consent that the text of the bill and the section-by-section analysis be printed in the Record. There being no objection, the material was ordered to be printed in the Record, as follows:

S. 1845

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 “Homestead Preservation Act”.

SECTION 2. MORTGAGE PAYMENT ASSISTANCE.
(a) ESTABLISHMENT OF PROGRAM.—The Secretary of Labor (Secretary) shall establish a program under which the Secretary shall award low-interest loans to eligible individuals to enable such individuals to continue to make mortgage payments with respect to the primary residences of such individuals.

(b) ELIGIBILITY.—To be eligible to receive a loan under subsection (a), an individual shall—

(1) be—

(A) an adversely affected worker with respect to whom a certification of eligibility has been issued by the Secretary of Labor under chapter 2 of title II of the Trade Act of 1974 (22 U.S.C. 1951 et seq.); or

(B) an individual who would be an individual described in subparagraph (A) but who resides in a State that has not entered into an agreement under section 238 of such Act (19 U.S.C. 2111).

(2) be a borrower under a loan which requires the individual to make monthly mortgage payments with respect to the primary place of residence of the individual; and

(3) be enrolled in a job training or job assistance program.

(c) IN GENERAL.—A loan provided to an eligible individual under this section shall—

(1) be for a period of not to exceed 12 months;

(2) be for an amount that does not exceed the sum of—

(i) the amount of the monthly mortgage payments owed by the individual; and

(ii) the number of months for which the loan is provided;

(3) have an applicable rate of interest that equals 4 percent;

(4) require repayment as provided for in subsection (d); and

(5) be subject to such other terms and conditions as the Secretary determines appropriate.

(d) REPAYMENT PERIOD AND AMOUNT.—

(A) REPAYMENT PERIOD.—A loan awarded under this section shall be repaid on a monthly basis over the 5-year period beginning on the date determined under paragraph (1).

(B) AMOUNT.—The amount of the monthly payment described in subparagraph (A) shall be determined by dividing the total amount provided by the loan (plus interest) by 60.

(C) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to prohibit an individual from—

(i) paying off a loan awarded under this section in less than 5 years; or

(ii) from paying a monthly amount under such loan in excess of the monthly amount determined under subparagraph (B) with respect to the loan.

(e) REGULATIONS.—Not later than 6 weeks after the date of enactment of this Act, the Secretary shall promulgate regulations necessary to carry out this section, including regulations that permit an individual to certify that the individual is an eligible individual under subsection (b).

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this Act—

(1) $10,000,000 for each of fiscal years 2003 through 2007.

The Homestead Preservation Act—Sectional Analysis

A bill to provide mortgage payment assistance for employees who are separated from employment.

SECTION I. SHORT TITLE.
This Act may be cited as the “Homestead Preservation Act”.

SECTION II. MORTGAGE PAYMENT ASSISTANCE.
This section establishes the program, sets program perimeters, and defines eligibility for program participation.

The Secretary (Secretary) is authorized to establish a low-interest loan program to cover the cost of mortgage payments of the borrower’s primary residence.

Eligibility for participation is defined as a displaced worker who has received a certification of eligibility by the Secretary under chapter 2, title II of the Trade Act of 1974 (NAFTA-TAAP; TAA) or would be qualified if his or her State of residence had entered into an agreement allowing for NAFTA-TAAP and TAA participation. The borrower must be enrolled in a job training or job assistance program.

The terms of the loan must require the borrower to use the loan to make monthly payments on the mortgage of his or her primary residence.

The loan limits are established to limit the life of the loan to a period of one year and to an amount that does not exceed the amount of the mortgage payments due over the number of months for which the loan is provided. The interest rate on the loans is capped at 4 percent.

The loan shall be deposited into an account from which the monthly mortgage payment will be made.

The loan repayment begins one year from the date of loan approval or the date on which the borrower has been employed full-time, for six months.

The loan repayment shall be completed within five years with a monthly payment determined by dividing the total amount of the loan, plus interest, by 60. Borrowers may pay the loan early or pay more than the per-month amount required without penalty.

The Secretary shall promulgate the regulations necessary to implement this Act, including regulations that permit a resident of a non-participating State in which the borrower has been employed for six months to use the loan to cover the cost of mortgage payments of a primary residence in a State that has entered into an agreement with the Secretary to cover the cost of mortgage payments of a primary residence in such State.

There is authorized to be appropriated, $10 million, per year, for five years.

Mr. WELLSTONE. Mr. President, I thank the Senator from Virginia. His proposal sounds very interesting and very important. I look forward to looking at the specifics of it. I appreciate what he is talking about. It may be legislation that provides people with that temporary assistance because people want to get the jobs on which they can support their families. I think it is an important endeavor. I thank my colleague.

By Mr. CHAFEE (for himself, Mr. CARPER, Mr. SMITH of New Hampshire, Mr. JEFFORDS, and Mr. IN霍RE):

S. 1850. A bill to amend the Solid Waste Disposal Act to bring underground storage tanks into compliance with subtitle I of that Act, to promote cleanup of leaking underground storage tanks to provide resources for such compliance and cleanup, and for other purposes; to the Committee on Environment and Public Works.

Mr. CHAFEE. Mr. President, today I introduce the Underground Storage Tank Compliance Act. This legislation will bring all underground storage tanks, USTs, into compliance with Federal law and finish the work begun seventeen years ago with enactment of the UST provisions of the Solid Waste Disposal Act. This legislation will emphasize leak prevention and compliance with existing statutes. In addition, this bipartisan bill will assist communities in coping with the contamination of groundwater and oil by methy tertiary butyl ether, MTBE.

In 1984, Congress enacted as Subtitle I of the Solid Waste Disposal Act a comprehensive program to address the problem of leaking underground storage tanks. With the goal of protecting the Nation’s groundwater from leaking tanks, the 1984 law imposed minimum Federal requirements for leak detection and prevention standards for USTs. In 1988, owners and operators of existing underground storage tank systems were given a ten-year window to upgrade, replace, or close tanks that didn’t meet minimum Federal requirements for spill, overfill, and corrosion protection. As the deadline passed on December 22, 1988, many underground storage tanks failed to meet the Federal standards.

To assess the situation, Senator SMITH of New Hampshire and I commissioned the U.S. General Accounting Office, GAO, to examine compliance of USTs with Federal requirements. GAO concluded in May 2001 that only 69 percent of tanks were meeting Federal equipment standards. In addition, it also discovered that only 71 percent were being operated and maintained properly. GAO cited infrequent tank inspections and limited funding among the contributing factors.

Communities across the Nation have borne the brunt of our failure to prevent tank releases. Gasoline and fuel
additives, such as MTBE, have contaminated groundwater and rendered it undrinkable. The Village of Pascoag, RI is just one community that has suffered from MTBE contamination that can be traced to leaking underground storage tanks. For months, residents of Pascoag have been unable to use the water supply for drinking, bathing, or cooking. Hundreds of thousands of dollars are being spent to dilute the water with a neighboring communities’ supply, to install water filtration systems, and to install new wells on-line. Additional money will be spent to remediate the contamination and to take enforcement action against the owners of the leaking tanks. Unfortunately, this is not an isolated incident. A similar story can be told in countless communities from New Hampshire, to New York, to California.

To address these issues, the legislation that I introduce today, together with Senators CARPER, SMITH of New Hampshire, and INHOFE, requires the inspection of all tanks every two years and increases Federal emphasis on the training tank operators. It simply does not make sense to install modern, protective equipment if the people who operate them do so improperly. Enforcement of existing requirements, rather than creating new requirements, is an important element of our bill. In addition, the legislation emphasizes compliance of tanks owned by Federal, State, and local governments, and provides $200 million for cleanup of sites contaminated by MTBE. Finally, the legislation provides increased funding to carry out the program, which the GAO has identified as critical to the success of the UST program.

Since its inception in 1984, the UST program has been largely successful. More than one million outdated tanks have successfully been closed or removed, and countless cleanups have been accomplished. We have come a long way, but we must go further. Our legislation will build upon the successes of yesterday, so that we may enjoy the promise of tomorrow. I look forward to working with all of my colleagues to move this important bipartisan legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1850

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

SEC. 1. SHORT TITLE.

This Act may be cited as the “Underground Storage Tank Compliance Act of 2001”.

SEC. 2. LEAKING UNDERGROUND STORAGE TANKS.

Section 9001 of the Solid Waste Disposal Act (42 U.S.C. 6991c) is amended by adding at the end the following:

“(A) AMOUNT AND PERMITTED USES OF DISTRIBUTION.—The Administrator shall distribute to States not less than 80 percent of the funds from the Trust Fund that are made available after the enactment of this Act (42 U.S.C. 9013(2)(A) for each fiscal year for use in paying the reasonable costs incurred under a cooperative agreement with any State, of—

(i) the ability of the State by the State under section 9003(h)(7)(A);

(ii) necessary administrative expenses, as determined by the Administrator, that are incurred directly or indirectly related to compensation programs under subsection (c)(1); and

(iii) any corrective action and compensation program carried out under subsection (c)(1) for a release from an underground storage tank regulated under this subtitle to the extent that, as determined by the State in accordance with guidelines developed jointly by the Administrator and the State, the financial resources of the owner or operator of the underground storage tank (including resources provided by a program in accordance with subsection (c)(1)) are not adequate to pay the cost of a corrective action without significantly impairing the ability of the owner or operator to continue in business;

(iv) enforcement by the State or a local government of—

(I) the State program approved under this section; or

(II) State or local requirements concerning underground storage tanks that are similar or identical to the requirements of this subtitle; or

(v) State or local corrective actions carried out under regulations promulgated under section 9003(c)(4);”.

“(B) USE OF FUNDS FOR ENFORCEMENT.—In addition to the uses of funds authorized under subparagraph (A), the Administrator may use funds from the Trust Fund that are not distributed to States under subparagraph (A) for enforcement of any regulation promulgated by the Administrator under this subtitle.

“(C) PROHIBITED USES.—Except as provided in subparagraph (A)(iii), any similar requirement of a State program approved under this section, or in any similar State or local provision as determined by the Administrator, funds provided to a State by the Administrator under subparagraph (A) shall not be used by the State to provide financial assistance to an owner or operator to meet any requirement relating to underground storage tanks under part 280 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this subsection).

“(D) ALLOCATION.

“(A) PROCESS.—Subject to subparagraph (B), in the case of a State with which the Administrator has entered into a cooperative agreement under section 9003(h)(7)(A), the Administrator shall distribute funds from the Trust Fund to the State using the allocation process developed by the Administrator under the cooperative agreement.

“(B) REVISIONS TO PROCESS.—The Administrator may revise the allocation process referred to in subparagraph (A) with respect to a State only after—

(i) consulting with—

(I) State agencies responsible for overseeing corrective action for releases from underground storage tanks; 

(II) owners; and

(III) operators; and

(ii) taking into consideration, at a minimum—

(I) the total tax revenue contributed to the Trust Fund from all sources within the State; 

(II) the number of confirmed releases from leaking underground storage tanks in the State; 

(III) the number of petroleum storage tanks in the State; 

(IV) the percentage of the population of the State that uses groundwater for any benefit; 

(V) the performance of the State in implementing and enforcing the program; 

(VI) the financial needs of the State; and

(VII) the ability of the State to use the funds referred to in subparagraph (A) in any year;

“(E) DISTRIBUTIONS TO STATE AGENCIES.

(1) IN GENERAL.—Distributions from the Trust Fund under this subsection shall be made directly to a State agency that—

(i) enters into a cooperative agreement referred to in paragraph (3)(A); or

(ii) is enforcing a State program approved under this section.

“(B) ADMINISTRATIVE EXPENSES.—A State agency that receives funds under this subsection shall limit the proportion of those funds that are used to pay administrative expenses to such percentage as the State may establish by law.

“(F) COST RECOVERY PROHIBITION.—Funds from the Trust Fund provided by States to owners or operators for programs under subsection (A) that are not related to enforcement of underground storage tanks shall not be subject to cost recovery by the Administrator under section 9003(b)(6).

SEC. 3. INSPECTION OF UNDERGROUND STORAGE TANKS.

Section 9005 of the Solid Waste Disposal Act (42 U.S.C. 6991b) is amended—

(1) by redesignating subsections (a) and (b) as subsections (b) and (c), respectively; and

(2) by inserting before subsection (b) (as redesignated by paragraph (1)) the following:

“(A) INSPECTION REQUIREMENTS.—Not later than 2 years after the date of enactment of the Underground Storage Tank Compliance Act of 2001, and at least once every 2 years thereafter, the Administrator shall enter into a cooperative agreement with any State, of—

(i) the ability of the State to provide financial assistance to an owner or operator to meet any requirement relating to underground storage tanks under part 280 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this subsection);

(ii) the ability of the State to provide financial assistance to an owner or operator to meet any requirement relating to underground storage tanks under part 280 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this subsection).

“(B) USE OF FUNDS FOR ENFORCEMENT.—In addition to the uses of funds authorized under subparagraph (A), the Administrator may use funds from the Trust Fund that are not distributed to States under subparagraph (A) for enforcement of any regulation promulgated by the Administrator under this subtitle.

“(C) PROHIBITED USES.—Except as provided in subparagraph (A)(iii), any similar requirement of a State program approved under this section, or in any similar State or local provision as determined by the Administrator, funds provided to a State by the Administrator under subparagraph (A) shall not be used by the State to provide financial assistance to an owner or operator to meet any requirement relating to underground storage tanks under part 280 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this subsection).

“(D) ALLOCATION.

“(A) PROCESS.—Subject to subparagraph (B), in the case of a State with which the Administrator has entered into a cooperative agreement under section 9003(h)(7)(A), the Administrator shall distribute funds from the Trust Fund to the State using the allocation process developed by the Administrator under the cooperative agreement.

“(B) REVISIONS TO PROCESS.—The Administrator may revise the allocation process referred to in subparagraph (A) with respect to a State only after—

(i) consulting with—

(I) State agencies responsible for overseeing corrective action for releases from underground storage tanks; 

(II) owners; and

(III) operators; and

(ii) taking into consideration, at a minimum—

(I) the total tax revenue contributed to the Trust Fund from all sources within the State; 

(II) the number of confirmed releases from leaking underground storage tanks in the State; 

(III) the number of petroleum storage tanks in the State; 

(IV) the percentage of the population of the State that uses groundwater for any benefit; 

(V) the performance of the State in implementing and enforcing the program; 

(VI) the financial needs of the State; and

(VII) the ability of the State to use the funds referred to in subparagraph (A) in any year;

“(E) DISTRIBUTIONS TO STATE AGENCIES.

(1) IN GENERAL.—Distributions from the Trust Fund under this subsection shall be made directly to a State agency that—

(i) enters into a cooperative agreement referred to in paragraph (3)(A); or

(ii) is enforcing a State program approved under this section.

“(B) ADMINISTRATIVE EXPENSES.—A State agency that receives funds under this subsection shall limit the proportion of those funds that are used to pay administrative expenses to such percentage as the State may establish by law.

“(F) COST RECOVERY PROHIBITION.—Funds from the Trust Fund provided by States to owners or operators for programs under subsection (A) that are not related to enforcement of underground storage tanks shall not be subject to cost recovery by the Administrator under section 9003(b)(6).

SEC. 4. OPERATOR TRAINING.

Subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) is amended by striking section 9010 and inserting the following:

“SEC. 9010. OPERATOR TRAINING.

“(a) GUIDELINES.—

“(1) IN GENERAL.—Not later than 18 months after the date of enactment of the Underground Storage Tank Compliance Act of 2001, that in cooperation with States and operators, the Administrator shall publish in the Federal Register, after public notice and opportunity for comment, guidelines that specify methods for training operators of underground storage tanks.

“(2) CONSIDERATIONS.—The guidelines described in paragraph (1) shall take into account—

(A) State training programs in existence as of the date of publication of the guidelines; 

(B) training programs that are being employed by owners and operators as of the date of enactment of this paragraph; 

(C) the high turnover rate of operators; 

(D) the frequency of improvement in underground storage tank equipment technology; 

(E) the nature of the businesses in which the operators are engaged; and

(F) such other factors as the Administrator determines to be necessary to carry out this section.

“(b) STATE PROGRAMS.

“(1) IN GENERAL.—Not later than 2 years after the date on which the Administrator
publishes the guidelines under subsection (a)(1), each State shall develop and implement a strategy for the training of operators of underground storage tanks that is consistent with paragraph (2).

(2) Requirements.—A State strategy described in paragraph (1) shall—

(A) be consistent with subsection (a);

(B) be developed in cooperation with owners and operators; and

(C) take into consideration training programs implemented by owners and operators as of the date of enactment of this subsection.

(3) Financial incentive.—The Administrator may award to a State that develops and implements a strategy described in paragraph (1), in addition to any funds that the State is entitled to receive under this subsection, not more than $50,000, to be used to carry out the strategy.

SEC. 5. REMEDIATION OF MTBE CONTAMINATION.

Section 9003(h) of the Solid Waste Disposal Act (42 U.S.C. 6991h(b)) is amended—

(1) in paragraph (7)(A)—

(A) by striking “paragraphs (1) and (2) of this subsection” and inserting “paragraphs (1), (2), and (3)”;

(B) by striking “, and including the authorities of paragraphs (4), (6), and (8) of this subsection” and inserting “, and the authority under section 9011 and paragraphs (4), (6), and (7)”; and

(2) by adding at the end the following:

(12) REMEDIATION OF MTBE CONTAMINATION.—

(A) IN GENERAL.—The Administrator and the State may use funds made available under section 9013(2)(B) to carry out corrective action in response to a release of methyl tertiary butyl ether that presents a threat to human health or welfare or the environment.

(B) APPLICABLE AUTHORITY.—The Administrator or a State shall carry out subparagraph (A)—

(i) in accordance with paragraph (2); and

(ii) in the case of a State, in accordance with a cooperative agreement entered into by the Administrator and the State under paragraph (7).

SEC. 6. RELEASE PREVENTION, COMPLIANCE, AND ENFORCEMENT.

(a) Release Prevention and Compliance.—Subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) (as amended by section 4) is amended by adding at the end the following:

SEC. 9011. RELEASE PREVENTION AND COMPLIANCE.

Funds made available under section 9013(2)(D) from the Trust Fund may be used to conduct inspections, issue orders, or bring actions under this subsection—

(1) by a State, in accordance with section 9003(b)(7), acting under—

(A) a program approved under section 9004;

(B) any State requirement concerning the regulation of underground storage tanks that is similar or identical to a requirement under this subsection, as determined by the Administrator; and

(2) by the Administrator, under this subsection (including under a State program approved under section 9004).

(b) Government-Owned Tanks.—Section 9003 of the Solid Waste Disposal Act (42 U.S.C. 6991b) is amended by adding at the end the following:

(1) GOVERNMENT-OWNED TANKS.—

(2) COMPLIANCE STRATEGY.—Not later than 2 years after the date of enactment of this subsection and thereafter, the Administrator shall submit to the Administrator a strategy to ensure compliance with regulations promulgated under subsection (c) of any underground storage tank that is—

(A) regulated under this subtitle; and

(B) owned or operated by the State government or any local government.

(3) INCENTIVES FOR PERFORMANCE.—Section 9006 of the Solid Waste Disposal Act (42 U.S.C. 6991e) is amended by adding at the end the following:

(1) INCENTIVES FOR PERFORMANCE.—In determining the terms of, or whether to issue, a compliance order under subsection (a), or the amount of, or whether to impose, a civil penalty under subsection (d), the Administrator, or a State under a program approved under section 9004, shall take into consideration whether an owner or operator has—

(A) a history of operating underground storage tanks of the owner or operator in compliance with this title;

(B) a State program approved under section 9013(2)(B); or

(C) such other factors as the Administrator shall prescribe (after consultation with States, the Administrator shall prescribe (after consultation with States, the Administrator or a State under section 9013(2)(B) to carry out the strategy.

(4) AUTHORITY TO PROHIBIT CERTAIN DELIVERIES.—Section 9006 of the Solid Waste Disposal Act (42 U.S.C. 6991e) is amended by adding at the end the following:

(1) AUTHORITY TO PROHIBIT CERTAIN DELIVERIES.—Not later than 2 years after the date of enactment of this section and every 2 years thereafter, submit to Congress a report that addresses the status of compliance of those underground storage tanks with this subtitle.

(5) COMPLIANCE STRATEGIES.—Not later than 2 years after the date of enactment of this section, the Administrator, in cooperation with each Federal agency that owns or operates 1 or more underground storage tanks or that manages land on which 1 or more underground storage tanks are located, shall review the status of compliance of those underground storage tanks with this subtitle.

(6) LICENSE REQUIREMENTS.—Not later than 2 years after the date of enactment of this section, each Federal agency described in subsection (c) shall submit to the Administrator and to each State in which an underground storage tank described in subsection (c) is located, a strategy to ensure the compliance of those underground storage tanks with this subtitle.

SEC. 8. TANKS UNDER THE JURISDICTION OF INDIAN TRIBES.

Subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) is amended by inserting section 9011 (as added by section 6(a)) the following:

SEC. 9012. TANKS UNDER THE JURISDICTION OF INDIAN TRIBES.

The Administrator, in coordination with Indian tribes, shall—

(1) not later than 1 year after the date of enactment of this section, develop and implement a strategy;

(2) give priority to releases that present the greatest threat to human health or the environment, to take necessary corrective action in response to releases from leaking underground storage tanks located wholly within the boundaries of—

(i) an Indian reservation; or

(ii) any other area under the jurisdiction of an Indian tribe; and

(3) to implement and enforce requirements concerning underground storage tanks located wholly within the boundaries of—

(i) an Indian reservation; or

(ii) any other area under the jurisdiction of an Indian tribe; and

(4) not later than 2 years after the date of enactment of this section and every 2 years thereafter, submit to Congress a report that summarizes the status of implementation and enforcement of the leaking underground storage tank program in areas located wholly within—

(A) the boundaries of Indian reservations; and

(B) any other areas under the jurisdiction of an Indian tribe.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Administrator—

(1) to carry out subtitle I (except sections 9003(h), 9005(a), and 9011) $25,000,000 for each of fiscal years 2003 through 2007; and
The term ‘relevant’ has the meaning given the term in section 4 of the Paperwork Reduction Act, as amended by section 3501(c) of the Internal Revenue Code of 1986—

(A) to carry out section 9003(h) (except section 9003(h)(12)), $200,000,000 for each of fiscal years 2006 through 2007;

(B) to carry out section 9003(h)(12), $200,000,000 for fiscal year 2003, to remain available until expended; and

(C) to carry out section 9005(a)—

(1) $35,000,000 for each of fiscal years 2003 and 2004; and

(II) $20,000,000 for each of fiscal years 2005 through 2008; and

(D) to carry out section 9011—

(1) $10,000,000 for fiscal year 2003; and

(II) $30,000,000 for each of fiscal years 2004 through 2008.

SEC. 10. CONFORMING AMENDMENTS.

(a) In General.—Section 9002 of the Solid Waste Disposal Act (42 U.S.C. 6991) is amended—

(1) by striking “For the purposes of this subtitle—” and inserting “In this subtitle—”;

(2) by redesignating paragraphs (1), (2), (3), (4), (5), (6), (7), and (8) as paragraphs (10), (7), (4), (3), (8), (5), (2), and (6), respectively;

(3) in paragraph (2) as redesignated by paragraph (2) the following:

‘‘(1) INDIAN TRIBE.—The term ‘Indian tribe’ has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).’’;

(4) by inserting after paragraph (8) (as redesignated by paragraph (2)) the following:

‘‘(9) LEAKING UNDERGROUND STORAGE TANK TRUST FUND.—’’

(b) Provisions.—

(1) Section 9005(f) of the Solid Waste Disposal Act (42 U.S.C. 6991(b)(7)) is amended—

(A) in paragraph (1), by striking ‘‘9001(d)(1)’’ and inserting ‘‘9001(d)(3)’’; and

(B) in paragraphs (2) and (3), by striking ‘‘9001(d)(4)’’ and inserting ‘‘9001(7)(A)’’.

(2) Section 9006 of the Solid Waste Disposal Act (42 U.S.C. 6991b(h)) is amended—

(A) in subsection (a), by striking ‘‘9001(1)(C)’’ and inserting ‘‘9001(1)(B)’’; and

(B) in subsection (b), by striking ‘‘9001(1)(A)’’ and inserting ‘‘9001(1)(B)’’.

(c) Section 9007 of the Solid Waste Disposal Act (42 U.S.C. 6992) is amended—

(d) Section 9008(a) of the Solid Waste Disposal Act (42 U.S.C. 6992a(a)) is amended by inserting ‘‘9001(2)(A)’’ and ‘‘9001(2)(B)’’ in paragraphs (1) and (2), respectively.

SEC. 11. TECHNICAL AMENDMENTS.

(a) Section 9003(d)(4)(A) of the Solid Waste Disposal Act (42 U.S.C. 6991(d)(4)(A)) (as amended by section 9(a)(2)) is amended by striking ‘‘sustances’’ and inserting ‘‘substances’’.

(b) Section 9003(c)(1) of the Solid Waste Disposal Act (42 U.S.C. 6991b(f)(1)) is amended by striking ‘‘subsection (c) and (d) of this section’’ and inserting ‘‘subsections (c) and (d) of this section’’.

(c) Section 9004(a) of the Solid Waste Disposal Act (42 U.S.C. 6991a(a)) is amended by striking ‘‘In 9001(2) (A) or (B) oth’’ and inserting ‘‘in subparagraph (A) or (B) of section 9001(7)’’.

(d) Section 9006 of the Solid Waste Disposal Act (42 U.S.C. 6991d) (as amended by section 3) is amended—

(1) in subsection (b), by striking ‘‘study taking’’ and inserting ‘‘study taking’’;

(2) in subsection (c)(1), by striking ‘‘relevent’’ and inserting ‘‘relevant’’; and

(3) in subsection (c)(4), by striking ‘‘Environmental’’ and inserting ‘‘Environmental’’.

By Mr. BINGAMAN for himself, Mr. CHAFFEE, Mr. ROCKEFELLER, Mr. KENNEDY, Mr. FEINGOLD, Mr. CORZINE, Mr. REED, Mrs. CLINTON, Mr. KERRY, and Mr. KOHL:

S. 1851. A bill to amend part C of title XVIII of the Social Security Act to provide for continuous enrollment and disenrollment in Medicare+Choice plans and for other purposes; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, the legislation I am introducing today with Senator CHAFEE, Mr. KENNEDY, FEINGOLD, CORZINE, REED, CLINTON, KERRY, and KOHL entitled the Medicare+Choice Consumer Protection Act is designed to ensure protections for Medicare+Choice beneficiaries that are witnessing increased costs, decreased benefits, and fewer options to obtain affordable supplemental coverage for Medicare.

This legislation is a companion bill to H.R. 3267, legislation introduced by Representative BACH, Chairman of the Committee on Education and the Workforce.

The Medicare+Choice program is an important option for many seniors and the disabled in this country, including 15 percent of seniors in the State of New Mexico. This option must remain a viable one in the Medicare program. Although the Medicare program is designed to provide for continuous enrollment, withdrawals, benefit reductions, and cost increases that plans have undertaken within the program, there has been a growing level of insecurity among Medicare beneficiaries with respect to their health coverage.

Last year, I sponsored legislation, S. 2905, the Medicare+Choice Program Improvement Act of 2000, to increase payments, including the minimum payment amount to Medicare+Choice plans. However, despite payment increases approved by the Congress last year, including some substantial increases in certain more rural areas of the country, we have witnessed over 530,000 people recently lose their Medicare+Choice coverage as a result of HMO pull-outs from the Medicare program, including some in areas that received these much higher payments.

Many others have also experienced increases in their costs through the HMO or benefit reductions, including the elimination or substantial reduction of prescription drug coverage.

Therefore, while we must continue to explore mechanisms to ensure that the Medicare+Choice program remains a viable one in the Medicare program, if even if their push for higher payments is met that the plans may still choose to pull-out of areas, decrease benefits, or increase costs to seniors. Despite ads being run by some Medicare+Choice plans that they will provide “health care for life,” Medicare beneficiaries are seeing constant turmoil and change on a yearly basis. Some Medicare Beneficiaries have been dropped to have seen their benefits reduced or costs increased by HMO’s on yearly basis since the creation of the Medicare+Choice program in 1997.

In New Mexico, the result of last year’s payment increases have resulted in a mixed outcome. Presbyterian’s Medicare+Choice plan has reported that they are on track to achieve a profit margin of 3 to 4 percent on its M+C product in 2001 compared to a loss of around 15 percent in the prior year. In contrast, St. Joseph’s M+C plan received the substantial increase in its Medicare payment, yet, eliminated prescription drug coverage to seniors through its HMO without notice to some seniors this past March and still reports the system is up for sale and may completely change this coming year.

Beneficiaries are often left confused and uncertain. As 96 year-old Beulah Torrez of Espanola, New Mexico, said after the last round of Medicare+Choice plan changes, “I just simply gave up. I couldn’t afford anything. I couldn’t afford the HMOs.”

As we continue to seek ways to improve Medicare+Choice coverage, we should take immediate action to extend important consumer protections to Medicare beneficiaries who find themselves in a plan that not longer meets their needs. To achieve these goals, the bill we are introducing today would:

(1) Eliminate the Medicare+Choice lock-in schedule to go 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) Prevent Medicare+Choice plans from charging higher cost-sharing for a service than Medicare charges in the fee-for-service program.

Eliminating the lock-in would ensure that seniors and people with disabilities continue to be allowed to leave a health plan that is not meeting their needs. When St. Joseph’s health plan eliminated prescription drug coverage from Medicare+Choice plans earlier this year, Medicare beneficiaries were left without drug coverage but were at least able to change their health plan at the end of the month. This flexibility will end in January 2002 unless this legislation is passed. It is important that Medicare beneficiaries, often our nation’s most vulnerable citizens, know that if they test an HMO and do not like its system, arrangements and rules that they will be able to leave and choose a Medicare option that better suits their specific needs. Both advocates and the managed care industry support this provision.

In addition, if a Medicare+Choice plan withdraws from a community or the Medicare+Choice plan withdraws from a community or the Medicare+Choice plan withdraws from a community, the current law move into a select category of Medigap plans. (A, B, C, F, and without any individual health underwriting. This provision ensures that Medicare beneficiaries have affordable supplemental coverage available to them when, through no fault of their own, their Medicare+Choice plan withdrawals.
However, these protections for Medicare beneficiaries currently do not apply with Medicare+Choice plans that make significant changes, such as eliminating benefits, increasing cost sharing, or changing available providers, within the HMO but stop short of completely withdrawing from the Medicare program. In the St. Joseph’s case I mentioned above, seniors were unable to receive important Medigap or supplemental Medicare coverage since the plan did not completely withdraw from the service area.

For Medicare beneficiaries whose needs no longer are met by the HMO due to such changes, a Medigap supplemental policy and a return to Medicare fee-for-service may often make better sense. Additionally, if a plan terminates Medicare participation to beneficiaries in plans that have made important changes to the benefits, cost sharing, or provider options.

And finally, the third provision of the bill would prevent Medicare+Choice plans from charging higher cost-sharing for individual services than occurs in the Medicare fee-for-service program. According to testimony before the House Ways and Means Health Subcommittee by Thomas Scully, Administrator for the Centers for Medicare and Medicaid Services, CMS, on December 4, 2001, ‘‘...this year we have found that some plans are increasing beneficiary cost shares in a manner that we believed were unreasonably high copays for particular services...’’ Thus, we have a new challenge balancing the need for plans to make business decisions about their benefit packages and cost sharing amounts with the important requirement that plan designs do not discourage enrollment. The concern is always that high cost sharing could discourage beneficiaries, who have greater health care needs, from enrolling in or remaining a member of these particular plans.

In the case of UnitedHealth Group’s Medicare Complete option in Wisconsin, that plan will begin charging a deductible of $295 a day for a hospital stay up to a cap of $4,800 compared to a similar stay under fee-for-service Medicare which has a deductible of $312. While CMS does require the plan to reduce their proposed deductible from $350 to $295 per day, overall out-of-pocket costs can far exceed those that would occur in fee-for-service for many beneficiaries.

As Stephanie Sue Stein, Director of the Milwaukee County Department on Aging, said at the same House Ways and Means Health Subcommittee hearing on December 4, 2001, ‘‘Beneficiaries will still be expected to pay up to $4,800 out-of-pocket in addition to the $350 monthly premium for United’s coverage and the $54 monthly premium for Medicare Part B. The excessive cost-sharing proposed by United raises questions about the value of this so-called insurance. It is now clear that many of the 16,000 seniors who have previously relied on UnitedHealthcare to provide needed health care may not want to continue to receive care under this plan...’’ It looks to us as though the benefit changes for 2002 are designed to discourage enrollment to beneficiaries who have health needs.

The question arises why we would allow Medicare+Choice plans to effectivley diminish the value of Medicare benefits in this manner. While the Secretary has the authority under current law to prohibit or require that the new cost-sharing arrangements that plans are preparing to impose, the change proposed by this legislation makes it clear that Medicare+Choice plans cannot charge patients more for Medicare services than would face under the Medicare fee-for-service plan.

In fact, the ability of Medicare+Choice plans to charge higher cost-sharing for benefits or services than in fee-for-service results in further risk aversion, or what is referred to as ‘‘cherry picking,’’ as plans seek to avoid or deny services to the chronically or severely ill. This can have an adverse consequence for the health of those being no longer able to live in their homes, and result in higher costs for the Medicare program. For all of these reasons, we should enact this provision in short order.

While we are undertaking efforts to ensure that Medicare+Choice remains a viable option for Medicare beneficiaries, we must also ensure additional protections for beneficiaries.

As Ms. Stein said in her testimony, ‘‘These plans now call themselves new things, complier Medicare+Medicaid, but they are not complete or secure or healthy. They are radically different. These Medicare+Choice policies are not the same ones people bought when they took advantage of what they perceived to be the value-added benefits sold to them as Medicare+Choice. In fact, they are left with Medicare minus protection, Medicare minus the ability to buy a Medigap policy, Medicare minus the ability to choose different insurance. Therefore, to improve fundamental financial protection and health care options for our nation’s Medicare seniors and disabled enrollees, I urge the swift passage of this legislation. The following organizations have expressed their support for this legislation: AFRP, MSB Retirement Program, Alliance for Retired Americans, American Association of Homes and Service for the Aging, American Association for International Aging, American Federation of Teachers Program on Retirement and Retirees, American Society of Consultant Pharmacists, Association for Gerontology and Human Development in Historically Black Colleges and Universities, B’nai B’rith Center for Senior Housing and Services, California Health Advocates, Center for Medicare Advocacy, Congress of California Seniors, Eldercare America, Families USA, International Union—UAW, National Academy of Elder Law Attorneys, National Association of Area Agencies on Aging, National Association of Professional Geriatric Care Managers, National Association of Retired and Senior Volunteer Program Directors, National Association of Retired Federal Employees, National Association of State Units on Aging, National Committee to Preserve Social Security and Medicare, National Council on the Aging, National Renal Administrators Association, National Senior Citizens Law Center, and OWL—Voice for Mid-life and Older Women. I request unanimous consent that a fact sheet and the text of the bill be printed in the Record. Without objection, the material was ordered to be printed in the RECORD, as follows: S. 1851

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, This Act may be cited as the “Medicare+Choice Consumer Protection Act of 2001”.

SEC. 2. CONTINUOUS OPEN ENROLLMENT AND DISENROLLMENT.

(a) IN GENERAL.—Section 1851(e)(2) of the Social Security Act (42 U.S.C. 1395w-21(e)(2)) is amended to read as follows: ‘‘(2) CONTINUOUS OPEN ENROLLMENT AND DISENROLLMENT.—Subject to paragraph (5), a Medicare+Choice eligible individual may change the election under subsection (a)(1) at any time.’’

(b) CONFORMING AMENDMENTS.—

(1) MEDICARE+CHOICE.—Section 1851(e) of such Act (42 U.S.C. 1395w-21(e)) is amended—

(A) in paragraph (4)—

(i) by striking ‘‘Effective as of January 1, 2002, an’’ and inserting ‘‘An’’;

(ii) by striking ‘‘other than during an annual, coordinated election period’’;

(iii) by inserting ‘‘an election period for such purpose’’ after ‘‘a new election under this section’’;

(2) PERMITTING ENROLLMENT IN MEDIGAP WHEN M+C PLANS REDUCE BENEFITS OR WHEN PROVIDER LEAVES A M+C PLAN.—

(A) IN GENERAL.—Clause (ii) of section 1855(e)(3)(B) of such Act (42 U.S.C. 1395w-25(e)(3)(B)) is amended—

(i) by inserting ‘‘(1)’’ after ‘‘(ii)’’;

(ii) by striking ‘‘under the first sentence of such place it appears ‘‘during a special election period provided for under’’’;

(iii) by inserting ‘‘the circumstances described in subclause (I) are present or before ‘‘there are circumstances’’; and

(4) PROVIDERS FOR MEDICARE+CHOICE PLANS.—

(i) by adding at the end the following new subclause: The circumstances described in this subclause are, with respect to an individual enrolled in a Medicare+Choice plan, a reduction in benefits (including an increase in cost-sharing), a change in the Medicare+Choice plan from the previous year or a provider of services or physician
who serves the individual no longer participating in the plan (other than because of good cause relating to quality of care under the plan).

(3) PROGRAMMING AMENDMENT. —Clause (ii) of such section is amended—

(i) by inserting “the circumstances described in clause (i)(II) are met or” after “in effect on the date of the expiration of the existing license issued by the Commission”;

(ii) by striking “under the first sentence of” and inserting “during a special election period provided for under”;

(3) EFFECTIVE DATE. —The amendments made by this section shall take effect on January 1, 2002, and shall apply to reductions in benefits and changes in provider participation occurring on or after such date.

SEC. 3. LIMITATION ON MEDICARE+CHOICE COST-SHARING.

(a) In General. —Subject to subparagraph (B), in no case shall the cost-sharing with respect to an item or service under a Medicare+Choice plan exceed the cost-sharing otherwise provided to an individual who is not enrolled in a Medicare+Choice plan under this part.

(b) PREVENTING FLAT COPAYMENTS. —Subparagraph (a) shall not be construed as prohibiting the application of flat dollar copayment amounts (in place of a percentage coinsurance) for a doctor’s visit, so long as such amounts are reasonable and appropriate and do not adversely affect access to items and services (as determined by the Secretary).

(c) E EFFECTIVE DATE. —The amendment made by subsection (a) shall apply as of January 1, 2003.

MEDICARE+CHOICE CONSUMER PROTECTION ACT OF 2001—FACT SHEET

Senators Jeff Bingaman (D-NM), Lincoln Chafee (R-RI), John D. Rockefeller IV (D-WV), Edward M. Kennedy (D-MA), Russ Feingold (D-WI), Jon Corzine (D-NJ), Jack Reed (D-RI), Hillary Rodham Clinton (D-NY), John Kerry (D-MA) and Herb Kohl (D-WI) are preparing to introduce the “Medicare+Choice Consumer Protection Act of 2001.” This legislation is a companion bill to H.R. 2305 which was introduced by Representative Pete Stark (D-CA).

This legislation would improve consumer protections to Medicare beneficiaries seeking to obtain coverage under the Medicare+Choice plans program.

Eliminating the Medicare+Choice lock-in schedule to go into effect in January 2002.

Extending the existing Medicare protections that apply to people whose Medicare+Choice plan withdraws from the program to anyone whose Medicare+Choice plan withdraws from the plan for any reason.

Preventing Medicare+Choice plans from charging higher cost-sharing for a service than Medicare charges in the fee-for-service program.

NEED FOR LEGISLATION

Medicare+Choice Forthcoming Lock-In: Currently, Medicare beneficiaries that are dissatisfied with their health plan are allowed to enroll or disenroll from their health plans at any time. As of January 2002, Medicare beneficiaries that are participating in the Medicare+Choice option will be required to “lock in” with that plan for much longer periods. In fact, for 2002, Medicare+Choice enrollees are allowed to switch plans once during the first six months after enrollment. In 2003, the beneficiaries will only be able to switch once during the first three months of that year.

The legislation eliminates the upcoming lock-in to ensure that Medicare beneficiaries continue to be allowed to leave a Medicare plan that is not meeting their needs. Medicare beneficiaries, often our nation’s most vulnerable citizens, need to know that if they test an HMO’s system, arrangements, and rules that they will be able to leave to choose a Medicare option that better suits their specific needs. Both advocates and the managed care industry support this provision.

Medigap Protections When Medicare+Choice Plans Change Benefits, Cost-Sharing, or Provider Options: In additional, if a Medicare+Choice plan withdraws from a community or Medicare entirely, beneficiaries will only be allowed to switch plans to those in plans that have made important changes to their benefits, cost sharing, or provider options.

Preventing Higher Cost Sharing in Medicare+Choice Than in Fee-For-Service: Under current law, cost sharing per enrollee (including premiums) for covered services cannot be more than the actuarial value of the deductibles, coinsurance, and copayments under traditional Medicare fee-for-service. However, Medicare+Choice plans are increasingly charging higher cost-sharing for individual services within the health plan than is allowed in fee-for-service. Higher cost-sharing is required by some Medicare+Choice plans for dialysis, hospitalization, and other services than in traditional fee-for-service Medicare.

In addition, a converse consequence for the health of Medicare beneficiaries with disabilities who have certain illnesses, charging beneficiaries higher costs for certain services results in what is referred to as “cherry picking,” as some plans seek to avoid or deny services to the chronically or severely ill. Again, this can have adverse effects on Medicare beneficiaries, limit their choices, and result in higher costs for the Medicare payment through “risk selection.” Consequently, this legislation would close this loophole and prohibit Medicare+Choice plans from imposing higher cost sharing for certain services than is allowed in Medicare fee-for-service.

SUPPORTING ORGANIZATIONS

AFSCME: Retirees and Allies for Retired Americans; American Association of Homes and Services for the Aging; American Association for Gerontology and Human Development in Historically Black Colleges and Universities.

California Health Advocates.
Center for Medicare Advocacy.
Congressional Caucus of Senior Citizens; Eldercare America.
Families USA.
International Union, UAW.
National Academy of Elder Law Attorneys.
National Association of Area Agencies on Aging.
National Association of Professional Geriatric Care Managers.
National Association of Retired and Senior Volunteer Program Directors.
National Association of Retired Federal Employees.
National Association of Senior Companion Program Directors.
National Association of State Units on Aging.
National Committee to Preserve Social Security and Medicare.
National Council on Aging.
National Renal Administrators Association.
National Senior Citizens Law Center.
OLW, Voice for Midlife and Older Women.

By Mr. THOMAS:

S. 1852. A bill to extend the deadline for commencement of construction of a federal hydraulic power project in the State of Wyoming; to the Committee on Energy and Natural Resources.

Mr. THOMAS. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1852 Be it enacted by the Senate and House of Representatives of the United States in Congress assembled:

SECTION 1. EXTENSION OF TIME FOR FEDERAL ENERGY REGULATORY COMMISSION HYDROELECTRIC PROJECT.

(a) IN GENERAL. —Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission for the Bureau of Reclamation’s Powder River Basin hydroelectric project, project number 1651, the Commission may, at the request of the licensee for the project, and after notice and opportunity for public hearing, extend the provisions of that section and the Commission’s procedures under that section, extend the time period during which the licensee is required to commence the construction of the project for 3 consecutive 2-year periods.

(b) EFFECTIVE DATE.—Subsection (a) takes effect on the date of the expiration of the extension and the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806).

By Mr. JOHNSON:

S. 1854. A bill to authorize the President to present congressional gold medals to the Native American Code Talkers in recognition of their contributions to the Nation during World War I and World War II; to the Committee on Banking, Housing, and Urban Affairs.

Mr. JOHNSON. Mr. President, I rise today in support of this legislation that will recognize all Native American Code Talkers who served as Code Talkers during World Wars I and II. Earlier this year, the Navajo Code Talkers were
recognized by Congress and the President, and were presented with their Congressional Gold Medals. I was proud to be a co-sponsor of legislation introduced by Senator Jeff Bingaman granting the medals and participating in the ceremony recognizing their great accomplishments.

Today, I am introducing similar legislation recognizing the over 17 other tribes who served our Nation and democracy across the world. These brave men and women, in their language to assist the allied forces, and subsequently saved the lives of thousands of men and women. Years ago, the United States government policy towards Native people attempted to force the assimilation of millions of Native Americans and Alaskan Natives.

The United States government attempted to strip the culture and language from the native peoples of this great land. We have learned the lessons of the past and here today honoring these courageous soldiers for preserving part of the very core of their culture. Their language.

It is tragic that we have waited so many decades for the recognition of these brave soldiers.

We cannot hope to make up for some of the wrongs that befell the Native peoples in the United States, or across North and South America. But, we can continue to ensure that honor is continually bestowed upon those men and women who fought for and defended our Nation, and the preservation of democracy on foreign lands.

Native Americans remain the most decorated ethnic group in our military forces. I am honored that we are one step closer to honoring those who deserve recognition that is long overdue. This truly marks a proud moment in our Nation’s history.

I urge my colleagues to join me in honoring those Native Americans who served as code talkers in World Wars I and II. 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. 1854

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

SECTION 1. CONGRESSIONAL MEDALS.

(a) FINDINGS.—Congress finds that—

(1) 17 Indian tribes have been identified as having served as code talkers during World War I and World War II;

(2) during World War I, 15 members of the Oklahoma Chocktaw served as code talkers in the 36th Infantry Division;

(3) during World War II, many Native Americans served as code talkers, including:

(A) members of the Lakota-Dakota and Sioux Tribes, many of whom served in the 3rd Battalion and the 302nd Reconnaissance Team, Cava Battery;

(B) 17 members of the Comanche Tribe;

(C) members of the Hopi Tribe, many of whom served in the 23rd Battalion;

(D) 27 members of the Sac and Fox Tribe of Iowa, 19 of whom served in the 18th Infantry;

(E) members of the Chocotaw Tribe, many of whom served in Company K, 180th Infantry Regiment, 45th Division;

(F) 5 members of the Assiniboin Tribe;

(G) members of the Apalachee Tribe of Florida, most of whom served in the 195th Field Artillery Battalion; and

(H) members of the Muscogee Creek Tribe, most of whom served in the Aleutian Islands campaign;

(4) in December 2000, Congress recognized the Navajo Code Talkers by authorizing the presentation of gold medals to the Navajo Code Talkers and posthumously to their surviving family members;

(5) all Native American Code Talkers have performed an extraordinary service to the preservation of democracy, and deserve proper recognition, which is long overdue;

(6) because the code was so successful, the Native American Code Talkers are credited with saving the lives of countless American and Allied Forces during World War II; and

(7) Native Americans continue to be one of the most represented and decorated ethnic groups in the United States Armed Forces.

(b) CONGRESSIONAL MEDALS AUTHORIZED.—

(1) PRESENTATION AUTHORIZED.—To express recognition of the achievements of the Native American Code Talkers, the President is authorized to award to each of the Native American code talkers and to each surviving family member, on behalf of Congress, a gold medal of appropriate design.

(2) DESIGN AND STRIKING.—For purposes of the awards authorized by paragraph (1), the Secretary of the Treasury (in this section referred to as the “Secretary”) shall strike gold medals with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

(c) DUPLICATE MEDALS.—The Secretary may strike and sell duplicates in bronze of these medals authorized by this section, under such regulations as the Secretary may prescribe, and at a price sufficient to cover the costs thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the medals.

(d) STATUS AS NATIONAL MEDALS.—The medals struck pursuant to this section are national medals for purposes of chapter 51, title 31, United States Code.

(e) FUNDING.—

(1) AUTHORITY TO USE FUND AMOUNTS.—There is authorized to be charged against the United States Mint Public Enterprise Fund, such sums as may be necessary to pay for the costs of the medals authorized by this section.

(2) PROCEEDS OF SALE.—Amounts received from the sale of duplicate medals under this section shall be deposited in the United States Mint Public Enterprise Fund.

By Mr. KERRY (for himself, Mr. Burns, Mr. Corzine, and Mr. Baucus),

S. 1856. A bill to amend the Internal Revenue Code of 1986 to promote employer and employee participation in telework arrangements, and for other purposes; to the Committee on Finance.

Mr. KERRY, Mr. President, along with my colleagues Senator Burns, Senator Corzine, and Senator Baucus, I wish to introduce legislation of critical importance to our Nation’s workforce and economy.

The rapid spread of new telecommunications technologies has generated opportunities for firms across the country to improve upon the traditional work environment. Today, millions of American workers participate in “telework” arrangements, otherwise known as telecommuting, which allow them to work outside of their normal work location. Telework arrangements carry several advantages, including employers’ ability to spend more time with the children, less time wasted in traffic, enhanced productivity, and the environmental benefits of reduced carbon dioxide emissions. While teleworking grew substantially, the number of teleworkers has reached a plateau, with little increase in the last year. The social, economic, and environmental gains of teleworking are indisputable. Our legislation combines tax incentives and an employer awareness campaign to stimulate further growth in telework arrangements.

The term “telework” means to perform normal and regular work functions at locations other than the traditional workplace of the employer, thereby eliminating on-site commuting and reducing the physical commute to and from the workplace. Given the opportunity, workers choose overwhelmingly to participate in telework arrangements. Employees who telework report an enhanced quality of life. The number of teleworkers has reached a plateau, even though teleworkers report being more satisfied with their job than before they were permitted to telework. Working from home allows parents more time with their children and reduces child care expenses. Teleworkers stay in their communities, providing enhanced security and presence.

If teleworking is implemented broadly in a community, the need for construction of additional automobile infrastructure, which is often driven by peak period commuting demand, may be reduced. Even workers who do not telework benefit since traffic congestion is lessened for them as well.

There are also economic benefits. Data indicate that telework increases productivity, both because teleworkers report being more productive per unit time, and because the teleworker has available the previously nonproductive commute time, an average of 62 minutes per day spent on an average 44 mile round-trip commute. Because teleworkers are able to mix work and personal needs, the number of occasions when they need to be absent from work altogether diminishes. Companies consistently suggest that the productivity improvement of home-based teleworkers averages 15 percent. Firms also benefit from eliminating unnecessary office space and reducing associated overhead costs. For example, one large national employer reports that in 2001 their telework program resulted in $100 million in increased productivity, $18 million in reduced turnover, and $25 million in reduced real estate costs. Because of the enhanced quality of life and personal freedom that teleworking fosters, firms are better able to retain valued employees.

Telework arrangements are critical to keeping our economy and workforce
December 19, 2001

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on the leading edge of technological developments. Teleworking contributes to the residential deployment of broadband technology, which has otherwise stagnated. Teleworkers have a disproportionate need for high-speed Internet access. Encouraging telework is a way of meeting greater demand for broadband technology.

Allowing employees to work from home saves energy and reduces carbon dioxide emissions associated with commuting. Teleworking reduces local and regional tropospheric pollution both directly and, by reducing congestion in general, indirectly. To the extent telework reduces demands for additional infrastructure, it also leads to less material use in construction and less land-use impact.

The Teleworking Advancement Act creates two tax-based incentives to promote the continued spread of employer-sponsored telework arrangements and a pilot program to raise awareness about telecommuting among small business employers.

The employer telework tax credit would allow employers to claim a credit of up to $500 for each employee who participates in an employer-sponsored telework arrangement during the taxable year. For employees who telework on a partial basis, the credit would be prorated. Employees of small businesses, those with 100 or fewer employees, and disabled employees, as defined by the Americans with Disabilities Act, would be eligible for a maximum credit of $1,000. An employer-sponsored telework arrangement is defined as an arrangement established by an employer that enables employees of the employer to telework for a minimum of 25 days per year. The arrangement must be supported by a written agreement between the employer and each teleworking employee that describes the terms of the arrangement.

The equipment tax credit would allow individuals or businesses to claim a credit equal to 10 percent of qualified telework expenses paid, pursuant to an employer-sponsored telework arrangement. Either the employer or the employee, depending on who incurred the expense, would be eligible for the credit. The maximum credit would be $500. For employees of small businesses (those with 100 or fewer employees) and disabled employees, the maximum credit would be $1,000. Qualified telework expenses include expenses paid or incurred for computers, software, modems, telecommunications equipment, and access to Internet or broadband technologies, including applicable taxes and other expenses for the delivery, installation, or maintenance of such equipment.

Finally, the legislation authorizes $5 million a year for the Administrator of the Small Business Administration to conduct a pilot program to raise awareness about telecommuting among small business employers and to encourage employers to offer telecommuting options to employees. Activities would include producing educational materials, conducting outreach, and acquiring telecommuting technologies and equipment to be used for demonstration. Special efforts would be made to conduct outreach to businesses owned by or employing individuals with disabilities.

The Teleworking Advancement Act will induce more employers to offer telework to their employees, creating broad-based benefits for the American workforce and helping ensure that our economy remains at the forefront of 21st century workplace practices. Through a combination of tax incentives and an employer awareness campaign, our legislation will stimulate the spread of flexible, innovative, and productivity-enhancing labor arrangements. I urge my colleagues to support passage of the legislation and 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:

SEC. 1. SHORT TITLE.

This Act may be cited as the “Teleworking Advancement Act”.

SEC. 2. CREDIT FOR TELEWORKING.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to foreign tax credit, etc.) is amended by inserting after section 30A the following new section:

SEC. 30B. TELEWORK CREDIT.

(a) GENERAL RULE.—There shall be allowed as a credit against the tax imposed by this chapter for any taxable year an amount equal to the lesser of—

(A) $500, or

(B) 10 percent of qualified telework arrangement expenses paid or incurred during the taxable year by either the employer on behalf of the employee, or directly by the employee, pursuant to an employer sponsored telework arrangement.

(b) EMPLOYER TELEWORK TAX CREDIT; TELEWORK EQUIPMENT CREDIT.—For purposes of this section—

(1) EMPLOYER TELEWORK TAX CREDIT.—Except as provided for in subsection (c)(1), the employer telework tax credit for any taxable year is equal to $500 for each employee who participates in an employer sponsored telework arrangement during the taxable year.

(2) TELEWORK EQUIPMENT CREDIT.—Except as provided for in subsection (c)(2), the telework equipment tax credit for any taxable year is equal to 10 percent of qualified telework expenses paid or incurred during the taxable year by either the employer on behalf of the employee, or directly by the employee, pursuant to an employer sponsored telework arrangement.

(c) SPECIAL RULE FOR DISABLED EMPLOYEES AND EMPLOYEES OF SMALL BUSINESSES.—For purposes of this section:

(1) For each employee who is covered under the Americans with Disabilities Act of 1990 (42 U.S.C. 12101), or for each employee of a small business, the employer telework tax credit for any taxable year is equal to $1,000 for each employee who participates in an employer sponsored telework arrangement during the taxable year.

(2) For each employer who is covered under the Americans with Disabilities Act of 1990 (42 U.S.C. 12101), or for each employee of a small business, the employer telework tax credit for any taxable year is equal to 20 percent of qualified telework expenses paid or incurred during the taxable year by either the employer on behalf of the employee, or directly by the employee, pursuant to an employer sponsored telework arrangement.

(d) CREDIT LIMITATIONS.—

(1) CREDIT ADJUSTMENTS.—In computing the credit allowed under subsection (b)(1) or (c)(1) for any taxable year, the following adjustments shall apply:

(A) In the case of an employee who participates in an employer sponsored telework arrangement during the taxable year, the credit amount identified in subsection (b)(1) or (c)(1), whichever is applicable, shall be multiplied by a fraction, the numerator of which is the total number of full days in the taxable year that the employee participates in an employer sponsored telework arrangement, and the denominator of which is 12. For purposes of the preceding sentence, an employee is considered to be participating in an employer sponsored telework arrangement for a month if the employee teleworks for at least one full day of such month.

(B) In the case of an employee who participates in an employer sponsored telework arrangement but does not work on every day of the taxable year that the employee is required by his or her employer to work, the credit amount identified in subsection (b)(1) or (c)(1), whichever is applicable, shall be multiplied by a fraction, the numerator of which is the total number of full days in the taxable year that the employee teleworks as a telework employee, and the denominator of which is the total number of days in the taxable year that the employee is required by his or her employer to work.

(2) TELEWORK EQUIPMENT CREDIT LIMITATIONS.—

(A) In computing the credit allowed under subsection (b)(2) for any taxable year, the following limitations shall apply:

(i) The maximum credit claimed by any employer with respect to qualified telework expenses paid or incurred on behalf of an employer sponsored telework arrangement shall not exceed $500.

(ii) The maximum credit allowed under subsection (c)(2) for any taxable year with respect to employees who are covered under the Americans with Disabilities Act of 1990 (42 U.S.C. 12101), or for each employee of a small business, the following limitations shall apply:

(A) For each employee who is covered under the Americans with Disabilities Act of 1990 (42 U.S.C. 12101), or for each employee of a small business, the employer telework tax credit for any taxable year is equal to 20 percent of qualified telework expenses paid or incurred during the taxable year by either the employer on behalf of the employee, or directly by the employee, pursuant to an employer sponsored telework arrangement, and the employer telework tax credit for any taxable year is equal to $1,000 for each employee who participates in an employer sponsored telework arrangement.

(B) For each employee who is covered under the Americans with Disabilities Act of 1990 (42 U.S.C. 12101), or for each employee of a small business, the employer telework tax credit for any taxable year is equal to 20 percent of qualified telework expenses paid or incurred during the taxable year by either the employer on behalf of the employee, or directly by the employee, pursuant to an employer sponsored telework arrangement, and the employer telework tax credit for any taxable year is equal to $1,000 for each employee who participates in an employer sponsored telework arrangement.

(C) The maximum credit claimed by any employer with respect to qualified telework expenses paid or incurred on behalf of an employee who is required by his or her employer to work, the credit amount identified in subsection (b)(1) or (c)(1), whichever is applicable, shall be multiplied by a fraction, the numerator of which is the total number of full days in the taxable year that the employee teleworks as a telework employee, and the denominator of which is the total number of days in the taxable year that the employee is required by his or her employer to work.

(3) DEFINITIONS.—For purposes of this section:

(A) EMPLOYER SPONSORED TELEWORK ARRANGEMENT.—The term ‘employer sponsored telework arrangement’ means an arrangement established by an employer that enables employees of the employer to telework for a minimum of 25 full days per taxable
year. Such an arrangement shall be supported by a written agreement between the employer and each teleworking employee that describes the terms of the employer-sponsored arrangement.

"(2) QUALIFIED TELEWORK EXPENSES.—

"(a) IN GENERAL.—The term ‘qualified telework expenses’ shall include expenses paid or incurred for computers, computer-related hardware and software, modems, data processing equipment, telecommunications equipment, and access to Internet or broadband technologies, including applicable taxes and other expenses for the delivery, installation, or maintenance of such equipment.

"(B) ONLY CERTAIN EXPENSES TAKEN INTO ACCOUNT.—Expenses shall be taken into account under subparagraph (A) only to the extent incurred by the employer pursuant to an employer-sponsored telework arrangement and are necessary to enable the employee to telework.

"(3) SMALL BUSINESS.—The term ‘small business’ means a business with an average of 100 or fewer employees during the taxable year.

"(4) TELEWORK.—An employee shall be treated as engaged in telework if—

"(A) the employee’s normal and regular work functions are performed at a fixed location pursuant to a telework arrangement; or

"(B) the employee, under an employer sponsored telework arrangement, performs such functions at the employee’s residence or at another fixed location specifically designated by the employer to perform such functions closer to their residence, and

"(ii) the performance of such functions at such residence or location eliminates or substantially reduces the physical commute of the employee to the fixed location described in subparagraph (A), and

"(C) the employee transmits by electronic or other communications medium the employee’s work product from such residence or location to the fixed location where such functions would otherwise have been performed.

"(5) FEDERAL RULES.—

"(1) LIMITATION BASED ON AMOUNT OF TAX.—

"(A) LIABILITY FOR TAX.—The credit allowable under subsection (a) for any taxable year shall not exceed the excess (if any) of—

"(i) the regular tax for the taxable year, reduced by the sum of the credits allowable under subparagraphs (A), (B), and (C) of section 30B for such taxable year, and

"(ii) the tentative minimum tax for the taxable year.

"(B) CARRYFORWARD OF UNUSED CREDIT.—

"(i) In general.—If the amount of any credit allowable under subsection (a) for any taxable year exceeds the limitation under paragraph (1)(A) for the taxable year, the excess shall be carried to the subsequent taxable year and added to the amount allowable as a credit under subsection (a) for such succeeding taxable year.

"(ii) Basis reduction.—The basis of any property credit allowable under section 30B shall be reduced by the amount of such credit (determined without regard to paragraph (1)).

"(C) RECAPTURE.—The Secretary shall, by regulations, provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any property which ceases to be property eligible for such credit.

"(D) PROPERTY USED OUTSIDE UNITED STATES, ETC., NOT QUALIFIED.—No credit shall be allowed under subsection (a) with respect to any property which is (i) property taken into account under section 179, or with respect to the portion of the cost of any property taken into account under section 179;

"(E) ELECTION NOT TO TAKE CREDITS.—No credits shall be allowed under subsection (a) for any expense if the taxpayer elects to not have this section apply with respect to such expense.

"(F) DENIAL OF DOUBLE BENEFIT.—No deduction or credit (other than under this section) shall be allowed for expenses allocable to the cost of any property for which a credit is allowable under this section.

"(G) DOCUMENTATION.—Employers and employees are responsible for maintaining adequate documentation to support any credits claimed under this section.

"(b) CORPORATE AMENDMENT.—Subsection (a) of section 3661 of the Internal Revenue Code of 1986 (relating to general rule for adjustments to basis) is amended by striking ‘‘(27) by striking the period at the end of paragraph (27) and inserting ‘‘, and’’, and by adding at the end the following new item: —

"Sec. 30B. Telework credit.

"(d) REGULATORY MATTERS.—

"(1) PROHIBITION.—No Federal or State agency or instrumentality shall adopt regulations or rate-making procedures that would have the effect of circulating any credits or portion thereof allowed under sections 30B of the Internal Revenue Code of 1986 (as added by this Act) or otherwise subverting the purpose of this Act.

"(2) TREASURY REGULATORY AUTHORITY.—It is the intent of Congress in providing the telework tax credit under section 30B of the Internal Revenue Code of 1986 (as added by this Act) to promote broad participation in employer sponsored telework arrangements by providing incentives to both employers and employees. Accordingly, the Secretary of the Treasury shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of section 30B of such Code. The regulations described in this section and section 30B of such Code. Until the Secretary prescribes such regulations, employers and employees may base such determinations on any reasonable assumptions consistent with the purposes of section 30B of such Code.

"(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 3. SMALL BUSINESS TELECOMMUTING PILOT PROGRAM.

(a) IN GENERAL.—In accordance with this section, the Administrator shall conduct, in not more than 5 of the Small Business Administration’s regions, a pilot program to raise awareness about telecommuting among small business employers and to encourage such employers to offer telecommuting options to employees.

(b) SPECIAL OUTREACH TO INDIVIDUALS WITH DISABILITIES.—In carrying out subsection (a), the Administrator shall make special efforts to do outreach to—

"(1) businesses owned by or employing individuals with disabilities, and disabled American veterans in particular;

"(2) Federal, State, and local agencies having knowledge of programs established by other entities with individuals with disabilities or disabled American veterans; and

"(3) any group or organization, the primary purpose of which is to aid individuals with disabilities or disabled American veterans.

(c) PERMISSIBLE ACTIVITIES.—In carrying out the pilot program, the Administrator may only—

"(1) produce educational materials and conduct presentations designed to raise awareness among the small business community of the benefits and the ease of telecommuting;

"(2) conduct outreach—

"(A) to small business concerns that are considering offering telecommuting options; and

"(B) to those conducting telecommuting technologies and equipment to be used for demonstration purposes.

"(d) SELECTION OF REGIONS.—In determining which regions will participate in the pilot program, the Administrator shall give priority consideration to regions in which Federal agencies and private-sector employers have demonstrated a strong regional commitment to telecommuting.

"(e) REPORT TO CONGRESS.—Not later than 2 years after the first date on which funds are appropriated to carry out, the Administrator shall transmit to the Committee on Small Business of the House of Representatives and the Committee on Small Business of the Senate a report containing the results of an evaluation of the pilot program and any recommendations as to whether the program should be extended to other regions without modification, should be extended to include the participation of all Small Business Administration regions.

(f) DEFINITIONS.—In this section—

"(1) the term ‘Administrator’ means the Administrator of the Small Business Administration;

"(2) the term ‘disability’ has the same meaning as in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102); and

"(3) the term ‘pilot program’ means the program established under this section; and

"(4) the term ‘telecommuting’ means the use of telecommunications to perform work functions under circumstances which reduce or eliminate the need to commute.

(g) TERMINATION.—The pilot program shall terminate 2 years after the first date on which funds are appropriated to carry out this section.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Small Business Administration $5,000,000 to carry out this section.

By Mr. CAMPBELL (for himself and Mr. INOUYE): S. 1857. A bill to Encourage the Negotiated Settlement of Tribal Claims; to the Committee on Indian Affairs.

Mr. CAMPBELL. Mr. President, I ask unanimous consent that the record be extended to 12:30 p.m. for the duration of the prolongation of S. 1857. The bill shall be printed in the RECORD, as follows:

S. 1857

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

SECTION 1. SETTLEMENT OF TRIBAL CLAIMS. —Nothing in the preceding provisions of this subsection shall be construed to authorize the settlement of any claim, suit, or controversy by any judicial entity from adjudicating a statute of limitations defense either:
SA 2680. Mr. CRAIG submitted an amendment intended to be proposed to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) supra; which was ordered to lie on the table.

SA 2681. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill S. 1731, supra; which was ordered to lie on the table.

SA 2682. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill S. 1731, supra; which was ordered to lie on the table.

SA 2683. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 2568 submitted by Mr. HELMS and intended to be proposed to the amendment SA 2471 proposed by Mr. DASCHLE to the bill (S. 1731) supra; which was ordered to lie on the table.

SA 2684. Mr. LEVIN submitted an amendment intended to be proposed to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) supra; which was ordered to lie on the table.

SA 2685. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill S. 1731, supra; which was ordered to lie on the table.

SA 2686. Mr. GRASSLEY (for himself, Mr. HAGEL, Mr. LUGAR, and Mr. JOHNSON) submitted an amendment intended to be proposed to amendment SA 2471 submitted to the Senate by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) supra; which was ordered to lie on the table.

SA 2687. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill H.R. 3210, to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism; which was ordered to lie on the table.

SA 2688. Mr. DODD (for himself, Mr. MCCONNELL, Mr. SCHUMER, Mr. BOND, Mr. TORRICELLI, Mr. MCCAIN, and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill S. 953, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2678. Mr. HUTCHINSON (for himself, Mr. LOTT, Mr. HELMS, Mr. SESSIONS, and Mrs. HUTCHISON) proposed an amendment to amendment SA 2471 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1731) 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, and for other purposes; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS

(a) SHORT TITLE.—This Act may be cited as the "Farm Security Act of 2001".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows: Sec. 1. Short title; table of contents.
December 19, 2001

CONGRESSIONAL RECORD — SENATE

Sec. 701. National Rural Information Center Clearinghouse.
Sec. 702. Grants and fellowships for food and agricultural sciences education.
Sec. 703. Policy research centers.
Sec. 704. Human nutrition intervention and health promotion research program.
Sec. 705. Pilot research program to combine medical and agricultural research.
Sec. 706. Nutrition education program.
Sec. 707. Continuing animal health and disease research programs.
Sec. 708. Appropriations for research on national or regional problems.
Sec. 709. Grants to upgrade agricultural and food sciences facilities at 1890 land-grant colleges, including Tuskegee University.
Sec. 710. National research and training centennial centers at 1890 land-grant institutions.
Sec. 711. Hispanic-serving institutions.
Sec. 712. Competitive grants for international agricultural science and education programs.
Sec. 713. University research.
Sec. 714. Extension service.
Sec. 715. Supplemental and alternative crops.
Sec. 716. Aquaculture research facilities.
Sec. 717. Rangeland research.
Sec. 718. National genetics resources program.
Sec. 719. High-priority research and extension initiatives.
Sec. 720. Nutrient management research and extension initiative.
Sec. 721. Agricultural telecommunications program.
Sec. 722. Alternative agricultural research and commercialization revolving fund.
Sec. 723. Assistive technology program for farmers with disabilities.
Sec. 724. Partnerships for high-value agricultural product quality research.
Sec. 725. Biobased products.
Sec. 726. Integrated research, education, and extension competitive grants program.
Sec. 727. Institutional capacity building grants.
Sec. 728. 1994 Institution research grants.
Sec. 730. Precision agriculture.
Sec. 731. Thomas Jefferson initiative for crop diversification.
Sec. 732. Support for research regarding diseases of wheat, triticale, and barley caused by Fusarium Graminearum or by Tilletia Indica.
Sec. 733. Feed Animal Residue Avoidance Database program.
Sec. 734. Office of Pest Management Policy.
Sec. 735. National Agricultural Research, Extension, Education, and Economics Advisory Board.
Sec. 736. Grants for research on production and marketing of alcohols and industrial hydrocarbons from agricultural commodities and forest products.
Sec. 737. Biomass research and development.
Sec. 738. Agricultural experiment stations research facilities.
Sec. 739. Competitive, special, and facilities research grants national research initiative.
Sec. 740. Federal agricultural research facilities authorization of appropriations.
Sec. 740A. Critical certification services.
Sec. 740B. Critical agricultural materials research.
Sec. 740C. Private nonindustrial hardwood research program.

Subtitle B—Modifications

Sec. 746. Biomass research and development.
Sec. 747. Biotechnology risk assessment research.
Sec. 748. Competitive, special, and facilities research grants.
Sec. 749. Matching funds requirement for research and extension activities of 1890 institutions.
Sec. 749A. Matching funds requirement for research and extension activities for the United States territories.
Sec. 750. Initiative for future agriculture and food systems.
Sec. 751. Carbon cycle research.
Sec. 752. Definition of food and agricultural sciences.
Sec. 753. Federal extension service.
Sec. 754. Policy research centers.
Sec. 755. Animals used in research.

Subtitle C—Related Matters

Sec. 761. Resident instruction at land-grant colleges in United States territories.
Sec. 762. Declaration of extraordinary emergency and resulting authorities.
Sec. 763. Agricultural biotechnology research and development for the developing world.

Subtitle D—Repeal of Certain Activities and Authorities

Sec. 771. Food Safety Research Information Office and National Conference.
Sec. 773. National genetic resources program.
Sec. 774. National Advisory Board on Agricultural Weather.
Sec. 775. Agricultural information exchange with Ireland.
Sec. 776. Pesticide resistance study.
Sec. 777. Expansion of education study.
Sec. 778. Support for advisory board.
Sec. 779. Task force on 10-year strategic plan for agricultural research facilities.

Subtitle E—Agriculture Facility Protection

Sec. 780. Additional protections for animal agriculture facilities.
Sec. 781. Initiative for future agriculture and food systems.

Title IX—Miscellaneous Provisions

Subtitle A—Tree Assistance Program

Sec. 801. Eligibility.
Sec. 802. Assistance.
Sec. 803. Limitation on assistance.
Sec. 804. Definitions.

Subtitle B—Other Matters

Sec. 821. Bioenergy program.
Sec. 822. Availability of section 32 funds.
Sec. 823. Seniors farmers’ market nutrition program.
Sec. 824. Department of Agriculture authorities regarding caneberrys.
Sec. 825. National Appeals Division.
Sec. 826. Outreach and assistance for socially disadvantaged farmers and ranchers.
Sec. 827. Equal treatment of potatoes and sweet potatoes.
Sec. 828. Reference to sea grass and sea oats as crops covered by noninsured crop disaster assistance program.
Sec. 829. Assistance for livestock producers.
Sec. 830. Compliance with Buy American Act and sense of Congress regarding purchase of American-made equipment, products, and services using funds provided under this Act.
Sec. 831. Report regarding genetically engineered foods.
Sec. 832. Market name for pangasius fish species.
Sec. 833. Program of public education regarding use of biotechnology in producing food for human consumption.
Sec. 834. GAO study.
Sec. 835. Interagency Task Force on Agricultural Competition.
Sec. 836. Authorization for additional staff and funding for the Grain Inspection, Packers and Stockyards Administration.
Sec. 839. Improve administration of Animal and Plant Health Inspection Service.
Sec. 840. Renewable energy resources.
Sec. 841. Use of amounts provided for fixed, decoupled payments to provide necessary funds for rural development purposes.
Sec. 842. Study of nonambulatory livestock.

Title I—Commodity Programs

Sec. 100. Definitions.

In this title (other than chapter 3 of subtitile C),—
(2) BASE ACRES.—The term ‘‘base acres’’, with respect to a covered commodity on a farm, means the number of acres established under section 103 with respect to the commodity upon the election made by the producers on the farm under subsection (a) of such section.
(3) COUNTER-CYCLICAL PAYMENT.—The term ‘‘counter-cyclical payment’’ means a payment made to producers under section 105.
(4) COVERED COMMODITY.—The term ‘‘covered commodity’’ means wheat, corn, grain sorghum, barley, oats, upland cotton, rice, soybeans, and other oilseeds.
(5) EFFECTIVE PRICE.—The term ‘‘effective price’’, with respect to a covered commodity for a crop year, means the price calculated...
by the Secretary under section 105 to determine whether counter-cyclical payments are required to be made for that crop year.

(6) ELIGIBLE PRODUCER.—The term ‘eligible producer’ means a producer described in section 101(a).

(7) FIXED, DECOUPLED PAYMENT.—The term ‘fixed, decoupled payment’ means a payment made to a producer on a farm for each covered commodity in accordance with this section.

(8) OTHER OILSEED.—The term ‘other oilseed’ means a crop of sunflower seed, rapeseed, canola, safflower, flaxseed, mustard seed, or, if designated by the Secretary, another oilseed.

(9) PAYMENT ACRES.—The term ‘payment acres’ means 85 percent of the base acres of a covered commodity on a farm, as determined by the Secretary under section 103, upon which fixed, decoupled payments and counter-cyclical payments are to be made.

(10) PAYMENT YIELD.—The term ‘payment yield’ means the yield established under section 102 for a farm for a covered commodity.

(11) PRODUCER.—The term ‘producer’ means an owner, operator, landlord, tenant, or sharecropper who shares in the risk of producing a crop and who is entitled to share in the crop available for marketing from the farm, and had the crop been produced. In determining whether a grower of hybrid seed is a producer, the Secretary shall not take into consideration the existence of an arrangement and ensure that program requirements do not adversely affect the ability of the grower to receive a payment under this title.

(12) SECRETARY.—The term ‘Secretary’ means the Secretary of Agriculture.

(13) STATE.—The term ‘State’ means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States.

(14) TARGET PRICE.—The term ‘target price’ means the price per bushel (or other appropriate unit in the case of upland cotton, rice, and other oilseeds) of a covered commodity used to determine the payment rate for counter-cyclical payments.

(15) UNITED STATES.—The term ‘United States’, when used in a geographical sense, means all of the States.

Subtitle B—Fixed Decoupled Payments and Counter-Cyclical Payments

SEC. 101. PAYMENTS TO ELIGIBLE PRODUCERS.

(a) PAYMENTS REQUIRED.—Beginning with the 2002 crop of covered commodities, the Secretary shall make fixed decoupled payments and counter-cyclical payments under this subtitle—

(1) to producers on a farm that were parties to a production flexibility contract under section 111 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7211) for fiscal year 2002; and

(2) to producers on farms in the United States as described in section 103(a).

(b) TENANTS AND SHARECROPPERS.—In carrying out this section, the Secretary shall provide adequate safeguards to protect the interests of tenants and sharecroppers.

(c) SHARING OF PAYMENTS.—The Secretary shall provide for the sharing of fixed, decoupled payments and counter-cyclical payments among the eligible producers on a farm on a fair and equitable basis.

SEC. 102. ESTABLISHMENT OF PAYMENT YIELD.

(a) ESTABLISHMENT AND PURPOSE.—For the purpose of making fixed decoupled payments and counter-cyclical payments under this subtitle, the Secretary shall provide for the establishment of a payment yield for each farm for each covered commodity in accordance with this section.

(b) CROP PROGRAM PAYMENT YIELD.—Except as otherwise provided in this section, the payment yield for each of the 2002 through 2011 crops of a covered commodity for a farm shall be the farm program payment yield in effect for the 2002 crop of the covered commodity under section 505 of the Agricultural Act of 1949 (7 U.S.C. 1465).

(c) FARMS WITHOUT FARM PROGRAM PAYMENT YIELD.—In the case of a farm for which a farm program payment yield is not available for a covered commodity (other than soybeans or other oilseeds), the Secretary shall establish an appropriate payment yield for the covered commodity in accordance with section 123. For the purpose of making fixed decoupled payments, the Secretary shall take into consideration the farm program payment yields applicable to the commodity under subsection (b) for similar farms in the area.

SEC. 103. ESTABLISHMENT OF BASE ACRES AND PAYMENT ACRES FOR A FARM.

(a) ELECTION BY PRODUCERS OF BASE ACREAGE.

(1) ELECTION BY PRODUCERS OF BASE ACREAGE.—For the purpose of making fixed decoupled payments and counter-cyclical payments with respect to a farm, the Secretary shall give producers on the farm an opportunity to elect one of the following as the method by which the base acres of all covered commodities on the farm are to be determined:

(A) The production flexibility contract acreage for the farm determined by the Secretary under section 1102 of the Food Security Act of 1985 (16 U.S.C. 3831) and, with respect to the farm expires or is voluntarily terminated.

(B) The production flexibility contract acreage for the farm determined by the Secretary under section 1102 of the Food Security Act of 1985 (16 U.S.C. 3831) and, with respect to the farm expires or is voluntarily terminated.

(2) ELECTION TO ALL COVERED COMMODITIES.—The election made by the producers under such subsection (a)(1) for one covered commodity shall apply to all of the covered commodities on the farm. Producers may not make the election described in subsection (a)(1) for one covered commodity and the election described in subsection (a)(2) for other covered commodities on the farm.

(b) APPLICATION OF ELECTION TO ALL COVERED COMMODITIES.—The election made by the producers under subsection (a) or deemed to be made under subsection (b), as applicable, shall apply to all of the covered commodities on the farm. Producers may not make the election described in subsection (a)(1) for one covered commodity and the election described in subsection (a)(2) for other covered commodities on the farm.

(c) OTHER OILSEEDS.—The Secretary shall make an exception in the case of a covered commodity and the election described in subsection (a)(2) with respect to a farm for which the producers on the farm shall elect to receive either fixed decoupled payments and counter-cyclical payments with respect to the acreage added to the farm under this subsection or a prorated payment under the conservation reserve contract, but not both. The payment acres for a covered commodity on the farm shall be equal to 85 percent of the base acres for the commodity.

(d) PREVENTION OF EXCESS BASE ACRES.—

(1) REQUIRED REDUCTION.—If the sum of the base acres for a farm, together with the acreage described in paragraph (2) does not exceed the actual cropland acreage of the farm, the Secretary shall reduce the quantity of base acres for one or more covered commodities for the farm or peanut acres for the farm as necessary so that the sum of the base acres and acreage described in paragraph (2) does not exceed the actual cropland acreage of the farm. The Secretary shall make an exception in the case of double cropping, when the Secretary determines that the cropland acreage exceeds the base acres for the farm on the opportunity to select the base acres or peanut acres against which the reduction will be made.

(2) ELECTION.—For purposes of paragraph (1), the Secretary shall include the following:

(A) Any peanut acres for the farm under chapter 3 of subtitle C.

(B) Any acreage on the farm enrolled in the conservation reserve program or wetlands reserve program under chapter 1 of subtitle A of title 16 of the Food Security Act of 1985 (16 U.S.C. 3830 et seq.).

(C) Any other acreage on the farm enrolled in a conservation program for which payments under such program are made in lieu of making an adjustment in the base acres for a covered commodity, the Secretary shall make an election under paragraph (1) in the case of double cropping, as determined by the Secretary.

SEC. 104. AVAILABILITY OF FIXED, DECOUPLED PAYMENTS.

(a) PAYMENT REQUIRED.—For each of the 2002 through 2011 crop years of each covered commodity, the Secretary shall make fixed, decoupled payments to eligible producers.

(b) PAYMENT RATE.—The payment rate under subsection (a) shall be the maximum payment rate under the program for each covered commodity for a crop year as are follows:
SEC. 105. AVAILABILITY OF COUNTER-CYCLICAL PAYMENTS.

(a) Payment Required.—The Secretary shall make counter-cyclical payments with respect to a covered commodity whenever the Secretary determines that the effective price for the commodity is less than the target price for the commodity.

(b) Effective Price.—For purposes of subsection (a), the target price for a covered commodity is equal to the sum of the following:

(1) The higher of the following:
   (A) The national average market price received by producers during the 12-month marketing year for the commodity, as determined by the Secretary.
   (B) The national average loan rate for a commodity in effect for the same period as determined by the Secretary, to be made under this section for a crop of a covered commodity as soon as possible after determining under subsection (a) that such payments are required for the crop.

(2) The payment acres of the covered commodity for the farm.

(3) The payment yield for the covered commodity for the farm.

(c) Time for Payment.—

(1) General Rule.—Fixed, decoupled payments shall be paid not later than September 30 of each of fiscal years 2002 through 2011. In the case of the 2002 crop, payments may begin to be made on or after December 1, 2001.

(2) Advance Payments.—At the option of an eligible producer, 50 percent of the fixed, decoupled payment for a fiscal year shall be paid on a date selected by the producer. The selection of the date shall be on or after December 1 of that fiscal year, and the producer may change the selected date for a subsequent fiscal year by providing advance notice to the Secretary.

(3) Repayment of Advance Payments.—If a producer that receives an advance fixed, decoupled payment for a fiscal year ceases to be an eligible producer before the date the fixed, decoupled payment would otherwise have been made by the Secretary under paragraph (1), the producer shall be responsible for repaying to the Secretary the full amount of the advance payment.

SEC. 106. PRODUCER AGREEMENT REQUIRED AS CONDITION ON PROVISION OF COUNTER-CYCLICAL PAYMENTS AND COUNTER-CYCLICAL PAYMENTS.

(a) Compliance With Certain Requirements.—

(1) Requirements.—Before the producers on a farm may receive fixed, decoupled payments or counter-cyclical payments with respect to the farm, the producers shall agree, in exchange for the payments—

(A) to comply with applicable conservation requirements under subtitle B of title XII of the Food Security Act of 1985 (16 U.S.C. 3811 et seq.).

(B) to comply with applicable wetland protection requirements under subtitle C of title XII of the Food Security Act of 1985 (16 U.S.C. 3811 et seq.).

(C) to comply with the planting flexibility requirements of section 107; and

(D) to use the land on the farm, in an amount equal to the base acres, for an agricultural or conserving use, and not for a non-agricultural commercial or industrial use, as determined by the Secretary.

(2) Compliance.—The Secretary may issue such rules as the Secretary considers necessary to ensure producer compliance with the requirements of paragraph (1).

(b) Exceptions.—A producer may not be required to make repayments to the Secretary of fixed, decoupled payments and counter-cyclical payments if the farm has been involved in a program by the Secretary to determine that forgiving the repayments is appropriate to provide fair and equitable treatment. This subsection shall not void the responsibilities of the producer under subsection (a) if the producer continues or resumes operation, or control, of the farm. On the request of the Secretary, the requirements of subsection (a) in effect on the date of the foreclosure shall apply.

(c) Transfer or Change of Interest in Farm.—

(1) Termination.—Except as provided in paragraph (4), a transfer of (or change in) the interest of a producer in base acres for which fixed, decoupled payments or counter-cyclical payments are made shall result in the forfeiture of the payments with respect to the base acres, unless the transferee or owner of the acreage agrees to assume all obligations under subsection (a). The termination shall be effective on the date of the transfer or change.

(2) Transfer of Payment Base.—There is no restriction on the transfer of a farm’s base acres or payment yield as part of a change in the producers on the farm.

(d) Modification.—At the request of the transferee or owner, the Secretary may modify the requirements of the requirements of subsection (a) in the case of a change in interest in the case of the requirements are consistent with the objectives of such subsection, as determined by the Secretary.

(e) Exception.—If a producer entitled to a fixed, decoupled payment or counter-cyclical payment dies, becomes incompetent, or is otherwise unable to receive the payment, the Secretary may make the payment in accordance with regulations prescribed by the Secretary.

SEC. 107. PLANTING FLEXIBILITY.

(a) Permitted Crops.—Subject to subsections (b) and (c), any commodity in a crop may be planted on base acres on a farm.

(b) Limitations and Exceptions Regarding Certain Commodities.

(1) Limitations.—The planting of the following agricultural commodities shall be prohibited on base acres:

(A) Fruits.

(B) Vegetables (other than lentils, mung beans, and dry peas).

(C) Wild rice.

(2) Exceptions.—Paragraph (1) shall not limit the planting of an agricultural commodity specified in such paragraph—

(A) in any region in which there is a history of double-cropping of such commodities with agricultural commodities specified in paragraph (1), as determined by the Secretary, in which case the double-cropping shall be permitted.

(B) on a farm that the Secretary determines has a history of planting agricultural commodities specified in paragraph (1) on base acres, except (d) fixed, decoupled payments and counter-cyclical payments shall be reduced by an acre for each acre planted to such an agricultural commodity; or

(C) on a farm for which the Secretary determines has an established planting history of a specific agricultural commodity specified in paragraph (1), except that the planting may not exceed the producer’s average annual planting history of such agricultural commodity in the

(c) Payment.—The payment rate used to make counter-cyclical payments with respect to a covered commodity for a crop year shall be equal to the difference between—

(1) the target price for the commodity; and

(2) the effective price determined under subsection (b) for the commodity.

(d) Payment Amount.—The amount of the counter-cyclical payment to be paid to the eligible producers on a farm for a covered commodity for a crop year shall be equal to the product of the following:

(1) The payment rate specified in subsection (d).

(2) The payment acres of the covered commodity on the farm.

(3) The payment yield for the covered commodity for the farm.

(4) The effective price determined under subsection (b).
1991 through 1995 crop years (excluding any crop year in which no plantings were made), as determined by the Secretary; and (ii) fixed, decoupled payments and counter-cyclical payments for each crop year for each acre planted.

SEC. 108. RELATION TO REMAINING PAYMENT AUTHORITY UNDER PRODUCTION FLEXIBILITY CONTRACTS.

(a) TERMINATION OF SUPERSeded PAYMENT AUTHORITY.—Notwithstanding section 113(a) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7233(a)(7)) or any other provision of law, the Secretary shall not make payments for fiscal year 2002 under a production flexibility contract, the Secretary shall reduce the amount of the fixed, decoupled payment otherwise payable for that farm for that crop by the amount of the fiscal year 2002 payment previously received by the producer.

(b) CONTRACT PAYMENTS MADE BEFORE ENACTMENT.—If, on or before the date of the enactment of this Act, a producer receives all or any portion of the payment authorized for fiscal year 2002 under a production flexibility contract, the Secretary shall reduce the amount of the fixed, decoupled payment otherwise payable for that farm for that crop by the amount of the fiscal year 2002 payment previously received by the producer.

SEC. 109. PAYMENT LIMITATIONS.

Sections 1001 through 1001C of the Food Security Act of 1985 (7 U.S.C. 1308 through 1308–3) shall apply to fixed, decoupled payments and counter-cyclical payments.

SEC. 110. PERIOD OF EFFECTIVENESS.

This subtitle shall be effective beginning with the 2002 crop year of each covered commodity through the 2011 crop year.

Subtitle B—Marketing Assistance Loans and Counter-Cyclical Payments

SEC. 121. AVAILABILITY OF NONRECOURSE MARKETING ASSISTANCE LOANS FOR COVERED COMMODITIES.

(a) NONRECOURSE LOANS AVAILABLE.—(1) ELIGIBILITY.—For each of the 2002 through 2011 crops of each covered commodity, the Secretary shall make available to producers on a nonrecourse marketing assistance loans for covered commodities produced on the farm. The loans shall be made under and in accordance with section 121 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7231), or any section established under section 122 for the covered commodity.

(2) INCLUSION OF EXTRA LONG STAPLE COTTON.—In this subtitle, the term covered commodity includes extra long staple cotton.

(b) ELIGIBLE PRODUCTION.—Any production of a covered commodity on a farm shall be eligible for a marketing assistance loan under subsection (a).

(c) TREATMENT OF CERTAIN COMMINGLED COMMODITIES.—In carrying out this subtitle, the Secretary shall make loans to a producer that is otherwise eligible to obtain a marketing assistance loan, but for the term of the covered commodity owned by the producer is commingled with covered commodities of other producers in facilities owned for the storage of agricultural commodities by the Secretary or a State licensing authority, if the producer obtaining the loan agrees to immediately redeem the loan collateral in accordance with section 166 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7236).

(d) COMPLIANCE WITH CONSERVATION AND WETLAND PROTECTION.—As a condition of the receipt of a marketing assistance loan under subsection (a), the producer shall comply with applicable conservation requirements under title C of the Food Security Act of 1985 (16 U.S.C. 3811 et seq.) and applicable wetland protection requirements under subtitle C of title XII of the Act (16 U.S.C. 3821 et seq.) during the term of the loan.

(e) DEFINITION OF EXTRA LONG STAPLE COTTON.—In this subtitle, extra long staple cotton means cotton that—

(1) is produced from pure strain varieties of the Barbadosense species or any hybrid thereof, or other strain established at Secretary, having characteristics needed for various uses for which United States upland cotton is not suitable and grown in irrigated cotton-growing regions of the United States designated by the Secretary or other areas designated by the Secretary as suitable for the production of the designated variety or types; and

(2) is ginned on a roller-type gin, or if authorized by the Secretary, ginned on another type gin for experimental purposes.

(f) TERMINATION OF SUPERSeded LOAN AUTHORITY.—Notwithstanding section 131 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7231), nonrecourse marketing assistance loans shall not be made for the 2002 crop of covered commodities under subtitle C of title I of such Act.

SEC. 122. LOAN RATES FOR NONRECOURSE MARKETING ASSISTANCE LOANS.

(a) WHAT.—

(1) LOAN RATE.—Subject to paragraph (2), the loan rate for a marketing assistance loan under section 121 for the corresponding crop shall be—

(A) not less than 85 percent of the average price received by producers of wheat, as determined by the Secretary, during the marketing years for the immediately preceding five crops of wheat, excluding the year in which the average price was the highest and the year in which the average price was the lowest; or

(B) not more than $2.58 per bushel.

(2) STOCKS TO USE RATIO ADJUSTMENT.—If the Secretary estimates for any marketing year that the total use of wheat for the corresponding crop by an amount not to exceed 10 percent in any year; and

(B) less than 30 percent but not less than 15 percent, the Secretary may reduce the loan rate for wheat for the corresponding crop by an amount not to exceed 15 percent in any year;

(C) less than 12.5 percent, the Secretary may reduce the loan rate for wheat for the corresponding crop by an amount not to exceed 20 percent in any year; or

(C) less than 15 percent, the Secretary may reduce the loan rate for wheat for the corresponding crop.

(b) FED GRAINS.—(1) LOAN RATE FOR CORN AND GRAIN SORGHUM.—In the loan rate for a marketing assistance loan under section 121 for corn and grain sorghum shall be

(A) not less than 85 percent of the simple average price received by producers of corn or grain sorghum, respectively, as determined by the Secretary, during the marketing years for the immediately preceding five crops of the covered commodity, excluding the year in which the average price was the highest and the year in which the average price was the lowest; or

(B) not more than $1.89 per bushel.

(2) STOCKS TO USE RATIO ADJUSTMENT.—If the Secretary estimates for any marketing year that the ratio of ending stocks of corn or grain sorghum to total use for the marketing year will be—

(A) equal to or greater than 30 percent, the Secretary may reduce the loan rate for corn or grain sorghum for the corresponding crop by an amount not to exceed 10 percent in any year; and

(B) less than 30 percent but not less than 20 percent, the Secretary may reduce the loan rate for corn or grain sorghum for the corresponding crop by an amount not to exceed 15 percent in any year; or

(C) less than 15 percent, the Secretary may reduce the loan rate for corn or grain sorghum for the corresponding crop.

(c) OILSEEDS.—(1) LOAN RATE FOR RICE.—The loan rate for a marketing assistance loan under section 121 for rice shall be $6.50 per hundredweight.

(d) EXTRA LONG STAPLE COTTON.—The loan rate for a marketing assistance loan under section 121 for extra long staple cotton shall be $3.86 per pound.

(e) RICE.—The loan rate for a marketing assistance loan under section 121 for rice shall be $5.50 per hundredweight.

(f) OILSEEDS.—(1) SOYBEANS.—The loan rate for a marketing assistance loan under section 121 for soybeans shall be

(A) not less than 85 percent of the simple average price received by producers of soybeans, as determined by the Secretary, during the marketing years for the immediately preceding five crops of soybeans, excluding the year in which the average price was the highest and the year in which the average price was the lowest; or

(B) not more than $9.25 per bushel.

(2) OTHER OILSEEDS.—The loan rate for a marketing assistance loan under section 121 for other oilseeds shall be

(A) not less than 85 percent of the simple average price received by producers of the other oilseed, as determined by the Secretary, during the marketing years for the immediately preceding five crops of the other oilseed, excluding the year in which the average price was the highest and the year in which the average price was the lowest; or

(B) not more than $11 per bushel.
the average price was the highest and the year in which the average price was the lowest
in the period; but
(B) not more than $0.087 per pound.

SEC. 124. REPAYMENT OF LOANS.

(a) Repayment Rates for Wheat, Feed Grains, and Oilseeds.—The Secretary shall permit a producer to repay a marketing assistance loan under section 121 for wheat, corn, grain sorghum, barley, oats, and oilseeds at a rate that is the lesser of—
(1) the loan rate established for the commodity under section 122, plus interest (as determined by the Secretary); or
(2) a rate that the Secretary determines will—
(A) minimize potential loan forfeitures;
(B) minimize the accumulation of stocks of the commodity by the Federal Government;
(C) minimize the cost incurred by the Federal Government in storing the commodity; and
(D) allow the commodity produced in the United States to be marketed freely and competitively, both domestically and internationally.

(b) Repayment Rates for Upland Cotton and Rice.—The Secretary shall permit producers to repay a marketing assistance loan under section 121 for upland cotton and rice at a rate that is the lesser of—
(1) the loan rate established for the commodity under section 122, plus interest (as determined by the Secretary); or
(2) the prevailing world market price for the commodity (adjusted to United States quality and location), as determined by the Secretary.

(c) Repayment Rates for Extra Long Staple Cotton.—The Secretary shall permit a producer to repay a marketing assistance loan for extra long staple cotton at a rate that is the lesser of—
(1) the loan rate established for the commodity under section 122, plus interest (as determined by the Secretary); or
(2) the prevailing world market price for the commodity (adjusted to United States quality and location), as determined by the Secretary.

(d) Prevaling World Market Price.—For purposes of this section and section 127, the Secretary shall prescribe by regulation—
(1) a formula to determine the prevailing world market price for each covered commodity, adjusted to United States quality and location; and
(2) a mechanism by which the Secretary shall announce periodically the prevailing world market price for each covered commodity.

(e) Adjustment of Prevaling World Market Price for Upland Cotton.—
(1) In General.—During the period beginning on the date of the enactment of this Act and ending July 31, 2012, the prevailing world market price for upland cotton (adjusted to United States quality and location) established under subsection (d) shall be further adjusted if—
(A) the adjusted prevailing world market price is less than 115 percent of the loan rate for upland cotton established under section 122, plus interest (as determined by the Secretary); or
(B) the Friday through Thursday average price quotation for the lowest-priced United States growth as quoted for Middling (M) 1%-inch cotton delivered C.I.F. Northern Europe is greater than the Friday through Thursday average price of the lowest-priced United States growth, as quoted for Middling (M) 1%-inch cotton, delivered C.I.F. Northern Europe (referred to in this section as the “Northern Europe price”).
(2) Further adjustment, except as provided in paragraph (3), the adjusted prevailing world market price for upland cotton shall be further adjusted on the basis of some or all of the following data, as available:
(A) The United States share of world exports;
(B) The current level of cotton export sales and cotton exports;
(C) Other data determined by the Secretary to be relevant in establishing an accurately prevailing world market price for upland cotton (adjusted to United States quality and location).

(3) Limitation on Further Adjustment.—
The adjustment under paragraph (2) may not exceed the difference between—
(A) the Friday through Thursday average price for the lowest-priced United States growth as quoted for Middling 1%-inch cotton delivered C.I.F. Northern Europe; and
(B) the Northern Europe price.

(f) Time for Fixing Repayment Rate.—In the case of a producer that marketed or otherwise lost beneficial interest in a covered commodity before repaying the marketing assistance loan made under section 121 with respect to the commodity, the Secretary shall permit the producer to repay the loan at the lowest repayment rate that was in effect for that covered commodity under this section as of the date that the producer lost beneficial interest, as determined by the Secretary.

SEC. 125. LOAN DEFICIENCY PAYMENTS.

(a) Availability of Loan Deficiency Payments.—In general.—(1) the loan deficiency payment rate determined under section 122 shall be used as the basis for determining the loan deficiency payment made to a producer with respect to a quantity of a covered commodity under this section as of the date that the producer lost beneficial interest in the covered commodity, adjusted to United States quality and location, as determined by the Secretary for marketing assistance loans authorized under this section if the producer enters into an agreement with the Secretary to forgo any other harvesting of the wheat, barley, or oats on that acreage.

(b) Payment Amount.—The amount of a payment made to a producer under this section shall be equal to the amount determined by multiplying—
(1) the loan deficiency payment rate determined under section 122, in effect, as of the date of the agreement, for the county in which the farm is located, by
(2) the payment quantity determined by multiplying—
(A) the quantity of the grazed acreage on the farm with respect to which the producer elected to have the grazing of livestock in lieu of any other harvesting of the wheat, barley, or oats, and
(B) the payment yield for that covered commodity on the farm.

(c) Manitoba, and Availability of Payment.—
(1) Time and Manner.—A payment under this section shall be made at the same time and in the same manner as loan deficiency payments are made under section 125.

(2) Availability.—The Secretary shall establish an availability period for each covered commodity, any payment authorized by this section that is consistent with the availability period for wheat, barley, and oats established by the Secretary for marketing assistance loans authorized by this subtitle.

(d) Prohibition on Crop Insurance or Noninsured Crop Assistance.—A 2002 (or all of the following data, as available:
(1) the loan rate established under section 122 for the covered commodity; by
(2) the quantity of the covered commodity produced by the eligible producers, excluding any quantity of the covered commodity produced by the producers obtain a loan under section 121.

(c) Loan Payment Rate.—For purposes of this section, the loan payment rate shall be the amount determined by—
(1) the loan rate established under section 122 for the covered commodity; exceeds
(2) the rate at which a loan for the commodity is made under section 124.

(d) Exception for Extra Long Staple Cotton.—This section shall not apply with respect to extra long staple cotton.

(e) Time for Payment.—The Secretary shall make a payment under this section to a producer with respect to a quantity of a covered commodity as of the earlier of the following:
(1) The date on which the producer marketed or otherwise lost beneficial interest in the commodity, as determined by the Secretary;
(2) The date the producer requests the payment.

(f) Continuation of Special LDP Rule for 2002 Crop.—The Secretary shall make a payment under section 124 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7235(a)(2)) is amended by striking “2000 crop year” and inserting “2000 and 2001 crop years.”

SEC. 126. PAYMENTS IN LIEU OF LOAN DEFICIENCY PAYMENTS FOR GRAZED ACREAGE.

(a) Eligible Producers.—Effective for the 2002 through 2011 crop years, in the case of a producer that would be eligible for a loan deficiency payment under section 125 for wheat, barley, or oats, that elects to use acreage planted to the wheat, barley, or oats for grazing livestock, the Secretary shall make a payment to the producer under this section if the producer enters into an agreement with the Secretary to forgo any other harvesting of the wheat, barley, or oats on that acreage.

(b) Payment Amount.—The amount of a payment made to a producer under this section shall be equal to the amount determined by multiplying—
(1) the loan deficiency payment rate determined under section 122, in effect, as of the date of the agreement, for the county in which the farm is located, by
(2) the payment quantity determined by multiplying—
(A) the quantity of the grazed acreage on the farm with respect to which the producer elected to have the grazing of livestock in lieu of any other harvesting of the wheat, barley, or oats, and
(B) the payment yield for that covered commodity on the farm.

(c) Manitoba, and Availability of Payment.—
(1) Time and Manner.—A payment under this section shall be made at the same time and in the same manner as loan deficiency payments are made under section 125.

(2) Availability.—The Secretary shall establish an availability period for each covered commodity, any payment authorized by this section that is consistent with the availability period for wheat, barley, and oats established by the Secretary for marketing assistance loans authorized by this subtitle.

(d) Prohibition on Crop Insurance or Noninsured Crop Assistance.—A 2002 crop year and in the same manner as loan deficiency payments are made under section 125.

SEC. 127. SPECIAL MARKETING LOAN PROVISIONS FOR UPLAND COTTON.

(a) Cotton User Marketing Certificates.—

(b) Prohibited.—During the period beginning on the date of the enactment of this Act and ending July 31, 2012, the Secretary shall issue marketing certificates or cash payments, at the option of the recipient, to domestic users and exporters for documented purchases by domestic users and sales for export by exporters made in the week following a consecutive four-week period during which—
(1) the Friday through Thursday average price quotation for the lowest-priced United States growth, as quoted for Middling (M) 1%-inch cotton, delivered C.I.F. Northern Europe exceeds the Northern Europe price; and
(2) the prevailing world market price for upland cotton (adjusted to United States quality and location) does not exceed 130 percent of the loan rate for upland cotton established under section 122.

(c) Value of Certificates or Payments.—The value of the marketing certificates or cash payments shall be based on the amount of the difference in the prices during the week following the week of the consecutive four-week period multiplied by the quantity of upland cotton included in the documented sales.
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(3) ADMINISTRATION OF MARKETING CERTIFICATES.—

(A) REDemption, MARKeting, OR EXCHANGE.—The Secretary shall establish procedures governing the marketing of certificates for cash or marketing or exchange of the certificates for agricultural commodities owned by the Commodity Credit Corporation or pledged to the Commodity Credit Corporation as collateral for a loan in such manner, and at such price levels, as the Secretary determines will best effectuate the purposes of cotton marketing certificates, including enhancing the competitiveness and marketability of United States cotton. Any price restrictions, price supports, and marketing agreements governing the disposition of agricultural commodities by the Commodity Credit Corporation shall not apply to the redemption of certificates under this section.

(B) DESIGNATION OF COMMODITIES AND PRODUCTS.—To the extent practicable, the Secretary shall permit owners of certificates to designate the commodities and products, including storage sites, the owners would prefer to receive in exchange for certificates.

(C) TRANSFERS.—Marketing certificates issued for domestic users and exported upland cotton may be transferred to other persons in accordance with regulations issued by the Secretary.

4. AS A BASIS FOR DETERMINATION OF MARKETING YEAR.—

(A) 2002 MARKETING YEAR.—During the period beginning on the date of enactment of this Act and ending July 31, 2002, the Secretary shall make the calculations under paragraphs (1)(A) and (2) and subsection (b)(1)(B) without regard to the 1.25 cent threshold provided those paragraphs and subsection.

(B) 2003 THROUGH 2006 MARKETING YEARS.—During each 12-month period beginning August 1, the Secretary may make the calculations under paragraphs (1)(A) and (2) and subsection (b)(1)(B) without regard to the 1.25 cent threshold provided those paragraphs and subsection.

(SPECIAL IMPORT QUOTA.—

(I) ESTABLISHMENT.—

(A) IN GENERAL.—The President shall carry out an import quota program during the period beginning on the date of enactment of this Act and ending July 31, 2012, as provided in this subsection.

(B) PROGRAM REQUIREMENTS.—Except as provided in subparagraph (C), whenever the Secretary determines that conditions require, but does not include any consecutive four-week period, the Friday through Thursday average price quotation for the lowest-priced United States growth, as quoted for Middling (M) 13⁄32-inch cotton, as delivered C.I.F. Northern Europe, adjusted for the value of any certificate issued under subsection (a), exceeds the Northern Europe price for a month shall immediately be in effect a special import quota.

(TIGHT DOMESTIC SUPPLY.—During any month for which the Secretary estimates the season-ending United States stocks-to-use ratio, as determined under subparagraph (D), to be below 16 percent, the Secretary, in making the determination under subparagraph (B), shall not adjust the Friday through Thursday average price quotation for the lowest-priced United States growth, as quoted for Middling (M) 13⁄32-inch cotton, as delivered C.I.F. Northern Europe, for the value of any certificates issued under subsection (a).

(SEASON-ENDING UNITED STATES STOCKS-TO-USE RATIO.—When the purposes of marketing certificates under subparagraph (C), the Secretary shall, on a monthly basis, estimate and report the season-ending United States stocks-to-use ratio, express projected raw cotton imports but including the quantity of raw cotton that has been imported into the United States during the marketing year.

(QUANTITY.—The quota shall be equal to one week’s consumption of upland cotton by domestic users plus the sum of the 10 percent of the seasonally adjusted average rate of the most recent three months for which data are available.

(APPLICATION.—The quota shall apply to upland cotton consumed on or after the date of the announcement under paragraph (1) and entered into the United States not later than 180 days after the date of such announcement.

(Quota period may not be established under this subsection if a quota period has been established under subsection (b).

(PREFERENTIAL TARIFF TREATMENT.—The quantity under a special import quota shall be considered to be an in-quota quantity for purposes of:

(A) section 213(d) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702(d));

(B) section 234 of the Andean Trade Preference Act (19 U.S.C. 2343); and

(C) section 503(d) of the Trade Act of 1974 (19 U.S.C. 2243(d)); and

(D) General Note 3(a)(v) to the Harmonized Tariff Schedule.

(LIMITATION.—In this subsection, the term “special import quota” means a quantity of imports that is not subject to the over-quota tariff rate of a tariff-rate quota.

(QUANTITY IF PRIOR QUOTA .

(II) QUANTITY IF PRIOR QUOTA.—If a quota period has been established under this subsection, the Secretary, in the designated spot market, shall establish an import quota not exceeding the average rate of the most recent three months immediately preceding the first special import quota established in any marketing year.

(III) LIMITED GLOBAL IMPORT QUOTA.—The term “limited global import quota” means a quantity of imports that is not subject to the over-quot tarif rate of a tariff-rate quota.

(IV) Over-Quota Tariff Rate .

The quantity of the quota established under this subsection may not exceed the equivalent of five week’s consumption of upland cotton by domestic mills at the seasonally adjusted average rate of the average rate of the most recent three months immediately preceding the first special import quota established in any marketing year.

(DEFINITIONS.—In this subsection:

(A) section 213(d) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702(d));

(B) section 234 of the Andean Trade Preference Act (19 U.S.C. 2343); and

(C) General Note 3(a)(v) to the Harmonized Tariff Schedule.

(SEC. 128. SPECIAL COMPETITIVE PROVISIONS.—

(A) COMPETITIVENESS PROGRAM.—Notwithstanding any other provision of law, during the period beginning on the date of the enactment of this Act and ending on July 31, 2012, the Secretary shall carry out a program to maintain and expand the domestic use of extra long staple cotton produced in the United States, to increase exports of extra long staple cotton produced in the United States, and to ensure that extra long staple cotton produced in the United States remains competitive in world markets.

(B) PAYMENTS UNDER PROGRAM; THRESHOLD.—Under the program, the Secretary shall make payments available under this section whenever:

(1) for a consecutive four-week period, the world market price for a competing growth of extra long staple cotton (adjusted to United States quality and location) is less than 134 percent of the loan rate for Middling (M) 13⁄32-inch cotton, as determined by the Secretary, is below the prevailing United States price for a competing growth of extra long staple cotton; and

(2) the lowest priced competing growth of extra long staple cotton (adjusted to United States quality and location) is less than 134 percent of the loan rate for extra long staple cotton.

(E) ELIGIBLE RECIPIENTS.—The Secretary shall make payments available under this section to domestic users of extra long staple cotton produced in the United States and exporters of extra long staple cotton produced in the United States who enter into an agreement with the Commodity Credit Corporation to participate in the program under this section.

(D) PAYMENT AMOUNT.—Payments under this section shall be based on the amount of the differences in the prices referred to in subsection (b)(1) during the four-week period of the consecutive four-week period multiplied by the amount of documented purchases by domestic users and exporters made in the week following such a consecutive four-week period.
SEC. 129. AVAILABILITY OF RECOURSE LOANS FOR HIGH MOISTURE FEED GRAINS AND SEED COTTON AND OTHER FIBERS.

(a) HIGH MOISTURE FEED GRAINS.—For each of the 2002 through 2011 crops of corn and grain sorghum, the Secretary shall make available recourse loans, as determined by the Secretary, to producers on a farm where:

(A) normally harvest all or a portion of their crop of corn or grain sorghum in a high moisture state;

(B) present—

(i) certified scale tickets from an inspected, certified commercial scale, including a licensed warehouse, feedlot, feed mill, distillery, or other similar entity approved by the Secretary, pursuant to regulations issued by the Secretary; or

(ii) field or other physical measurements of the standing or stored crop in regions of the United States, as determined by the Secretary, that do not have certified commercial scales from which certified scale tickets may be utilized; or

(C) otherwise lost beneficial interest in the crop of corn or grain sorghum in a high moisture state; and

(D) comply with deadlines established by the Secretary for harvesting the corn or grain sorghum and submit applications for loans under this subsection within deadlines established by the Secretary.

(b) ELIGIBILITY OF ACQUIRED FEED GRAINS.—

A loan under this subsection shall be made on a quantity of corn or grain sorghum of the same crop acquired by the producer equivalent to a quantity determined by multiplying—

(A) the acreage of the crop or grain sorghum in a high moisture state harvested on the producer’s farm by;

(B) the lower of the farm program payment yield or the actual yield on a field, as determined by the Secretary, that is similar to the field from which the corn or grain sorghum was obtained.

(c) HIGH MOISTURE STATE DEFINED.—In this subsection, the term ‘‘high moisture state’’ means corn or grain sorghum having a moisture content in excess of Commodity Credit Corporation standards for marketing assistance loans made by the Secretary under section 121.

(b) RECOVERY LOANS AVAILABLE.—For each of the 2002 through 2011 crops of corn and grain sorghum, the Secretary shall make available recourse loans, as determined by the Secretary, on a farm where:

(A) harvest all or a portion of their crop of corn, grain sorghum, and seed cotton under such section.

(c) REPAYMENT RATES.

(1) RECOVERY LOANS AVAILABLE.—During the 2002 through 2011 marketing years for wool and mohair, the Secretary shall make available to producers on a farm nonrecourse marketing assistance loans for wool and mohair produced on the farm during that marketing year.

(2) LOAN RATE.—The loan rate for a loan under subsection (a) shall be not more than—

(A) $1.00 per pound for graded wool;

(B) $0.40 per pound for nongraded wool; and

(C) $3.20 per pound for mohair.

(3) LOAN PAYMENT RATE.

(A) The loan payment rate for a loan under subsection (a) shall have a term of 1 year beginning on the first day of the first month after the month in which the loan is made.

(B) The rate at which a loan for wool or mohair at a rate that is the lesser of—

(i) the loan rate established for the commodity under subsection (b), plus interest (as determined by the Secretary); or

(ii) a rate that the Secretary determines will—

(C) minimize potential loan forfeitures;

(D) minimize the accumulation of stocks of the commodity under the Committee on Government; and

(E) allow the commodity produced in the United States to be marketed freely and competitively, both domestically and internationally.

(e) LOAN DEFICIENCY PAYMENTS.—

(1) AVAILABILITY.—The Secretary may make loan deficiency payments available to producers that, although eligible to obtain a marketing assistance loan under this section, agree to forgo obtaining the loan in return for a payment under this subsection.

(2) COMPUTATION.—A loan deficiency payment under this subsection shall be determined by multiplying—

(A) the loan payment rate determined under paragraph (3); by

(B) the quantity of the commodity produced in the United States to be marketed freely and competitively, both domestically and internationally.

(f) LIMITATIONS.

(1) AVAILABILITY.

(A) The Secretary may make loan deficiency payments available to producers with respect to a quantity of a commodity produced in the same crop year.

(B) A loan deficiency payment shall be determined in an amount that is—

(i) not greater than the loan deficiency payment limitation, but in the same dollar amount, as the payment limitation that applies to marketing assistance loans and loan deficiency payments received by producers of other agricultural commodities in the same crop year.

(C) The Secretary shall carry out this section in such a manner as to minimize forfeitures of honey.

SEC. 130. AVAILABILITY OF NONRECOVERY MARKETING ASSISTANCE LOANS FOR WOOL AND MOHAIR.

(a) NONRECOVERY LOANS AVAILABLE.—During the 2002 through 2011 crop years for honey, the Secretary shall make available to producers on a farm nonrecovery marketing assistance loans for honey produced on the farm during that crop year.

(b) LOAN RATE.—The loan rate for a marketing assistance loan for honey under subsection (a) shall be equal to $0.60 cents per pound.

(c) TERM OF LOAN.—A marketing assistance loan under subsection (a) shall have a term of 1 year beginning on the first day of the first month after the month in which the loan is made.

(d) REPAYMENT RATES.—The Secretary shall permit a producer to repay a marketing assistance loan for honey under subsection (a) at a rate that is the lesser of—

(1) the loan rate for honey, plus interest (as determined by the Secretary); or

(2) the prevailing domestic market price for honey, as determined by the Secretary.

(e) LOAN DEFICIENCY PAYMENTS.—

(1) AVAILABILITY.—The Secretary may make loan deficiency payments available to any producer of honey that, although eligible to obtain a marketing assistance loan in a high moisture state harvested on a farm, delivered to a feedlot, feed mill, or commercial or on-farm high-moisture storage facility, or to a facility maintained by the users of corn and grain sorghum in a high moisture state; and

(2) computational—

(A) the loan payment rate determined under paragraph (3); by

(B) the quantity of honey that the producer was allocated plus any quantity for which the producers obtained a marketing assistance loan under this subsection; and

(C) the prevailing domestic market price for honey, as determined by the Secretary.

(f) LIMITATIONS.

(1) HIGH MOISTURE FEED GRAINS.

(A) The loan rate in effect for the commodity under subsection (b); exceeds

(B) the rate at which a loan may be repaid under subsection (d).

(2) TIME FOR PAYMENT.—The Secretary shall make a payment under this subsection to a producer with respect to a quantity of a honey as of the earlier of the following:

(A) the date on which the producer marketed or otherwise lost beneficial interest in the honey, as determined by the Secretary;

(B) the date the producer requests the payment.

(3) LOAN PAYMENT RATE.—For purposes of this subsection, the loan payment rate shall be the amount by which—

(A) the loan rate in effect for the commodity under subsection (b); exceeds

(B) the rate at which a loan for the commodity may be repaid under subsection (d).

(g) PREVENTION OF FORFEITURES.—The Secretary may carry out this section in such a manner as to minimize forfeitures of honey.
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SEC. 133. RESERVE STOCK ADJUSTMENT.
Section 301(b)(14)(C) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1301(b)(14)(C)) is amended—

(1) by striking "comment period" and inserting "100,000,000"; and

(2) in section (ii), by striking "15 percent" and inserting "10 percent".

Subtitle C—Other Commodities

CHAPTER 1—DAIRY

SEC. 141. MILK PRICE SUPPORT PROGRAM.
(a) SUPPORT ACTIVITIES.—During the period beginning on January 1, 2002, and ending on December 31, 2011, the Secretary of Agriculture shall support the price of milk produced in the United States as evidenced by the following policies and programs:

(1) The Secretary may allocate the rate of price support for milk in effect under subsection (b), for

(b) RATE.—During the period specified in subsection (a), the price of milk shall be supported at a rate equal to $9.90 per hundredweight for milk containing 3.67 percent butterfat.

(c) PURCHASE PRICES.—The support purchase prices under this section for each of the products of milk (butter, cheese, and nonfat dry milk) and sweet whey, as announced by the Secretary shall be the same for all of that product sold by persons offering to sell the product to the Secretary. The purchase prices shall be sufficient to provide an average effective price to pay producers, on average, a price that is not less than the rate of price support for milk in effect under subsection (b).

(d) FRESH BUTTER AND NONFAT DRY MILK PURCHASE PRICES.—

(1) ALLOCATION OF PURCHASE PRICES.—The Secretary may allocate the rate of price support between the purchase prices for nonfat dry milk and butter in a manner that will result in the lowest level of expenditures by the Commodity Credit Corporation or achieve such other objectives as the Secretary considers appropriate. Not later than 10 days after making or changing an allocation, the Secretary shall notify the Committee on Agriculture, Nutrition, and Forestry of the Senate of the allocation. Section 553 of title 5, United States Code, shall not apply with respect to the implementation of this section.

(2) TIMING OF PURCHASE PRICE ADJUSTMENTS.—The Secretary may make any such adjustment in the purchase prices for nonfat dry milk and butter so that the Secretary considers to be necessary not more than twice in each calendar year.

(e) COMMUNITY CREDIT CORPORATION.—The Secretary shall carry out the program authorized by this section through the Community Credit Corporation.

SEC. 142. REPEAL OF RECOUPMENT LOAN PROGRAM FOR PROCESSORS.
Section 142 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7322) is repealed.

SEC. 143. EXTENSION OF DAIRY EXPORT INCENTIVE AND DAIRY INDEMNITY PROGRAMS.
(a) DAIRY EXPORT INCENTIVE PROGRAM.—Section 153(a) of the Food Security Act of 1985 (15 U.S.C. 731a-4(a)) is amended by striking "2002" and inserting "2011".

(b) DAIRY INDEMNITY PROGRAM.—Section 3 of Public Law 90-484 (7 U.S.C. 5601) is amended by striking "1995" and inserting "2011".

SEC. 144. FLUID MILK PROMOTION.
(a) DEFINITION OF FLUID MILK PRODUCT.—Section 3(b) of the Fluid Milk Promotion Act of 1990 (7 U.S.C. 6402) is amended by striking paragraph (3) and inserting the following new paragraph:

"(3) Fluid milk product.—The term ‘fluid milk product’ has the meaning given such term under section 2 of this Act.

"(A) in section 1001.15 of title 7, Code of Federal Regulations, subject to such amendments as may be made from time to time; or

"(B) by striking ‘shall’ and inserting ‘may’.

(b) Notification.—Subsection (e) of such section is amended by adding at the end the following new paragraph:

"(4) The Secretary may not impose or enforce any preshipment or similar administrative requirements as the effect of preventing a processor from choosing to forfeit the loan collateral upon the maturity of the loan.

(c) IN PROCESS SUGAR.—Such section is further amended by adding after subsection (e) the following new subsection (f):

"(f) LOANS FOR IN-PROCESS SUGAR.—Available funds under the Secretary shall make nonrecourse loans available to processors of domestically grown sugarcane and sugar beets for in-process sugars and syrup derived from such crops. The loan rate shall be equal to 80 percent of the loan rate applicable to raw cane sugar or refined beet sugar, depending on the source material for the in-process sugars and syrup.

"(2) FURTHER PROCESSING UPON FORFEITURE.—As a condition on the forfeiture of in-process sugars and syrups serving as collateral for a loan or a loan in connection with any prenotification or similar administrative requirement that has the effect of preventing a processor from choosing to forfeit the loan collateral upon the maturity of the loan.

"(3) LOAN CONVERSION.—If the processor does not forfeit the collateral as described in paragraph (2), but instead further processes the in-process sugars and syrups into raw cane sugar or refined beet sugar, the processor shall transfer the sugar to the Corporation, which shall make payment to the processor in an amount equal to the difference between the loan rate for raw cane sugar or refined beet sugar, whichever applies, and the loan rate that the processor received under paragraph (1).

"(4) DEFINITION.—In this subsection the term ‘in-process sugars and syrups’ does not include anhydrous invert syrup, or other finished products that are otherwise eligible for loans under subsection (a) or (b).'

(f) ADMINISTRATION OF PROGRAM.—Such section is further amended by adding at the end the following new subsection: (f) AVOIDING FORFEITURES; CORPORATION INVENTORY DISPOSITION.

"(1) NO COST.—To the maximum extent practicable, the Secretary shall operate the sugar program established under this section at no cost to the Federal Government by avoiding the forfeiture of sugar to the Commodity Credit Corporation.

"(2) INVENTORY DISPOSITION.—In support of the objectives specified in paragraph (1), the Commodity Credit Corporation may accept bids for commodities in the inventory of the Corporation from (or otherwise make available such commodities, on appropriate terms and conditions, to) processors of sugarcane and sugar beets (when the processors are acting in conjunction with the processing of the sugarcane or sugar beets processed by such processors) in return for the reduction of production of raw cane sugar or refined beet sugar, as appropriate.
(g) INFORMATION REPORTING.—Subsection (b) of such section is amended—
(i) by redesignating paragraphs (2) and (3) as paragraphs (4) and (5), respectively;
(ii) in subparagraph (A) after paragraph (1) the following new paragraphs:
‘‘(2) DUTY OF PRODUCERS TO REPORT.—
(A) PROPORTIONATE SHARE STATES.—The Secretary shall require producers of sugarcane located in a State (other than Puerto Rico) in which there are in excess of 250 sugarcane producers to report, in the manner prescribed by the Secretary, the quantities of tariff-rate quotas that are within the quantities of tariff-rate quotas that are at the lower rate of duties, to report, in the manner prescribed by the Secretary, the quantities of such products imported and the sugar content or equivalent of such products.
(B) OTHER STATES.—The Secretary may require producers of sugarcane or sugar beets not covered by paragraph (1) to report, in the manner prescribed by the Secretary, each producer’s sugarcane or sugar beet yields and acres planted to sugarcane or sugar beets,
(3) DUTY OF IMPORTERS TO REPORT.—The Secretary shall require an importer of sugars, syrups, or molasses that are within the quantities of tariff-rate quotas that are at the lower rate of duties, to report, in the manner prescribed by the Secretary, the quantities of such products imported and the sugar content or equivalent of such products.

(h) INTEREST RATE.—Section 163 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7283) is amended by adding at the end the following new sentence: ‘‘For purposes of this section, raw cane sugar, refined beet sugar, and in process sugar, constitute a loan for a fiscal year under section 156 that shall not be considered an agricultural commodity.’’.

SEC. 152. REAUTHORIZE PROVISIONS OF AGRICULTURAL ADJUSTMENT ACT OF 1938 REGARDING SUGAR.
(a) INFORMATION REPORTING.—Section 359a of the Agriculture Adjustment Act of 1938 (7 U.S.C. 1359aa) is repealed.
(b) ESTIMATES.—Section 359b of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359bb) is amended—
(1) in the section heading—
(A) by inserting ‘‘flexible’’ before ‘‘marketing’’ and
(B) by striking ‘‘crystalline fructose’’;
(2) in subsection (a)—
(A) in paragraph (1)—
(i) by striking ‘‘Before’’ and inserting ‘‘Not later than August 1 before’’;
(ii) by striking ‘‘1992 through 1998’’ and inserting ‘‘2002 through 2011’’;
(iii) in subparagraph (A), by striking ‘‘other than sugar and all that follows through ‘stocks’’;
(iv) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively;
(v) by inserting after subparagraph (A) the following:
‘‘(B) the quantity of sugar that will provide for reasonable carryover stocks;’’;
(vi) in subparagraph (C), as so redesignated—
(I) by striking ‘‘or’’ and all that follows through ‘beets’’; and
(II) by striking the ‘‘and’’ following the semicolon,
(vii) by inserting after subparagraph (C), as so redesignated—
‘‘(D) the quantity of sugar that will be available from the domestic processing of sugarcane and sugar beets; and’’;
(viii) in subparagraph (E), as so redesignated—
‘‘(I) by striking ‘‘quantity of sugar’’ and inserting ‘‘quantity of sugars, syrups, and molasses’’;
(II) by inserting ‘‘human’’ after ‘‘imported’’ for the first time it appears;
(III) by inserting after ‘‘consumption’’ the first place it appears the following: ‘‘or to be used for the extraction of sugar for human consumption’’;
(IV) by striking ‘‘year’’ and inserting ‘‘year, whether such articles are under a tariff-rate quota or are in excess or outside of a tariff rate quota’’;
(V) by striking ‘‘(other than sugar) and all that follows through ‘carry-in stocks’’;
(B) by redesigning paragraph (2) as paragraph (3);
(C) by inserting after paragraph (1) the following new paragraph:
‘‘(2) EXCLUSION.—The estimates in this section shall not include sugar imported for the production of polyhydric alcohol or to be refined and re-exported in refined form or in sugar containing products.’’;
(D) in paragraph (3), as so redesignated—
(i) by striking ‘‘QUARTERLY REESTIMATES’’ and inserting ‘‘REESTIMATES’’;
(ii) by striking ‘‘as necessary, but’’ after ‘‘a fiscal year’’;
(3) in subsection (b)—
(A) by striking paragraph (1) and inserting the following:
‘‘(1) IN GENERAL.—By the beginning of each fiscal year, the Secretary shall establish for that fiscal year an appropriate amount under section 359c for the marketing by processors of sugar from sugar beets and from domestically-produced sugarcane at a level that the Secretary estimates will result in no forfeitures of sugar to the Commodity Credit Corporation under the loan program for sugar.’’;
(B) in paragraph (2), by striking ‘‘crystalline fructose’’;
(C) by striking subsection (c);
(D) by redesigning subsection (d) as subsection (c); and
(E) in subsection (c), as so redesignated—
(A) by striking paragraph (2);
(B) by redesigning paragraphs (3) and (4) as paragraphs (2) and (3), respectively; and
(C) in paragraph (2), as so redesignated—
(i) by striking ‘‘or manufacturer’’ and all that follows through ‘‘(2)’’;
(ii) by striking ‘‘crystalline fructose’’;
(D) ESTABLISHMENT.—Section 359c of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359cc) is amended—
(1) in the section heading by inserting ‘‘flexible’’ after ‘‘of’’;
(2) in subsection (a), by inserting ‘‘flexible’’ after ‘‘establish’’;
(3) in subsection (b)—
(A) in paragraph (1)(A), by striking ‘‘1,250,000’’ and inserting ‘‘1,532,000’’;
(B) in paragraph (2), by striking ‘‘to the maximum extent practicable’’;
(4) by striking subsection (c) and inserting the following new subsection:
‘‘(c) MARKETING ALLOTMENT FOR SUGAR DERIVED FROM SUGAR BEETS AND MARKETING ALLOTMENT FOR SUGAR DERIVED FROM SUGARCANE.—The overall allotment quantity for the fiscal year shall be allocated among—
(1) sugar derived from sugar beets by establishing a marketing allotment for a fiscal year at a quantity equal to the product of multiplying the overall allotment quantity for the fiscal year by the percentage of 54.35; and
(2) sugar derived from sugarcane by establishing a marketing allotment for a fiscal year at a quantity equal to the product of multiplying the overall allotment quantity for the fiscal year by the percentage of 45.65;’’;
(5) by amending subsection (d) to read as follows:
‘‘(4) FILLING CANE SUGAR AND BEET SUGAR ALLOTMENTS.—Each marketing allotment for cane sugar established under this section may only be filled with sugar processed from domestically grown sugarcane, and each marketing allotment for beet sugar established under this section may only be filled with sugar processed from sugar beets.’’;
(6) by striking subsection (e);
(7) by redesigning subsection (f) as subsection (e); and
(8) in subsection (e), as so redesignated—
(A) by inserting ‘‘(1) IN GENERAL.—’’ before ‘‘The allotment for sugar’’ and inserting such paragraph appropriately;
(B) in such paragraph (1)—
(i) by striking ‘‘the 5’’ and inserting ‘‘the’’;
(ii) by inserting after ‘‘sugarcane is produced’’ the following: ‘‘or requested by the affected sugar cane processors and growers, and on such notice as the Secretary by regulation may prescribe.’’;
(iii) by striking ‘‘on the basis of past marketing’’ and all that follows through ‘‘allotments’’,
(iv) by redesigning subsection (f) as subsection (e); and
(v) by redesigning subsection (g) as subsection (f).
(2) OFFSHORE ALLOTMENT.—
(A) COLLECTIVELY.—Each State that shall be allotted sugar derived from sugarcane to any other State, 325,000 short tons, raw value shall be allotted to the offshore States.
(B) INDIVIDUALLY.—Each individual offshore State allotment provided for under subparagraph (A) shall be further allotted among the offshore States in which sugar cane is produced, after a hearing if requested by the affected sugar cane processors and growers, and on such notice as the Secretary by regulation may prescribe, in a fair and equitable manner on the basis of—
(i) past marketing of sugar, based on the average of the 2 highest years of production of raw cane sugar from the 1996 through 2000 crops,
(ii) the ability of processors to market the sugar covered under the allotments for the crop year; and
(iii) past processings of sugar from sugarcane based on the 3 year average of the crop years 1998 through 2000.
(3) MAINLAND ALLOTMENT.—The allotments for sugar derived from sugarcane that amount provided for under paragraph (2), shall be allotted among the mainland States in the United States in which sugar cane is produced, after a hearing if requested by the affected sugar cane processors and growers, and on such notice as the Secretary by regulation may prescribe, in a fair and equitable manner on the basis of—
(A) past marketings of sugar, based on the average of the 2 highest years of production of raw cane sugar from the 1996 through 2000 crops,
(B) the ability of processors to market the sugar covered under the allotments for the crop year; and
(C) past processings of sugar from sugarcane, based on the 3 crop years with the greatest processings (in the mainland States collectively) during the 1991 through 2000 crop years;
(9) by inserting after subsection (e), as so redesignated, the following new subsection (f):
‘‘(F) FILLING CANE SUGAR ALLOTMENTS.—Except as otherwise provided in section 359c, a State cane sugar allotment established under subsection (a) may be filled only with sugar processed from sugarcane grown in the State covered by the allotment.
(10) subsection (g)—
(A) in paragraph (1), by striking ‘‘359a(a)(2)’’ and all that follows through

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the comma at the end of subparagraph (C) and inserting "359b(a)(3), adjust upward or downward marketing allotments in a fair and equitable manner;"

(ii) by striking "REDUCTIONS" and inserting "CARRY-OVER OF REDUCTIONS;

(iii) by striking "price support" and inserting "noncourse;"

(iv) by striking "206" and all that follows through "the allotment and inserting "156 of the Agricultural Market Transition Act (7 U.S.C. 7272);"; and

(v) by striking ". if any;"; and

(ii) by amending subsection (b) to read as follows:

"(h) SUSPENSION OF ALLOTMENTS.—Whenever the Secretary estimates, or reestimates, under section 359b(a), or has reason to believe that imports of sugars, syrups or molasses for human consumption or to be used for the extraction of sugar for human consumption, whether under a tariff-rate quota of or in addition to or outside of a tariff-rate quota, will exceed 1.532 million short tons, raw value equivalent, and that such imports would lead to a reduction of the overall allotment subject to adjustment under section 359c(g)."

(1) by inserting "(2)(A)" before "The Secretary shall and indenting such clause appropriately;

(2) in paragraph (2), as so designated—

(i) by striking "interested parties" and inserting "the affected sugar cane processors and growers;"

(ii) by striking "by taking" and all that follows through "allotment allocated." and inserting "with this subparagraph."

(iii) by inserting at the end following the new subparagraph (2) the following new subparagraph:

"(ii) MULTIPLE PROCESSOR STATES.—Except as provided in clause (i), the Secretary shall allocate the allotment for cane sugar among the states currently having growers and processors the allotment to subject to adjustment under section 359c(g)."

(C) by inserting after clause (i) the following new clause:

"(2) by striking ", as so designated—

(1) by inserting "in general—" before "The Secretary shall and indenting such clause appropriately;"

(2) in paragraph (2), as so designated—

(i) by striking "interested parties" and inserting "the affected sugar cane processors and growers;"

(ii) by striking "by taking" and all that follows through "allotment allocated." and inserting "with this subparagraph."

and (iii) by inserting at the end following the new subparagraph (2) the following new subparagraph:

"(iii) PROPORTIONATE SHARE STATES.—In the case of States subject to section 359f(c), the Secretary shall allocate the allotment for cane sugar among multiple cane sugar processors in a single State based upon—

"(1) past marketings of sugar, based on the average of the two highest years of production of raw cane sugar from among the 1997 through 2000 crops;

"(2) the ability of the processors to market sugar covered by that portion of the allotment subject to adjustment under section 359c(g)."

(iii) by inserting after subparagraph (B) the following new subparagraph:

"(C) by inserting after subparagraph (B) the following new subparagraph:

"(IV) however, only with respect to allotments under subclauses (I), (II), and (III) attributable to the former operations of the Talisman processing facility, shall be allocated among processors in the State coincident with the provisions of the agreements of March 25 and March 26, 1999, between the affected processors and the Department of the Interior.

"(iii) PROPORTIONATE SHARE STATES.—In the case of States subject to section 359f(c), the Secretary shall allocate the allotment for cane sugar among multiple cane sugar processors in a single State based upon—

"(I) past marketings of sugar, based on the average of the two highest years of production of raw cane sugar from among the 1997 through 2000 crops;"
amended
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side of the continental United States.
and inserting
section for a crop year.
Secretary under section 164 for peanuts to
7301(a)(1)(E)) is amended by inserting before
using the services, facilities, funds, and au-
cility loan program shall be administered
security requirements, and eligible equipment)
proves an ability to repay the loan.
loans shall be made available to any proc-
tion 164.
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'meaning a pay-
(b) ELIGIBLE PROCESSORS.—Storage facility
loans shall be made available to any proc-
essor of domestically-produced sugarcane and sugar
beets to build or upgrade storage and han-
dling facilities for raw sugars and refined
(b) A SSIGNMENT OF YIELD AND ACRES TO
PAYMENT ACRES.
(a) ESTABLISHMENT OF PAYMENT YIELD AND
PAYMENT ACRES FOR A FARM.
(1) DETERMINATION OF AVERAGE YIELD.—
(A) IN GENERAL.—The Secretary shall de-
termines, for each historic peanut producer,
the average yield for each county in which the historic peanut pro-
duced peanuts for the 1998 through 2001 crop
years, excluding any crop year in which the producer did not produce peanuts. If, for any
of these four crop years in which peanuts
were planted on a farm by the producer, the
farm had the eligibility cri-
to Average of all of the Peanut Acres—For the purposes of determining the 4-year average
yield for the historical peanut producer, the
historical peanut producer may elect to sub-
stitute, for any crop year, an acreage or
yield to a farm when a historical peanut pro-
ducer is no longer living or an entity com-
posed of historical peanut producers has been
(a) ASSIGNMENT OF YIELD AND ACRES TO
FARMS.—
(1) ASSIGNMENT BY HISTORICAL PEANUT PRO-
ducers.—For each of the calendar years 2003
years, the Secretary shall provide each his-
torical peanut producer with an opportunity to
assign the average peanut yield and aver-
age acreage determined under subsection (a)
for the historical peanut producer to crop-
land on a farm.
(2) PAYMENT YIELD.—The average of all of
the yields assigned by the historical peanut produ-
cers to a farm shall be considered to be the payment yield for the farm for the purpose of
making direct payments and counter-cyclical
payments under this chapter.
(3) PEANUT ACRES.—Subject to subsection (e), the total number of acres assigned by
historical peanut producers to a farm shall be
considered to be the peanut acres for the farm
for the purpose of making direct payments
and counter-cyclical payments under this chapter.
(c) ELECTRON.—Not later than 180 days after
the date of enactment of this section for the
2002 crop, and not later than 180 days after
January 1, 2003, for the 2003 crop, a historical
peanut producer shall notify the Secretary of
the assignments described in subsection (b).
(d) PAYMENT ACRES.—The payment acres
for a farm shall be defined for purposes of this
section as 85 percent of the peanut acres assigned to
the farm.
PREVENTION OF EXCESS PEANUT ACRES.—
(1) REQUIRED REDUCTION.—If the total of
the peanut acres for a farm, together with the
acreage described in paragraph (2), ex-
cedes the actual cropland acreage of the
farm, the Secretary shall reduce the quan-
tity of peanut acres for the farm or contract
acreage for 1 or more covered commodities for
the farm as necessary so that the total of the
peanut acres and acreage described in paragraph (3) does not exceed the actual
cropland acreage of the farm.
(2) SELECTION OF ACRES.—The Secretary
shall give the peanut producers on the farm
the opportunity to select the peanut acres or
acreage against which the reduc-
(3) OTHER ACREAGE.—For the purposes of
paragraph (1), the Secretary shall include—
(A) any contract acreage for the farm
under subtitle B;
(B) any acreage on the farm enrolled in
the conservation reserve program or wetlands re-
serve program under chapter 1 of subtitle D
of title XII of the Food Security Act of 1985
(16 U.S.C. 3301 et seq.); and

A STRAER AREA DURING 1 OR MORE OF THE 4 CROP YEARS

(C) any other acreage on the farm enrolled in a conservation program for which payments are made in exchange for not producing an agricultural commodity on the acreage.

(3) DOUBLE-CROPPED ACREAGE.—In applying paragraph (1), the Secretary shall take into account additional acreage as a result of an established double-cropping history on a farm, as determined by the Secretary.

SEC. 163. DIRECT PAYMENTS FOR PEANUTS.

(a) IN GENERAL.—For each of the 2002 through 2006 fiscal years, the Secretary shall make direct payments to peanut producers on a farm with peanut acres under section 158B and a payment yield for peanuts under section 164.

(b) PAYMENT RATE.—The payment rate used to make direct payments with respect to peanuts for a fiscal year shall be equal to $0.018 per pound.

(c) PAYMENT AMOUNT.—The amount of the direct payment to be paid to the peanut producers on a farm for peanuts for a fiscal year shall be equal to the product obtained by multiplying—

(1) the payment rate specified in subsection (b);

(2) the payment acres on the farm; and

(3) the payment yield for the farm.

(d) TIME FOR PAYMENT.—

(1) IN GENERAL.—The Secretary shall make direct payments—

(A) in the case of the 2002 fiscal year, during the period beginning on December 1, 2001, and ending on September 30, 2002; and

(B) in the case of each of the 2003 through 2006 fiscal years, not later than September 30 of the fiscal year.

(2) ADVANCE PAYMENTS.—

(A) IN GENERAL.—At the option of the peanut producers on a farm, the Secretary shall pay 50 percent of the direct payment for a fiscal year for the producers on the farm on a date selected by the peanut producers on the farm.

(B) SELECTED DATE.—The selected date for a fiscal year shall be on or after December 1 of the fiscal year.

(C) SUBSEQUENT FISCAL YEARS.—The peanut producers on a farm may change the selected date for a subsequent fiscal year by providing advance notice to the Secretary.

(3) REPAYMENT OF ADVANCE PAYMENTS.—If any peanut producer on a farm that receives an advance direct payment for a fiscal year ceases to be eligible for a direct payment before the date the direct payment would have been made under paragraph (1), the peanut producer shall be responsible for repaying the Secretary the full amount of the advance payment.

SEC. 164. COUNTER-CYCLICAL PAYMENTS FOR PEANUTS.

(a) IN GENERAL.—For each of the 2002 through 2006 crops of peanuts, the Secretary shall make counter-cyclical payments with respect to peanuts for a crop year equal to the product obtained by multiplying—

(1) the payment rate specified in subsection (e);

(2) the payment acres on the farm; by

(3) the payment yield for the farm.

(b) APPLICABLE REQUIREMENTS.

(1) IN GENERAL.—(A) The Secretary shall make counter-cyclical payments to peanut producers on a farm under this section for a crop of peanuts as soon as practicable after determining under subsection (a) that the payments are required for the crop year.

(B) PAYMENT AMOUNT.—The peanut producers on a farm shall repay to the Secretary the amount, if any, by which the payment received by producers on a farm (including any partial payments) exceeds the counter-cyclical payments the producers on the farm are entitled to receive under this section.

(c) INCOME PROTECTION PRICE.

(1) In general.—For the purposes of subsection (a), the income protection price for peanuts shall be equal to $550 per ton.

(2) PAYMENT AMOUNT.—The amount of the counter-cyclical payment to be paid to the peanut producers on a crop year shall be equal to the product obtained by multiplying—

(A) the payment rate specified in subsection (e);

(B) the payment acres on the farm; and

(C) the effective price determined under subsection (b).

(d) TIME FOR PAYMENTS.—

(1) IN GENERAL.—The Secretary shall make counter-cyclical payments to peanut producers on a farm under this section for a crop of peanuts as soon as practicable after determining under subsection (a) that the payments are required for the crop year.

(2) PARTIAL PAYMENT.—

(A) IN GENERAL.—At the option of the Secretary, the peanut producers on a farm may elect to receive up to 40 percent of the projected counter-cyclical payment to be made under this section for a crop of peanuts on completion of the first 2 months of the marketing season for the crop, as determined by the Secretary.

(B) REPAYMENT.—The peanut producers on a farm shall repay to the Secretary the amount, if any, by which the payment received by producers on a farm (including any partial payments) exceeds the counter-cyclical payments the producers on the farm are entitled to receive under this section.

SEC. 165. PRODUCER AGREEMENTS.

(a) COMPLIANCE WITH CERTAIN REQUIREMENTS.

(1) REQUIREMENTS.—Before the peanut producers on a farm receive direct payments or counter-cyclical payments with respect to the farm, the peanut producers on the farm shall agree during the fiscal year or crop year, respectively, for which the payments are received, in exchange for the payments—

(A) to comply with applicable highly erodible land conservation requirements under subtitle B of title XII of the Food Security Act of 1985 (16 U.S.C. 3811 et seq.); and

(B) to comply with applicable wetland conservation requirements under subtitle C of title XII of the Food Security Act of 1985 (16 U.S.C. 3821 et seq.); and

(C) to comply with the planting flexibility requirements of section 166; and

(D) to use a quantity of the land on the farm equal to the peanut acres, for an agricultural or conserving use, and not for a non-agricultural commercial or industrial use, as determined by the Secretary.

(2) COMPLIANCE.—The Secretary may promulgate such regulations as the Secretary considers necessary to ensure peanut producer compliance with paragraph (1).

(b) FLEXIBILITY.

(1) IN GENERAL.—The Secretary shall not require a farm to agree to any requirements of paragraph (1) if the Secretary determines that forgiving the repayment is appropriate to provide fair and equitable treatment.

(2) COMPLIANCE WITH REQUIREMENTS.

(A) IN GENERAL.—In determining whether the peanut growers on a farm under subsection (a) if the peanut producers on the farm continue or resume operation of a farm, the Secretary shall provide for the sharing of direct payments and counter-cyclical payments among the peanut producers on a farm on a fair and equitable basis.

SEC. 166. PLANTING FLEXIBILITY.

(a) PERMITTED CROPS.—Subject to subsection (b), any common bean crop may be planted on peanut acres on a farm.

(b) LIMITATIONS AND EXCEPTIONS REGARDING CERTAIN COMMODITIES.

(1) LIMITATIONS.—The planting of the following agricultural commodities shall be prohibited on peanut acres:

(A) Fruits.

(B) Vegetables (other than lentils, mung beans, and dry peas).

(C) In the case of the 2003 and subsequent crops of an agricultural commodity, wild rice.

(2) EXCEPTIONS.—Paragraph (1) shall not limit the planting of an agricultural commodity specified in paragraph (1) if peanuts are planted on the farm by the peanut producers on the farm, except that peanuts are prohibited on peanut acres:

(A) if peanuts are planted on a farm by the peanut producers on the farm, except that peanuts are prohibited on peanut acres:

(i) the quantity planted may not exceed the average annual planting history of the farm by the peanut producers on the farm, the requirements of subsection (a) in effect on the date of the foreclosure shall apply.

(c) TRANSFER OR CHANGE OF INTEREST IN FARM VEHICLES.

(1) TERMINATION.—Except as provided in paragraph (5), a transfer of (or change in) the interest of the peanut producers on a farm in farm vehicles for which such payments or counter-cyclical payments are made shall result in the termination of the payments with respect to the peanut acres, unless the transferee or owner of the acreage agrees to assume all obligations under subsection (a).

(2) EFFECTIVE DATE.—The termination takes effect on the date of the transfer or change.

(3) TRANSFER OF PAYMENT BASE AND YIELD.—The Secretary shall not impose any restriction on the transfer of the peanut acres or payment yield of a farm as part of a transfer or change described in paragraph (1).

(4) MODIFICATION.—At the request of the transferee or owner, the Secretary may modify the requirements of subsection (a) if the modifications are consistent with the purposes of subsection (a), as determined by the Secretary.

(5) EXCEPTION.—If a peanut producer entitled to a direct payment or counter-cyclical payment dies, becomes incompetent, or is otherwise unable to receive the payment, the Secretary shall make the payment, in accordance with regulations promulgated by the Secretary.

(d) AGRICULTURAL ENDURANCE REPORTS.—As a condition on the receipt of any benefits under this chapter, the Secretary shall require the peanut producers on a farm to submit to the Secretary agricultural reports for the farm.

(e) TENANTS AND SHARECROPPERS.—In carrying out this chapter, the Secretary shall provide adequate safeguards to protect the interests of tenants and sharecroppers.

(f) SHARING OF PAYMENTS.—The Secretary shall provide for the sharing of direct payments and counter-cyclical payments among the peanut producers on a farm on a fair and equitable basis.
agricultural commodity by the peanut producers on the farm during the 1996 through 2001 crop years (excluding any crop year in which no plantings were made), as determined by the Secretary:

(ii) direct payments and counter-cyclical payments shall be reduced by an acre for each acre planted to the agricultural commodity on a farm in any year, in the absence of the amendment made by subsection (a); or

(iii) the loan rate established for peanuts under subsection (b) shall be determined under paragraph (3) if there is otherwise a farm that was eligible, immediately before the date of the enactment of this Act, to have a peanut quota established upon it for the 2002 crop of peanuts.

(a) NONRECOURSE LOANS AVAILABLE.—

(1) AVAILABILITY.—For each of the 2002 through 2006 crops of peanuts, the Secretary shall make nonrecourse loans to peanut producers on a farm nonrecourse marketing assistance loans for peanuts produced on the farm.

(2) TERMS AND CONDITIONS.—The loans shall be made under terms and conditions that are prescribed by the Secretary and at the loan rate established under subsection (b).

(b) ELIGIBLE PRODUCTION.—The producers on a farm shall be eligible for a marketing assistance loan under this section for any quantity of peanuts produced on the farm.

(c) TREATMENT OF CERTAIN COMMIMICATED COMMODITIES.—By way of illustration, the Secretary shall make loans to peanut producers on a farm that would be eligible to obtain a marketing assistance loan but for the fact that the peanuts produced on the farm are commingled with other peanuts of other producers in facilities unlicensed for the storage of agricultural commodities by the Secretary or a State licensing authority, if the peanut producers on a farm obtaining the loan agree to immediately redeem the loan collateral in accordance with section (e) of this subsection.

(5) OPTIONS FOR OBTAINING LOAN.—A marketing assistance loan under this subsection, and loan deficiency payments under section (d), may be obtained at the option of the peanut producers on a farm through—

(A) a designated marketing association of peanut producers that is approved by the Secretary, which may own or construct necessary storage facilities;

(B) the Farm Service Agency; or

(C) a loan servicing agent approved by the Secretary.

(b) LOAN RATE.—The loan rate for a marketing assistance loan for peanuts under subsection (a) shall be equal to $400 per ton.

(c) TERMS OF LOAN.—

(1) IN GENERAL.—A marketing assistance loan for peanuts under subsection (a) shall have a term of one year, and shall be payable in equal installments beginning on the first day of the first month after the month in which the loan is made.

(2) EXTENSIONS PROHIBITED.—The Secretary may not extend the term of a marketing assistance loan for peanuts under subsection (a).

(d) REPAYMENT RATE.—The Secretary shall permit peanut producers on a farm to repay a marketing assistance loan for peanuts under subsection (a) at a rate that is the lesser of—

(1) the loan rate established for peanuts under subsection (b), plus interest (as determined by the Secretary); or

(2) a rate that the Secretary determines will—

(A) minimize potential loan forfeitures;

(B) maximize the accumulation of stocks of peanuts on the farm for carryout purposes.

(c) MINIMIZE THE COST INCURRED BY THE FEDERAL GOVERNMENT IN STORING PEANUTS; AND

(D) ALLOW PRODUCE IN THE UNITED STATES TO BE MARKETED FREELY AND COMPETITIVELY, BOTH DOMESTICALLY AND INTERNATIONALLY.

(e) LOAN DEFICIENCY PAYMENTS—

(1) AVAILABLE.—The Secretary may make loan deficiency payments available to the peanut producers on a farm that, although eligible to obtain a marketing assistance loan for peanuts under subsection (a), agree to forgo obtaining the loan for the peanuts in return for payments under this subsection.

(2) AMOUNT.—A loan deficiency payment under this subsection shall be determined by multiplying—

(A) the loan payment rate determined under paragraph (3) for peanuts; by

(B) the quantity of the peanuts produced by the peanut producers on the farm, excluding any quantity for which the producers on the farm obtain a loan under subsection (a).

(3) LOAN PAYMENT RATE.—For the purposes of this subsection, the loan payment rate shall be the amount established under subsection (d)(1) for peanuts, reduced by any payments made under paragraphs (1) and (2) of section 165.

(4) TIME FOR PAYMENT.—The Secretary shall make a payment under this subsection to the peanut producers on a farm with respect to a quantity of peanuts as of the earlier of—

(A) the date on which the peanut producers on the farm marketed or otherwise lost beneficial interest in the peanuts, as determined by the Secretary; or

(B) the date the peanut producers on the farm request the payment.

(f) COMPLIANCE WITH CONSERVATION REQUIREMENTS.—As a condition of the receipt of a marketing assistance loan under subsection (a), the peanut producers on a farm shall comply during the term of the loan with—

(1) applicable highly erodable land conservation requirements under subtitle B of title XII of the Food Security Act of 1985 (16 U.S.C. 3811 et seq.); and

(2) applicable wetland conservation requirements under subtitle C of title XII of that Act (16 U.S.C. 590a et seq.).

(g) REIMBURSABLE AGREEMENTS AND PAYMENTS OF EXPENSES.—To the maximum extent practicable, the Secretary shall implement any reimbursable agreements or provide for the payment of expenses under this chapter in a manner that is consistent with the implementation of the agreements or payment of the expenses under other commodities.

SEC. 168. QUALITY IMPROVEMENT.

(a) OFFICIAL INSPECTION.—All peanuts placed under a marketing assistance loan under section (a) shall be officially inspected and graded by a Federal or State inspector.

(b) EFFECTIVE DATE.—This section shall take effect with the 2002 crop of peanuts.

SEC. 169. PAYMENT LIMITATIONS.

For purposes of sections 1001 through 1001C of the Food Security Act of 1985 (7 U.S.C. 1308 through 1308-3), separate payment limitations shall apply to peanuts with respect to—

(1) fixed, decoupled payments;

(2) counter-cyclical payments, and

(3) limitations on marketing loan gains and loan deficiency payments.

SEC. 170. TERMINATION OF MARKETING QUOTA PROGRAMS FOR PEANUTS AND COMMISSION TO PEANUT QUOTA HOLDERS FOR LOSS OF QUOTA ASSET VALUE.

(a) REPEAL OF MARKETING QUOTA.—

(1) REPEAL.—Part VI of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1357-1357gaa), relating to peanuts, is repealed.

(2) TREATMENT OF 2001 CROP.—Part VI of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1357-1357gaa), as amended, is repealed and shall be deemed to have been repealed on the date of the enactment of this Act, shall continue to apply with respect to the 2001 crop of peanuts notwithstanding the amendment made by paragraph (1).

(b) COMPENSATION CONTRACT REQUIRED.—The Secretary shall offer to enter into a contract with eligible peanut quota holders for the purpose of providing compensation for the lost value of the quota on account of the termination of the marketing quota program for peanuts under subsection (a). Under the contracts, the Secretary shall make payments to eligible peanut quota holders during fiscal years 2002 through 2006.

(c) TIME FOR PAYMENT.—The payments required under the contracts shall be provided in five equal installments not later than September 30 of each fiscal years 2002 through 2006.

(d) PAYMENT AMOUNT.—The amount of the payment for a fiscal year to a peanut quota holder under a contract is equal to the product obtained by multiplying—

(1) $9.10 per pound; by

(2) the actual farm poundage quota (excluding seed and experimental peanuts) established for the peanut quota holder’s farm under section 358-3(b) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1358-1(b)) for the 2001 marketing year.

(e) ASSIGNMENT OF PAYMENTS.—The provisions of section 8(g) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(g)), relating to assignment of payments, shall apply to the payments made to peanut quota holders under the contracts.

(f) PEANUT QUOTA HOLDER DEFINED.—In this section, the term “peanut quota holder” means a person or enterprise that owns a farm that—

(1) was eligible, immediately before the date of the enactment of this Act, to have a peanut quota established upon it;

(2) if there are not quotas currently established, would be eligible to have a quota established upon it for the succeeding crop year, in the absence of the amendment made by subsection (a); or

(3) is otherwise a farm that was eligible for such a quota at the time the general quota establishment authorized by this section would have been made.

The Secretary shall apply this definition without regard to temporary leases or transfers of quotas or seed or experimental purposes.

Subtitle D—Administration

SEC. 181. ADMINISTRATION GENERALLY.

(a) USE OF COMMODITY CREDIT CORPORATION.—The Secretary shall carry out this title through the Commodity Credit Corporation.

(b) DETERMINATIONS BY SECRETARY.—A determination made by the Secretary under this title shall be final and conclusive.

(c) REGULATIONS.—Not later than 90 days after the date of the enactment of this Act, the Secretary and the Commodity Credit Corporation, as appropriate, shall issue such regulations as are necessary to implement this title.

(d) RULEMAKING.—The Secretary and the Commodity Credit Corporation, as appropriate, shall issue such rules and regulations as are necessary to implement this title.

The Secretary shall, in consultation with the Commodity Credit Corporation and domestic and international allies and the Congress, carry out the provisions of this title.
payable under the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7212 note) shall also apply to the advance payment of fixed, decoupled payments and counter-cyclical payments.

(e) Adjustment Authority Related to Uruguay Round Compliance.—If the Secretary determines that expenditures under subsection (a), (b), or (c) that are subject to the total allowable domestic support levels under the Uruguay Round Agreements (as defined in section 207 of the Uruguay Round Agreements Act (19 U.S.C. 3507(b)(1))), as in effect on the date of the enactment of this Act, will exceed such allowable levels for any applicable reporting period, the Secretary may make such adjustments in the amount of such expenditures during that period to ensure that such expenditures do not exceed, but in no case are less than, such allowable levels.

SEC. 182. Extension of Subsection of Permanent Price Support Authority.

(a) Agricultural Adjustment Act of 1938.—Section 171(a)(1) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7301(a)(1)) is amended by striking “2002” both places it appears and inserting “2011.”

(b) Agricultural Act of 1949.—Section 171(b)(1) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7301(b)(1)) is amended by striking “2002” both places it appears and inserting “2011.”

(c) Suspension of Certain Quota Provisions.—Section 171(c) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7301(c)) is amended by striking “2002” and inserting “2011.”

SEC. 183. Limitations.

(a) Limitation on Amounts Received.—Section 1202 of the Farm Security Act of 1985 (7 U.S.C. 7306) is amended—

(1) in paragraph (1)—

(A) by striking “PAYMENTS UNDER PRODUCTION PLANTING CONTRACTS” and inserting “FIXED, DECOUPLED PAYMENTS”;

(B) by striking “contract payments made under the Agricultural Market Transition Act to a person under 1 or more production flexibility contracts” and inserting “fixed, decoupled payments made to a person”;

(C) by striking “4” and inserting “5”;

(D) by striking paragraph (2) and (3); and

(E) by striking paragraph (4) and inserting “4”.

(b) Limitation on Amounts Received.—The Secretary of Agriculture shall conduct a review of the effects that payments under production flexibility contracts and market loss assistance payments made by the Secretary of Agriculture are likely to have, on the economic viability of producers and the farming infrastructure in areas where climate, soil types, and other agronomic conditions severely limit the crops grown that producers could choose to successfully and profitably produce.

(c) Report and Recommendations.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the information collected for the review and the case study research conducted on the basis of such information. The report shall include recommendations for minimizing the adverse effects on producers, with a special focus on producers who are tenants, on the agricultural economies in farming areas generally, on those particular areas described in subsection (a), and on the area that is the subject of the case study in subsection (b).

TITLE II—CONSERVATION

Subtitle A—Environmental Conservation

Acreage Reserve Program

SEC. 201. General Provision.

Title XII of the Food Security Act of 1985 is amended—

(1) in section 1230(a), by striking “1996” and inserting “2002” through “2011”;

(2) by striking subsection (c) of section 1230; and

(3) by striking section 1230A (16 U.S.C. 3830a), by striking “chapter” each place it appears and inserting “title”.

Subtitle B—Conservation Reserve Program

SEC. 201A. Real Authorization.

(a) In General.—Section 1231 of the Food Security Act of 1985 (16 U.S.C. 3831) is amended in each of subsections (a) and (d) by striking “2002” and inserting “2011.”

(b) Scope of Program.—Section 1231(a) of such Act (16 U.S.C. 3831(a)) is amended by striking “and water” and inserting “, water, and wildlife.”

SEC. 212. Enrollment.

(a) Conservation Priority Areas.—

(1) Eligibility.—Section 1231(b) of the Farm Security Act of 1985 (16 U.S.C. 3831(b)) is amended—

(A) by striking paragraph (1) and inserting the following:

“(1) highly erodible cropland that—

(A) if permitted to remain untreated could substantially reduce the production capability for future generations; or

(B) cannot be profitably produced in accordance with a conservation plan that complies with the requirements of subsection (b); and

(B) the Secretary determines that a cropping history or was considered to be planted for 3 of the 6 years preceding the date of enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Rural Enhancement Act of 2001 (except for land enrolled in the conservation reserve program as of that date);”;

and

(B) by adding at the end the following:

“(5) the portion of land in a field not enroled in the conservation reserve program in a case in which more than 50 percent of the land in the field is enrolled as a buffer under a program described in section 1234(c)(1), if the latter enrolled as part of a contiguous enrollment described in section 1231(b)(6) (land (including land that is not cropland) enrolled through continuous signup)—

(A) to establish conservation buffers as part of the program described in a notice issued on March 24, 1998 (63 Fed. Reg. 14109) or a successor program; or

(B) into the conservation reserve expansion program, as described in a notice issued on May 27, 1998 (63 Fed. Reg. 28965) or a successor program; or

(2) CRP Priority Areas.—Section 1231(f) of the Farm Security Act of 1985 (16 U.S.C. 3831(f)) is amended by adding at the end the following:

“(D) Priority.—Designating conservation priority areas under paragraph (1), the Secretary shall give priority to areas in which designated land would facilitate the most rapid completion of projects that—

(A) are ongoing as of the date of the application; and

(B) meet the purposes of the program established under this subchapter.

(4) Eligibility for Conservation Expiration.—On the expiration of a contract entered into under this subchapter, the land

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subject to the contract shall be eligible to be considered for re-enrollment in the conservation reserve.

(c) BALANCE OF NATURAL RESOURCE PURPOSES.—In determining the acceptability of contract offers under this subchapter, the Secretary shall ensure an equitable balance among the conservation purposes of soil erosion, water quality and wildlife habitat.

(2) REGULATIONS.—Not later than 180 days after the enactment of this Act, the Secretary of Agriculture shall issue final regulations implementing section 1231(i) of the Food Security Act of 1985, as added by paragraph (2) of this subsection.

SEC. 213. DUTIES OF OWNERS AND OPERATORS.

Section 1232 of the Food Security Act of 1985 (16 U.S.C. 3832) is amended—

(1) in paragraph (3), by inserting “as described in section 1232(a)(7) or for other purposes” before “as permitted”;

(2) in paragraph (4), by inserting “where practical, maintain existing cover” before “on such land”;

(3) in paragraph (5), by redesignating subsection (e) as subsection (f) and in redesignating subsection (f) as subsection (g);

(4) by amending section 1232 of such Act (16 U.S.C. 3837b) as follows:

(a) MAXIMUM.—Section 1232(a) of the Food Security Act of 1985 (16 U.S.C. 3837b) is amended by striking paragraph (1) and inserting the following:

“(1) LIQUIDATION.—In addition to any acres enrolled in the wetlands reserve program as provided by a calendar year, the Secretary may in the succeeding calendar year enroll in the program a number of additional acres equal to—

(A) if the succeeding calendar year is calendar year 2002, 150,000; or

(B) if the succeeding calendar year is a calendar year after calendar year 2002—

(i) 150,000; plus

(ii) the amount (if any) by which 150,000, multiplied by the number of calendar years in the period that begins with calendar year 2002 and ends during the calendar year preceding such succeeding calendar year, exceeds the total number of acres added to the reserve during the period.

(b) MIRRORS.—Section 1237 of such Act (16 U.S.C. 3837c) is amended—

(1) by redesignating paragraph (b)(2) as paragraph (b)(3); and

(2) by inserting “Section 1237A of the Food Security Act of 1985 (16 U.S.C. 3839aa-2(a)) is amended—

(a) by striking paragraph (1) and inserting the following:

“(1) ANNUAL ENROLLMENT.—The Secretary shall enroll acreage into the wetlands reserve program through the use of easements, restoration cost share agreements, or both, and—

(B) by striking subsection (c).

(c) EXTENSION.—Section 1237(c) of such Act (16 U.S.C. 3837c) is amended by striking “2002” and inserting “2007”;

(2) by striking subsection (g).

(d) ELIMINATION OF CERTAIN LIMITATIONS ON ELIGIBILITY FOR COST-SHARE PAYMENTS.—Section 1237A(b)(3) of such Act (16 U.S.C. 3839aa-2) is amended—

(1) by striking paragraph (B) and redesignating paragraph (C) as subparagraph (B);

(2) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively, and inserting after subsection (g) the following:

“(C) TIMING OF PAYMENTS.—The Secretary may permit, consistent with the conservation of soil, water quality, and wildlife habitat, “

(A) prescribed grazing and limited baying, in which case the Secretary shall reduce the conservation reserve payment otherwise payable under the contract by an amount commensurate with the economic value of the activity;

(B) wind turbines for the provision of wind energy, whether or not commercial in nature;

(C) land subject to the contract to be harvested for recovery of biomass used in energy production, in which case the Secretary shall reduce the conservation reserve payment otherwise payable under the contract by an amount commensurate with the economic value of such activity;’’; and

(2) by redesigning subsections (c) and (d) and redesignating subsection (e) as subsection (c).
“(3) providing technical assistance or cost-share payments for developing and implementing 1 or more structural practices or 1 or more land management practices, as appropriate.

SEC. 237. LIMITATION ON PAYMENTS.
Section 1240G of the Food Security Act of 1985 (16 U.S.C. 3833a(a)–(7)) is amended—

(1) in subsection (a), in paragraph (1), by striking “$10,000,” and inserting “$35,000”; and

(2) in paragraph (2), by striking “$17,500” and inserting “$40,000.”

SEC. 238. GROUND AND SURFACE WATER CONSERVATION.
Section 1240H of the Food Security Act of 1985 (16 U.S.C. 3833a–8) is amended to read as follows:

“SEC. 238. GROUND AND SURFACE WATER CONSERVATION.

“(a) SUPPORT FOR CONSERVATION MEASURES.—The Secretary shall provide cost-share payments and low-interest loans to encourage ground and surface water conservation, including irrigation system improvement.

“(b) Technical Assistance.—The Secretary shall make available the following amounts to carry out this section:

(1) $50,000,000 for fiscal year 2002.

(2) $45,000,000 for fiscal year 2003.

(3) $50,000,000 for each of fiscal years 2004 through 2006.

Subtitle E—Funding and Administration

SEC. 241. REAUTHORIZATION.
Section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)) is amended by striking “2002” and inserting “2011”.

SEC. 242. FUNDING.
Section 1241(b)(1) of the Food Security Act of 1985 (16 U.S.C. 3841(b)(1)) is amended—

(1) by striking “$130,000,000” and all that follows through “2002,” and inserting “the following amounts for purposes of this section:

(A) $10,000,000 for fiscal year 2002.

(B) $45,000,000 for fiscal year 2003.

(C) $50,000,000 for each of fiscal years 2004 through 2006.

Subtitle F—Other Programs

SEC. 251. PRIVATE GRAZING LAND CONSERVATION.
Section 386(d)(1) of the Federal Agriculture Improvement and Reform Act of 1996 (16 U.S.C. 2276(d)(1)) is amended—

(1) by striking “and” at the end of subparagraph (G);

(2) by striking the period at the end of paragraph (1) and inserting “;”;

(3) by striking the subsection heading and inserting “Subparagraph (H) and inserting “LIMITATION.”

SEC. 252. WILDLIFE HABITAT INCENTIVES PROGRAM.
Subsection (c) of section 367 of the Federal Agriculture Improvement and Reform Act of 1996 (16 U.S.C. 3836a) is amended to read as follows:

“(c) FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary of Agriculture shall make available $25,000,000 for each of fiscal years 2002 through 2011 to carry out this section.

Subsection (d) of such Act (16 U.S.C. 3843d) is amended to read as follows:

“(1) In General.—The Secretary shall provide technical assistance under this title to a producer eligible for such assistance, by providing the assistance directly or, at the option of the producer, through an approved third party if available.

“(2) Certification of Third-Party Providers.—The Secretary shall reevaluate the provision of, and the amount of, technical assistance made available under subchapter B of chapter 1 and chapter 4 of subtitle D.

“(3) Certification of Third-Party Providers.—The Secretary shall reevaluate the provision of, and the amount of, technical assistance made available under subchapter B and C of chapter 1 and chapter 4 of subtitle D.

“(4) Technical Assistance.—The Secretary shall make available the following amounts for purposes of this subsection:

(1) $25,000,000 for fiscal year 2002.

(2) $30,000,000 for fiscal year 2003.

(3) $45,000,000 for each of fiscal years 2004 through 2006.

Subsection (a) of section 1243(b) of the Food Security Act of 1985 (16 U.S.C. 3833a) is amended by striking “$250,000,000” and inserting “$500,000,000.”

Subsection (b)(1) of such Act (16 U.S.C. 3843b) is amended to read as follows:

“(1) In General.—The Secretary shall make available the following amounts to carry out this section:

(2) by striking $50,000,” and inserting “$10,000.”

Subsection (c) of such Act (16 U.S.C. 3843c) is amended to read as follows:

“(1) In General.—The Secretary shall make available the following amounts to carry out this section:

(2) by striking “$250,000,000” and inserting “$10,000.”

Subsection (a) of section 1244(b)(2) of the Food Security Act of 1985 (16 U.S.C. 3843b(2)) is amended by striking “$100,000,000” and inserting “$250,000,000.”

Subsection (c) of such Act (16 U.S.C. 3843d) is amended to read as follows:

“(1) In General.—The Secretary shall provide technical assistance under this title to
SEC. 1530. ESTABLISHMENT AND SCOPE.

(a) The Secretary shall establish and carry out area plans—

(1) by striking the section heading and all that follows through “Sec. 1530. The Secretary” and inserting the following:

"SEC. 1530. ESTABLISHMENT AND SCOPE. The Secretary; and"

(2) in each of paragraphs (1) and (3)

(B) by inserting “RC&D council” before “tribe”;

(3) in paragraph (4), by striking

"(c) E STABLISHMENT AND SCOPE."

(4) in paragraph (4), by striking

"(e) Technical and financial assistance necessary to permit such States, local units of government, and local nonprofit organizations and inserting “through designated RC&D councils the technical and financial assistance necessary to permit such RC&D councils”;

(5) in paragraph (6), by inserting “RC&D council” before “area plan”;

(6) in subsection (b), by striking “RC&D council” before “area plan”;

(7) in paragraph (8), by inserting “RC&D council” before “ cadastral tribes,”;

(8) by striking paragraph (10) and inserting

"(9) The term ‘RC&D council’ means any action taken by a designated RC&D council that achieves any of the elements identified under paragraph (1). “

(c) ESTABLISHMENT AND SCOPE. Section 1530 of such Act (16 U.S.C. 3453) is amended—

(1) by striking the section heading and all that follows through “Sec. 1530. The Secretary” and inserting the following:

"SEC. 1530. ESTABLISHMENT AND SCOPE. The Secretary; and"

(2) in each of paragraphs (1) and (3)

(B) by inserting “RC&D council” before “tribe”;

(3) in paragraph (4), by striking

"(c) E STABLISHMENT AND SCOPE."

(4) in paragraph (4), by striking

"(e) Technical and financial assistance necessary to permit such States, local units of government, and local nonprofit organizations and inserting “through designated RC&D councils the technical and financial assistance necessary to permit such RC&D councils”;

(d) SELECTION OF DESIGNATED AREAS. Section 1531 of such Act (16 U.S.C. 3454) is amended by striking the section heading and all that follows through “Sec. 1531. The Secretary” and inserting the following:

"SEC. 1531. SELECTION OF DESIGNATED AREAS. The Secretary; and"

(e) ENROLLMENT PROVISIONS. Section 1532 of such Act (16 U.S.C. 3454) is amended by striking the section heading and all that follows through “Sec. 1532. The Secretary” and inserting the following:

"SEC. 1532. AUTHORITY OF SECRETARY. In carrying;"

(2) in each of paragraphs (1) and (3)—

(A) by striking “State, local unit of government, and local nonprofit organization” and inserting “RC&D council”; and

(B) by inserting “RC&D council” before “area plan”;

(3) in paragraph (2), by inserting “RC&D council” before “area plan”; and

(4) in paragraph (4), by striking “States, local units of government, and local nonprofit organizations” and inserting “RC&D councils or affiliations of RC&D councils.”

(f) TECHNICAL AND FINANCIAL ASSISTANCE. Section 1533 of such Act (16 U.S.C. 3456) is amended—

(1) by striking the section heading and all that follows through “Sec. 1533. (a) Technical”; and

"SEC. 1533. TECHNICAL AND FINANCIAL ASSISTANCE. (a) Technical; “

(2) in subsection (a)—

(A) by striking “State, local unit of government, or local nonprofit organization to assist in carrying out works of improvement specified in” and inserting “RC&D councils or affiliations of RC&D councils to assist in carrying out a project specified in an RC&D council”;

(B) in paragraph (1)—

(i) by striking “State, local unit of government, or local nonprofit organization” and inserting “RC&D council”;

(ii) by striking “works of improvement” each place it appears and inserting “project”; and

(iii) by striking “works of improvement” and inserting “project”;

(C) in paragraph (2)—

(i) by striking “works of improvement” and inserting “project”;

(ii) by striking “State, local unit of government, or local nonprofit organization” and inserting “RC&D council”; and

(D) in paragraph (3), by striking “works of improvement” and all that follows and inserting “project” necessary to accomplish and RC&D council area plan objective;

(E) in paragraph (4), by striking “the works of improvement provided for in the” and inserting “the project provided for in the RC&D council”;

(F) in paragraph (5), by inserting “federally recognized Indian tribes” before or local” each place it appears; and

(G) in paragraph (6), by inserting “RC&D council” before “area plan”;

(2) in subsection (a), by striking “RC&D council” before “tribe” or local “each place it appears” and inserting “RC&D council to carry out any RC&D council”;

(g) RESOURCE CONSERVATION AND DEVELOPMENT POLICY BOARD. Section 1534 of such Act (16 U.S.C. 3457) is amended—

(1) by striking the section heading and all that follows through “Sec. 1534. The Secretary” and inserting the following:

"SEC. 1534. RESOURCE CONSERVATION AND DEVELOPMENT POLICY BOARD. (a) The Secretary”; and

(b) PROGRAM EVALUATION. Section 1535 of such Act (16 U.S.C. 3458) is amended—

(1) by striking the section heading and all that follows through “Sec. 1535. The Secretary” and inserting the following:

"SEC. 1535. PROGRAM EVALUATION. The Secretary; “

(2) by inserting “with assistance from RC&D council or affiliate”;

(3) by inserting “federally recognized Indian tribes” before “ local units”; and

(4) by striking “1986” and inserting “2007”;

(h) LIMITATION ON ASSISTANCE. Section 1536 of such Act (16 U.S.C. 3458) is amended by striking the section heading and all that follows through “Sec. 1536. The program” and inserting the following:

"SEC. 1536. LIMITATION ON ASSISTANCE. The program”; and

(i) SUPPLEMENTAL AUTHORITY OF THE SECRETARY. Section 1537 of such Act (16 U.S.C. 3459) is amended—

(1) by striking the section heading and all that follows through “Sec. 1537. The authority” and inserting the following:

"SEC. 1537. SUPPLEMENTAL AUTHORITY OF SECRETARY. The authority”; and

(2) by striking “States, local units of government, or local nonprofit organizations and inserting “RC&D council”;

(j) AUTHORIZATION OF APPROPRIATIONS. Section 1538 of such Act (16 U.S.C. 3461) is amended—

(1) by striking the section heading and all that follows through “Sec. 1538. There are” and inserting the following:

"SEC. 1538. AUTHORIZATION OF APPROPRIATIONS. There are”; and

(2) by striking “for each of the fiscal years 1996 through 2002.”

SEC. 255. GRASSLAND RESERVE PROGRAM.

(a) ESTABLISHMENT. The Secretary, acting through the Natural Resources Conservation Service, shall establish a grassland reserve program (referred to in this subsection as the ‘program’) to assist owners in restoring and protecting eligible land described in subsection (c).

(b) METHODS OF ENROLLMENT. The Secretary shall enroll land in the program through—

(1) permanent easements or 30-year easements;

(2) in a State that imposes a maximum duration for such an easement, an easement for the maximum duration allowed under State law; or

(3) a 30-year rental agreement.

(c) ELIGIBLE LAND. Land shall be eligible to be enrolled in the program if the Secretary determines that the land is—

(1) natural grassland or shrubland;

(2) or that—

(A) is located in an area that has been historically dominated by natural grassland or shrubland; and

(B) has potential to serve as habitat for animal or plant populations of significant ecological value if the land is restored to natural grassland or shrubland; or

(3) that is incidental to land described in paragraph (1) or (2), if the incidental land is determined by the Secretary to be necessary for the efficient administration of the program.

SEC. 1238A. EASEMENTS AND AGREEMENTS.

(a) IN GENERAL. To be eligible to enroll land in the program, the owner of the land shall enter into an agreement with the Secretary—

(1) to grant an easement that runs with the land to the Secretary;

(2) to create and record an appropriate deed restriction in accordance with applicable State law to reflect the easement;

(3) to provide a written statement of consent to the easement signed by persons holding a security interest or any vested interest in the land;

(4) to provide proof of unencumbered title to the underlying fee interest in the land that is the subject of the easement; and

(5) to comply with the terms of the easement and restoration agreement.

(b) TERMS OF EASEMENT. An easement under subsection (a) shall—

(1) permit—

(A) grazing on the land in a manner that is consistent with maintaining the viability of natural grass and shrub species indigenous to that locality; and

(B) haying (including haying for seed production or moving) during the nesting season for birds in the area that are in significant decline, as determined by the
Natural Resources Conservation Service

Section 256. Farmland Stewardship Program

(1) Agreement. — The term ‘‘agreement’’ means a service contract authorized by this section.

(B) Biofuel. — The term ‘‘biofuel’’ means any energy source derived from living organisms.

(C) Inclusions. — The term ‘‘biofuel’’ includes:

(i) plant residue that is harvested, dried, and burned, or further processed into a solid, liquid, or gaseous fuel.

(ii) agricultural waste (such as cereal straw, seed hulls, corn stalks and cobs).

(iii) native savanna and prairie plants (such as certain varieties of willows and prairie switchgrass).

(iv) animal waste (including methane gas that is produced as a byproduct of animal waste).

(D) Bioproduct. — The term ‘‘bioproduct’’ means any product that is manufactured or produced —

(A) by using plant material and plant byproduct (such as glucose, starch, and protein); and

(B) to replace a petroleum-based product, additive, or activator used in the production of a solvent, paint, adhesive, chemical, or other product (such as tires or styrofoam cups).

(E) Carbon Sequestration. — The term ‘‘carbon sequestration’’ means the process of providing plant cover to avoid contributing to the greenhouse effect by

(A) removing carbon dioxide from the air; and

(B) developing a ‘‘carbon sink’’ to retain that carbon dioxide.

(F) Contracting Agency. — The term ‘‘contracting agency’’ means a local conservation district, resource conservation and development council, extension service office, state-chartered stewardship entity, nonprofit organization, or local office of the Department of the

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(2) Annual rental payments may be provided in not less than 1 payment nor more than 10 annual payments of equal or unequal amount, as agreed to by the Secretary and the owner.

(3) Assessment. — Not less than 1 payment per 5 years throughout the 30-year rental period, the Secretary shall assess whether the value of the rental payments under subparagraph (A) equals, to the maximum extent practicable, the 30-year rental payments as of the date of the assessment.

(1) Adjusted. — At completion of the assessment under subparagraph (B), the Secretary determines that the rental payments do not equal, to the maximum extent practicable, the 30-year rental payments under a 30-year easement, the Secretary shall adjust the amount of the remaining payments to equal, to the maximum extent practicable, the value of a 30-year easement over the entire 30-year rental period.

(ii) Payment to Others. — If an owner that is entitled to a payment under this subchapter dies, becomes incompetent, is otherwise unable to receive the payment, or is succeeded by another person who renders or completes the required performance, the Secretary shall make the payment, in accordance with regulations promulgated by the Secretary, to any other provision of law, in such manner as the Secretary determines is fair and reasonable in light of all the circumstances.

(ii) Other Payments. — If other payments received by an owner under this subchapter shall be in addition to, and not affect, the total amount of payments that the owner is otherwise eligible to receive under other Federal laws.

Section 256c. Administration.

(9) Delegation to Private Organizations. —

(1) In General. — The Secretary shall permit a private conservation or land trust organization or a State agency to hold and enforce an easement under this subchapter, in lieu of the Secretary, if —

(A) the Secretary determines that granting such permission is likely to promote grassland and shrubland protection; and

(B) the owner authorizes the private conservation or land trust or a State agency to hold and enforce the easement.

(2) Application. — An organization that desires to hold an easement under this subchapter shall apply to the Secretary for approval.

(3) Approval by Secretary. — The Secretary shall approve an organization under this subchapter that is constituted for conservation or ranching purposes and is competent to administer grassland and shrubland easements.

(4) Reassignment. — If an organization holding an easement on land under this subchapter terminates —

(A) the owner of the land shall reassign the easement to another organization described in paragraph (1) or to the Secretary; and

(B) the owner and the new organization shall notify the Secretary in writing that a reassignment for termination has been made.

(5) Reimbursements. — Not later than 180 days after the date of enactment of this subchapter, the Secretary shall issue such regulations as are necessary to carry out this subchapter.

Title XII of the Food Security Act of 1985 (16 U.S.C. 3841(a)(2)) is amended by striking ‘‘subchapter C’’ and in its stead inserting ‘‘subchapters C and D’’.

Section 256. Farmland Stewardship Program. Subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3830–3839bb) is amended by inserting after chapter 1 (and the matter added by section 255 of this Act) the following:

Chapter 2—Farmland Stewardship Program

Section 256a. Definitions.

In this chapter:

(A) Agreement. — The term ‘‘agreement’’ means a service contract authorized by this section.

(i) In General. — The term ‘‘biofuel’’ means any energy source derived from living organisms.

(ii) Inclusions. — The term ‘‘biofuel’’ includes:

(A) Plant residue that is harvested, dried, and burned, or further processed into a solid, liquid, or gaseous fuel.

(B) Agricultural waste (such as cereal straw, seed hulls, corn stalks and cobs).

(C) Native savanna and prairie plants (such as certain varieties of willows and prairie switchgrass).

(D) Animal waste (including methane gas that is produced as a byproduct of animal waste).

(E) Bioproduct. — The term ‘‘bioproduct’’ means any product that is manufactured or produced—

(A) by using plant material and plant byproduct (such as glucose, starch, and protein); and

(B) to replace a petroleum-based product, additive, or activator used in the production of a solvent, paint, adhesive, chemical, or other product (such as tires or styrofoam cups).

(F) Carbon Sequestration. — The term ‘‘carbon sequestration’’ means the process of providing plant cover to avoid contributing to the greenhouse effect by

(A) removing carbon dioxide from the air; and

(B) developing a ‘‘carbon sink’’ to retain that carbon dioxide.

(G) Contracting Agency. — The term ‘‘contracting agency’’ means a local conservation district, resource conservation and development council, extension service office, state-chartered stewardship entity, nonprofit organization, or local office of the Department of the

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other participating government agency that is authorized by the Secretary to enter into farmland stewardship agreements on behalf of the Secretary.

(6) ELIGIBLE AGRICULTURAL LAND. The term ‘eligible agricultural land’ means private land that is in primarily native or natural condition, or that is classified by the Secretary as cropland, pastureland, grazing land, timberland, or another similar type of land, that—

(A) contains wildlife habitat, wetland, or other natural resources; or

(B) provides 1 or more benefits to the public, such as—

(i) conservation of soil, water, and related resources;

(ii) water quality protection or improvement;

(iii) control of invasive and exotic species;

(iv) wetland restoration, development, and protection;

(v) wildlife habitat development and protection;

(vi) survival and recovery of listed species or candidate species;

(vii) preservation of open spaces or prime, unique, or other productive farm land;

(viii) participation in Federal agricultural or forestry programs in an area or region that has traditional under-representation in those programs;

(ix) provision of a structure for interstate cooperation to address ecosystem challenges that affect an area involving 1 or more States;

(x) improvements in the ecological integrity of the area, region or corridor;

(xi) carbon sequestration;

(xii) phytoremediation;

(xiii) improvements in the economic viability of agriculture;

(xiv) production of biofuels and bioproducts;

(xv) establishment of experimental or innovative crops;

(xvi) use of existing crops or crop byproducts in experimental or innovative ways;

(xvii) installation of equipment to produce materials that may be used for biofuels or other bioproducts;

(xviii) maintenance of experimental or innovative crops until the earlier of the date on which—

(I) a viable market is established for those crops; or

(II) an agreement terminates; and

(xix) other similarly conservation purposes identified by the Secretary.

(7) GERMLASM. The term ‘germlasm’ means the genetic material of a germ cell of any life form that is important for food or agricultural production.

(8) INDIAN TRIBE. The term ‘Indian tribe’ has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(9) PROGRAM. The term ‘program’ means any program, activity, operation, project, or any other agricultural conservation program administered by the Secretary.

(10) PYTOREMEDICATION. The term ‘pytoremediation’ means the use of green living plant material (including plants that may be harvested and used to produce biofuel or other bioproducts) to remove contaminants from water and soil.

(11) SECRETARY. The term ‘Secretary’ means the Secretary of Agriculture, acting—

(A) through the Natural Resources Conservation Service; and

(B) in cooperation with any applicable agricultural or other agencies of a State.

(12) SERVICE CONTRACT. The term ‘service contract’ means a legally binding agreement between 2 parties under which—

(A) 1 party agrees to render 1 or more services in accordance with the terms of the contract; and

(B) the second party agrees to pay the first party for service rendered.

SEC. 1258A. ESTABLISHMENT AND PURPOSE OF PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL. The Secretary shall establish within the Department a program to be known as the ‘farmland stewardship program.’

(2) PURPOSE. The purpose of the program shall be to modify and more effectively target conservation programs administered by the Secretary to the specific conservation needs of Indian tribes or the opportunities presented by, individual parcels of eligible agricultural land.

(b) RELATION TO OTHER CONSERVATION PROGRAMS. Under the program, the Secretary may implement, alone or in combination, the features of—

(1) any conservation program administered by the Secretary; or

(2) any conservation program administered by another Federal agency or a State or local government, if implementation by the Secretary—

(A) is feasible; and

(B) is carried out with the consent of the applicable administering agency or government.

(c) CONSERVATION ENHANCEMENT PROGRAMS.—

(1) IN GENERAL. An agency administering a conservation program that integrates 1 or more Federal agriculture and forestry conservation programs and 1 or more State, local, or private efforts to address, in critical areas and corridors, in a manner that enhances the conservation benefits of the individual programs and mediates adverse impacts to more effectively address State and local needs—

(i) water quality;

(ii) wildlife;

(iii) farm preservation; and

(iv) any other conservation need.

(2) REQUIREMENT. —

(I) IN GENERAL. A conservation enhancement program submitted under subparagraph (A) shall be designed to provide benefits greater than benefits that, by reason of any factor described in clause (ii), would be provided through the individual applications for a conservation program administered by the Secretary.

(II) FACTORS. Factors referred to in clause (i) include—

(i) conservation commitments of greater duration;

(ii) more intensive conservation benefits;

(iii) improved treatment of special natural resource problems (such as preservation and enhancement of natural resource corridors); and

(iv) improved economic viability for agriculture.

(d) APPROVAL.—

(I) DEFINITION OF RESOURCES. In this subparagraph, the term ‘resources’ means, with respect to any conservation program administered by the Secretary—

(A) acreage enrolled under the conservation program; and

(B) funding made available to the Secretary to carry out the conservation program with respect to acreage described in subparagraph (A).

(II) DETERMINATION. If the Secretary determines that a plan submitted under subparagraph (A) meets the requirements of clause (i), in accordance with an agreement, may use not more than 20 percent of the resources of any conservation program administered by the Secretary to implement the plan.

(3) CRP ACREAGE.—Acreage enrolled under an approved conservation reserve program shall be considered acreage of conservation reserve program that is committed to conservation reserve enhancement program.

(c) FUNDING.—

(1) IN GENERAL. The program and agreements shall be funded by the Secretary using—

(A) the funding authorities of the conservation programs that are implemented through the use of Farmland Stewardship Agreements for the conservation purposes listed in Sec. 1289(a)(xv) through (xvii);

(B) technical assistance in accordance with Sec. 1289(d); and

(C) such other funds as are appropriated to carry out the Farmland Stewardship Program.

(2) COST SHARING.—It shall be a requirement of the Farmland Stewardship Program that the majority of the funds to carry out the Program come from existing conservation programs, which may be Federal, State, regional, local, or private, that are combined into an agreement, with the balance made up from matching funding contributions made by State, regional, local agencies and divisions of government or from private funding sources. Funds from existing programs may be used only to carry out the purposes and intents of the programs to the extent that the programs are made a part of a Farmland Stewardship Agreement. Funding for other purposes or intents must come from the funds provided under paragraph (c) of subsection (c) or from the matching funding contributions made by State, regional, local agencies and divisions of government or from private funding sources.

(d) PERSONNEL COSTS.—The Secretary shall use the Natural Resources Conservation Service to carry out the Farmland Stewardship Program in cooperation with the state department of agriculture or other designated agency within the State. The role of the Natural Resources Conservation Service shall be limited to federal oversight of the program. The Natural Resources Conservation Service shall perform its normal functions with respect to conservation programs that it administers. However, it shall play no role in the assembly of programs administered by other federal agencies, state Farmland Stewardship Agreements, or other programs.

(6) STATE LEVEL ADMINISTRATION.—The state departments of agriculture shall have primary responsibility for operating the Farmland Stewardship Program. A state department of agriculture may choose to operate the program on its own, may collaborate with another local, state or federal agency, or conservation district or tribe in operating the program, or may delegate responsibility to another state agency, such as the state department of natural resources or the state conservation district agency. The state department of agriculture or designated state agency shall consult with the agencies with which the program shall be considered a part of the state conservation district agency. The state department of agriculture or designated state agency shall consult with the agencies with which the program shall be considered a part of the state conservation district agency. The state department of agriculture or designated state agency shall consult with the agencies with which the program shall be considered a part of the state conservation district agency. The state department of agriculture or designated state agency shall consult with the agencies with which the program shall be considered a part of the state conservation district agency.
“(2) The Secretary shall approve the request for designation as the ‘designated state agency’ if the agency demonstrates that it has the capability to implement the Farmland Stewardship Program and attest that it shall conform with the confidentiality requirements in Sec. 123B(b). Upon approval of the request, the Secretary shall enter into a memorandum of understanding with the designated state agency specifying the agency’s responsibilities in carrying out the program and the amount of technical assistance that shall be provided to the state on an annual basis to operate the program, in accordance with paragraphs (1)(C), (1)(E) and (1)(P) of subsection (g).”

“(f) ANNUAL REPORTS—The designated state agency shall annually submit to the Secretary and make publicly available a report that describes—

“(1) The progress achieved, the funds expended, the purposes for which funds were expended and monitoring and evaluating results obtained by local contracting agencies, and

“(2) The plans and objectives of the State for future activities under the program.

“(g) LEGAL BASIS—

“(1) Of the funds used from other programs and of funds made available to carry out the Farmland Stewardship Program for a fiscal year, there shall reserve not less than twenty-five percent for the provision of technical assistance under the Program. Of the funds made available—

“(A) not more than 15% shall be reserved for administration, coordination and oversight through the Natural Resources Conservation Service headquarters office;

“(B) not more than 1.5% shall be reserved for the Farmland Stewardship Council to carry out its duties in cooperation with the State Technical Committees, as provided under section 123B(e);

“(C) not more than 2.0% shall be reserved for administration and coordination through the designated state agency in the state where the property is located;

“(D) not more than 1.0% shall be reserved for administration and coordination through the Natural Resources Conservation Service state office, in the state where property is located;

“(E) not more than 1.0% shall be reserved for administration and coordination through the state district agency, or less such agency is the designated state agency for administering this program, in which case these funds shall be added to the funds in the next line;

“(F) not less than 18% shall be reserved for local technical assistance, carried out through a designated ‘contracting agency’ and subcontractors chosen by and working with the contracting agency for preparing and executing agreements and monitoring, evaluating and administering agreements for their first term.

“(2) An owner or operator who is receiving a benefit under this chapter shall be eligible to receive a waiver in accordance with section 123B(c) to the owner or operator in carrying out a contract entered into under this chapter:

“(a) agreements authorized.—The Secretary shall carry out the Farmland Stewardship Program by entering into service contracts as determined by the Secretary, to be known as farmlland stewardship agreements, with the owners or operators of eligible agricultural land to maintain and protect the natural and agricultural resources on the land.

“(b) legal basis.—An agreement shall operate in all respects as a service contract and, as such, provides the Secretary with the authority to enter into a contract with an owner or operator of eligible agricultural land as a vendor to perform one or more specific services for an equitable fee for each service rendered. Any agreement entered into under the Farmland Stewardship Program that has the authority to enter into service contracts and to expend public funds under such contracts may enter into or participate in the funding of an agreement.

“(c) basic purposes.—An agreement with the owner or operator of eligible agricultural land shall be used—

“(1) to negotiate a mutually agreeable set of guidelines, practices, and procedures under which conservation practices will be provided by the owner or operator to protect, maintain, and, where possible, improve, the natural resources on the land covered by the agreement in return for annual payments to the owner or operator in the amount of the agreement.

“(2) to enable an owner or operator to participate in one or more of the conservation programs offered through agencies at all levels of government and the private sector and, where possible and feasible, comply with permit requirements and regulations, through a one-stop, one-application process.

“(3) to implement a conservation program or series of programs where there is no such program or to implement conservation management activities where there is no such activity;

“(4) to expand or maintain conservation practices and resource management activities to a property where it is not possible at the present time to negotiate or reach an agreement on a public purchase of a fee-simple or less-than-fee interest in the property for conservation purposes; and

“(5) to negotiate and develop agreements with private owners and operators to expand or maintain their participation in conservation activities and programs; to enable them to install or manage best management practices (BMPs) and other recommended practices to improve the compatibility of agriculture, horticulture, silviculture, aquaculture, wildlife, and other uses with the environment; and improve compliance with public health, safety and environmental regulations.

“(d) modification of other conservation program elements.—If most, but not all, of the limitations, conditions, policies and requirements of a conservation program that is implemented as a part of, or in part, through the Farmland Stewardship Program are met with respect to a parcel of eligible agricultural land, and the purposes to be achieved by the agreement entered into for such land are consistent with the purposes of the conservation program, then the Secretary may waive any remaining limitations, conditions, policies or requirements of the conservation program that would otherwise prohibit or limit the agreement. The Secretary may also grant requests to—

“(1) establish different or automatic enrollment criteria other than otherwise established by regulation or policy;

“(2) establish different compensation rates to the extent that the parties to the agreement consider justified;

“(3) establish different conservation practice criteria if doing so will achieve greater conservation benefits.

“(4) provide more streamlined and integrated paperwork requirements;

“(5) provide for the transfer of conservation program funds to states with flexible incentives accounts; and

“(6) provide funds for an adaptive management process to monitor the effectiveness of the Program for wildlife, the protection of natural resources, economic effectiveness and sustaining the agricultural economy.

“(e) agreements authorized.—The Secretary shall enter into service contracts as determined by the Secretary, to the extent the parties to the agreement consider justified, for a waiver or exception in programs administered by the United States Department of Agriculture shall be submitted to the Secretary of Agriculture, while requests for waivers or exceptions in programs administered by the United States Environmental Protection Agency shall be submitted to the Administrator of that Agency, and so forth.

“(f) request shall include—

“(i) explain why the property qualifies for participation in the program;

“(ii) explain why it is necessary or desirable to make an exception from one or more program limitations, conditions, policies or requirements;

“(iii) if possible, suggest alternative methods or approaches to satisfying limitations, conditions, policies or requirements that are appropriate for the property in question;

“(g) request that the Secretary or Administrator grant the exception or waiver, based on the documentation submitted.

“(h) the Secretary or Administrator may request additional documentation, or may suggest alternative methods of overcoming program limitations or obstacles on the property in question, prior to deciding whether or not to grant a request for an exception or waiver.

“(i) waivers and exceptions may be granted by a Secretary or Administrator to allow additional flexibility in tailoring conservation programs to the specific needs, opportunities and challenges offered by individual parcels of land, and to remove administrative burdens that may have limited the use of these programs on eligible agricultural land, or to prevent these programs from being combined into a one-stop, one-application process.

“(j) the Secretary or Administrator may also apply for one or more of the conservation programs administered by the United States Environmental Protection Agency to be combined into one-stop, one-application process.

“(k) Waivers and exceptions may be granted only if the purposes to be achieved by the Program for the property are being met with reasonable constancy, and the purposes for which the program was established.

“(l) the Secretary or Administrator may request for waivers or exceptions to be considered to these requests within sixty [60] days of receipt. Decisions on whether to grant a request shall be rendered within one hundred eighty [180] days of receipt.

“(m) provisional contracts.—Provisional contracts shall be used to provide payments to landowners and, if applicable, to the organization or agency that will oversee the agreement, while baseline data is gathered, documents are prepared and the formal agreement is negotiated. Provisional contracts may be used to establish a Farmland Stewardship Agreement, or any other type of conservation program, permit or agreement on private land. Provisional agreements shall be for a one-year planning period, which may be extended for up to two additional periods of six months.
by mutual agreement between the Secretary, the contracting agency and the owner or operator.

"(f) PAYMENTS.—Payments to owners and operators may be made as provided in the programs that are combined as part of a Farmland Stewardship Agreement. At the election of the owner or operator, payments may be collected and combined together by the designated state agency and issued to the owner or operator in equal annual payments.
(4) designating criteria to consider applications submitted under sections 1238C and 1238D;
(5) providing assistance and training to designating state agencies, project partners and contracting agencies;
(6) assisting designated state agencies, project partners and contracting agencies in combining together other conservation programs into agreements;
(7) tailoring the agreements to each individual property;
(8) Allocating agreements that are highly flexible and can be used to respond to and fit in with the conservation needs and opportunities on any property in the United States;
(9) implementing streamlining methodologies by determining a fair market price in each state for service rendered by a private owner or operator under a Farmland Stewardship Agreement;
(10) developing guidelines for administering the Farmland Stewardship Program on a national basis that respond to the conservation needs and opportunities in each state and in each rural community in which Farmland Stewardship Agreements may be implemented;
(11) monitoring progress under the agreements; and
(12) reviewing and recommending possible modifications, additions, adaptations, improvements, or other changes to the Program to improve the way in which the program operates.

(d) MEMBERSHIP.—The Farmland Stewardship Council shall have the same membership requirements as the State Technical Committees, except that C
(1) All participating members must have offices or facilities in the Washington, D.C. metropolitan area.
(2) The list of members representing Federal Agencies and Other Groups Required by Law to Participate shall be expanded to include all federal agencies whose programs might be included in Farmland Stewardship Program.
(3) State agency representation shall be provided by the organizations located in the Washington, D.C. metropolitan area representing state agencies and shall include individuals from organizations representing wetland managers, environmental councils, fish and wildlife agencies, counties, resource and conservation development councils, state conservation agencies, state departments of agriculture, state foresters, governors; and
(4) Private Interest Membership may be comprised of 21 members representing the primary commodity groups, environmental councils, farm organizations, national forestry associations, woodland owners, conservation districts, rural stewardship organizations, and up to a maximum of six (6) conservation and environment organizations, including organizations with an emphasis on wildlife, rangeland management and soil and water conservation.
(5) The Secretary shall appoint one of the Private Interest Members to serve as chair. The Private Interest Members shall appoint another member to serve as co-chair.
(6) The Secretary shall follow equal opportunity practices in making appointments to the Farmland Stewardship Council. To ensure that recommendations of the Council take into account the needs of the diverse groups served by the United States Department of Agriculture, membership will include practical, individuals with demonstrated ability to represent minorities, women, and persons with disabilities.

(e) PERSONNEL COSTS.—The technical assistance funds designated in Sec. 1238A(g)(1)(B) may be used to provide staff positions and support for the Farmland Stewardship Council to—
(1) carry out its duties as provided in subsection (c);
(2) ensure communication and coordination with all federal agencies, state organizations and Private Interest Members on the council, and the constituencies represented by these agencies, organizations and members;
(3) ensure communication and coordination with the State Technical Committees and Re-source Advisory Committees in each state;
(4) solicit input from agricultural producers and owners and operators of private land use practices addressing the following threats to the needs and interests of the diverse principal agricultural commodity groups, comprised of 21 members representing the governors; and
(5) take into consideration the needs and interests of producers of different agricultural commodities and forest products in different regions of the nation.
(6) Representatives of federal agencies and state organizations shall serve without additional compensation, except for reimbursement of travel expenses and per diem costs which are incurred as a result of their Council responsibilities.
(7) Payments may be made to the organizations serving as Private Interest Members for the purposes of providing staff and support services pursuant to paragraphs (1) through (5). The amounts and duration of these payments and the number of staff positions to be created within Private Interest Member organizations to carry out these duties shall be determined by the Secretary.
(8) REPORTS.—The Farmland Stewardship Council shall annually submit to the Secretary and make publicly available a report that describes—
(1) The progress achieved, the funds expended, the purposes for which funds were expended and results obtained by the council; and
(2) The plans and objectives for future activities.
(9) TERMINATION.—The Farmland Stewardship Council shall remain in force for as long as the Secretary administers the Farmland Stewardship Program, except that the council will be dissolved by the Secretary and the council will be renewed by Congress in the next Farm Bill.

SEC. 1238F. STATE BLOCK GRANT PROGRAM. (a) IN GENERAL.—The Secretary of Agriculture shall establish a state strategic enhancement of the state’s agricultural stewardship block grants on an annual basis to state departments of agriculture of a means of providing assistance and support, cost-share payments, technical assistance or education to agricultural producers and owners and operators of agricultural silviculture, aquaculture, horticulture, or equine operations for environmental enhancements, best management practices, or air and water quality improvements addressing resource concerns. Under the block grant program, states shall have maximum flexibility to—
(1) Address threats to soil, air, water and related natural resources including grazing land, wetland and wildlife habitats;
(2) Comply with state and federal environmental laws;
(3) Make beneficial, cost-effective changes to cropping systems; grazing management; nutrient, pest, or irrigation management; land uses; or other measures needed to conserve and improve soil, water, and related natural resources;
(4) Implement other practices or obtain other services to benefit the public through Farmland Stewardship Agreements.
(b) PROVISION.—A state department of agriculture, in collaboration with other state and local agencies, conservation districts, tribes, partners or organizations, may submit an application to the Secretary requesting approval for an agricultural stewardship block grant program. The Secretary shall appoint an administrative perspective if the program proposed by the state maintains or improves the state’s natural resources, and the state has the capability to implement the agricultural stewardship block grant program. Upon approval of a stewardship block grant program submitted by a state department of agriculture, the Secretary shall—
(1) Allocate funds to the state for administration of the program, and
(2) Enter into a memorandum of understanding with the state department of agriculture specifying the state’s responsibilities in carrying out the program and the amount of the block grant that shall be provided to the state on an annual basis.
(c) PARTICIPATION.—A state department of agriculture may choose to operate the block grant program, may collaborate with another local, state or federal agency, conservation district or tribe in operating the program, or may delegate responsibility for the program to another local, state or federal agency, such as the state office of the director of the State Technical Committee or Resource Advisory Committee.
(d) COORDINATION.—A state department of agriculture may establish a state strategic enhancement of the state’s agricultural stewardship block grant program. Such planning committee or advisory committee shall operate with the Farmland Stewardship Council established in Sec. 1238E and the State Technical Committee and Resource Advisory Committee in the state.
(e) DELIVERY.—The state department of agriculture, or other local, state or federal agency shall administer the stewardship block grants through existing delivery systems, infrastructure or processes, including contracts, cooperative agreements, and grants with local, state and federal agencies that address resource concerns and were prioritized and developed in cooperation with existing advisory bodies.
(f) STRATEGIC PLANS.—The state department of agriculture may collaborate with a local advisory or planning committee to develop a strategic enhancement of the state’s agricultural stewardship block grant program. The state strategic plan shall be submitted to the Secretary of Agriculture specifying the state’s agricultural stewardship block grant program. In general, state strategic plans shall include—
(1) A description of goals and objectives, including outcome-related goals for designated program activities;
(2) A description of how the goals and objectives are to be achieved, including a description of the operational processes, skills and technologies, and the human capital, information and other resources required to meet the goals and objectives;
(3) A description of performance indicators to be used in measuring or assessing the relevant output service levels and outcomes of the program activities; and
(4) A description of the program evaluation to be used in comparing actual results with established goals and objectives.
the agricultural stewardship planning committee or local advisory group, where applicable; and

(2) The plans and objectives of the State for funding under the program.

(3) The plans and objectives of the State for managing the nutritional quality of water in the State, including any conditions, limitations or restrictions.

(i) PAYMENTS.—The agricultural stewardship program may be used as a means of providing compensation to owners and operators of farmland in the State and shall have flexibility to target resources where needed and desired public benefits of other federal programs have not been achieved.

(ii) AUTORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each fiscal year.

Subtitle G—Repeals


(a) WETLANDS MITIGATION BANKING PROGRAM.—Section 1254(c) of the Food Security Act of 1985 (16 U.S.C. 3835) is amended by striking subsection (k).

(b) CONSERVATION RESERVE PROGRAM.—(1) REPEALS.—(A) Section 1234(d) of such Act (16 U.S.C. 3834(d)) is amended by striking paragraph (3) and by redesignating paragraph (4) as paragraph (3).

(2) Section 1236 of such Act (16 U.S.C. 3836) is repealed.

(c) WETLANDS MITIGATION BANKING PROGRAM.—(1) REPEALS.—(A) Section 1253(a) of such Act (16 U.S.C. 3833(a)) is amended by striking “in addition to the remedies provided under section 1236(d),”.

(B) Section 1234(d) of such Act (16 U.S.C. 3834(d)) is amended by striking “subsection (f)(4)” and by inserting “subsection (f)(3)”.

(d) WETLANDS RESERVE PROGRAM.—Section 1272(f)(c) of such Act (16 U.S.C. 3837(c)) is amended by striking paragraph (3).

SEC. 262. NATIONAL NATURAL RESOURCES CONSERVATION FOUNDATION ACT.


TITLE III—TRADE

SEC. 301. MARKET ACCESS PROGRAM.

Section 211(c)(1) of the Agricultural Trade Act of 1978 (7 U.S.C. 5641(c)(1)) is amended—

(1) by striking “and not more” and inserting “not more”;

(2) by inserting “and not more than” after “$200,000,” and before “of each fiscal year”;

and not more than $200,000,000 for each of fiscal years 2002 through 2011.

(3) by striking “2002” and inserting “2001.”

SEC. 302. FOOD FOR PROGRESS.

(a) IN GENERAL.—Subsections (f)(3), (g), (k), and (l)(1) of section 1110 of the Food Security Act of 1985 (16 U.S.C. 1736o) are each amended by striking “2002” and inserting “2011”.

(b) INCREASE IN FUNDING.—Section 1110(1) of the Food Security Act of 1985 (16 U.S.C. 1736o(1)) is amended—

(1) by striking “2002” and inserting “2011”;

and

(2) by striking “$10,000,000” and inserting “$15,000,000”.

(c) EXCLUSION FROM LIMITATION.—Section 1110(2) of the Food Security Act of 1985 (16 U.S.C. 1736o(2)) is amended by inserting “,” and subsection (g) does not apply to such commodities furnished on a grant basis or on credit terms under title 1 of the Agricultural Trade Development Act of 1974 before the final period.

(d) TRANSPORTATION COSTS.—Section 1110(3)(c) of the Food Security Act of 1985 (16 U.S.C. 1736o(3)(c)) is amended by striking “$30,000,000” and inserting “$40,000,000”.

(e) AMOUNTS OF COMMODITIES.—Section 1110(2) of the Food Security Act of 1985 (16 U.S.C. 1736o(2)) is amended by striking “500,000” and inserting “1,000,000”.

(f) MULTIYEAR BASIS.—Section 1110(2) of the Food Security Act of 1985 (7 U.S.C. 1736o(2)) is amended—

(1) by striking “may” and inserting “is encouraged”;

(2) by inserting “to” before “approve”.

(g) MONETIZATION.—Section 1110(3)(3) of the Food Security Act of 1985 (7 U.S.C. 1736o(3)(3)) is amended by striking “local currencies” and inserting “proceeds”.

(h) NEW PROVISIONS.—Section 1110 of the Food Security Act of 1985 (7 U.S.C. 1736o) is amended by adding at the end the following:

“(p) The Secretary is encouraged to finalize program agreements and resource requests for programs under this section before the beginning of the relevant fiscal year.

(1) The Secretary shall coordinate with other federal agencies, other States, local governments, and entities designated by the Secretary in coordinating programs under this section in order to avoid overlap and duplication.

(2) In performing the duties and functions under this section, the Secretary shall adopt policies to establish a list of approved programs, countries, and commodities, and the total amounts of funds approved for transportation and administrative costs, under this section.”.

SEC. 303. SURPLUS COMMODITIES FOR DEVELOPMENT OF FOREIGN PRODUCTION.

(a) USE OF CURRENCIES.—Section 416(b)(7)(D) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)(7)(D)) is amended—

(1) by striking clauses (1) and (ii), by striking “foreign currency” each place it appears;

(2) in clause (i), by striking “and inserting “Proceeds”; and

(b) by striking “foreign currency”;

and

(3) in clause (iv), by striking “foreign currency procedures” and inserting “Proceeds”;

(B) by striking “country of origin” the second place it appears and all that follows through “as necessary to expedite” and inserting “country of origin as necessary to expedite”;

(C) by striking “; or” and inserting a period; and

(D) by striking subclause (II).

(b) IMPLEMENTATION OF AGREEMENTS.—Section 416(b)(8)(A) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)(8)(A)) is amended—

(1) by inserting “(1)” after “(A)”; and

(2) by adding at the end the following new clauses:

(i) The Secretary shall publish in the Federal Register, not later than October 31 of each fiscal year, an estimate of the commodities that shall be available under this section for that fiscal year.

(ii) Thereafter through fiscal year 2011 after “2002”.

SEC. 304. EXPORT ENHANCEMENT PROGRAM.

Section 301(e)(1)(G) of the Agricultural Trade Act of 1978 (7 U.S.C. 5651(e)(1)(G)) is amended by inserting “and for each fiscal year thereafter through fiscal year 2011” after “2002”.

SEC. 305. FOREIGN MARKET DEVELOPMENT CO-OPERATOR PROGRAM.

(a) IN GENERAL.—Section 705 of the Agricultural Trade Act of 1978 (7 U.S.C. 5723) is amended—

(1) by inserting “(a) PRIOR YEARS.—” before “1987”;

(2) by striking “2002” and inserting “2001”;

and

(3) by adding at the end the following new subsection:

“(b) FISCAL 2002 AND LATER.—For each of fiscal years 2002 through 2011 there are authorized to be appropriated such sums as may be necessary to carry out this title, and, in addition to any sums so appropriated, the Secretary shall use $37,000,000 of the funds of,

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or an equal value of the commodities of the Commodity Credit Corporation to carry out this title.’.

(b) VALUE ADDED PRODUCTS.—

(1) DEFINITION.—Section 702(a) of the Agricultural Trade Act of 1978 (7 U.S.C. 5721 et seq.) is amended by inserting ‘‘, with a significant emphasis on the importance of the export of manufactured and United States agricultural products into emerging markets” after ‘‘products’’.

(2) REPORT TO CONGRESS.—Section 702 of the Agricultural Trade Act of 1978 (7 U.S.C. 5722) is amended by adding at the end the following:

‘‘(c) REPORT TO CONGRESS.—(1) IN GENERAL.—The Secretary shall report annually to appropriate congressional committees the amount of funding provided, types of programs funded, the value added products that have been targeted, and the foreign markets for those products that have been developed.

(2) DEFINITION.—In this subsection, the term ‘‘appropriate congressional committees’’ means—

‘‘(A) the Committee on Agriculture and the Committee on International Relations of the House of Representatives; and

‘‘(B) the Committee on Agriculture, Nutrition and Forestry and the Committee on Foreign Relations of the Senate.’’

SEC. 306. EXPORT CREDIT GUARANTEE PROGRAM.

(a) REAUTHORIZATION.—Section 211(b)(1) of the Agricultural Trade Act of 1978 (7 U.S.C. 5721(b)(1)) is amended by striking ‘‘2002’’ and inserting ‘‘2011’’.

(b) PROCESSED AND HIGH VALUE PRODUCTS.—Section 202(k)(1) of the Agricultural Trade Act of 1978 (7 U.S.C. 5722(k)(1)) is amended by striking ‘‘2001, and 2002’’ and inserting ‘‘through 2011’’.

SEC. 307. FOOD FOR PEACE (PUBLIC LAW 480). The Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et seq.) is amended—

(1) in section 2 (7 U.S.C. 1691), by striking paragraph (2) and inserting the following:

‘‘(2) promote broad-based, equitable, and sustainable development, including agricultural development as well as conflict prevention;’’;

(2) in section 202(e)(1) (7 U.S.C. 1722(e)(1)), by striking ‘‘not less than $10,000,000, and not more than $25,000,000’’ and inserting ‘‘not less than 5 percent and not more than 10 percent of such funds’’;

(3) in section 203(a) (7 U.S.C. 1723(a)), by striking ‘‘the recipient country, or in a country’’ and inserting ‘‘one or more recipient countries, or one or more countries’’;

(4) in section 203(c) (7 U.S.C. 1723(c))—

(A) by striking ‘‘foreign currency’’; and

(B) by striking ‘‘in a country’’ and inserting ‘‘one or more recipient countries, or one or more countries’’;

(5) in section 208(d) (7 U.S.C. 1723(d))—

(A) by striking ‘‘foreign currencies’’ and inserting ‘‘Proceeds’’;

(B) in paragraph (2)—

(i) by striking ‘‘income generating’’ and inserting ‘‘income-generating’’; and

(ii) by striking ‘‘the recipient country or within a country’’ and inserting ‘‘one or more recipient countries, or one or more countries’’; and

(C) in paragraph (3), by inserting a comma after ‘‘invested’’ and ‘‘used’’;

(6) in section 209(a) (7 U.S.C. 1724(a))—

(A) by deleting ‘‘2002’’ and inserting ‘‘2002 through 2011’’; and

(B) by striking ‘‘2,025,000’’ and inserting ‘‘2,500,000’’;

(7) in section 205(f) (7 U.S.C. 1725(f)), by striking ‘‘2002’’ and inserting ‘‘2011’’;

(8) by striking section 208 (7 U.S.C. 1726);

(b) ALLOCATION OF FUNDS.—In this title:

(1) trade effect on market retention, market access, and market expansion; and

(2) trade development and assistance.

(funding.—The Secretary shall make available $3,000,000 for each of fiscal years 2002 through 2011 of the funds of, or an equal value of commodities owned by, the Commodity Credit Corporation.

SEC. 311. FARMERS FOR AFRICA AND CARIBBEAN BASIN PROGRAM.

(A) FINDINGS.—(1) Many African farmers and farmers in Caribbean Basin countries use antiquated techniques to produce their crops, which result in poor crop quality and low crop yields. (2) Some of these farmers are losing business to farmers in European and Asian countries who use advanced planting and production techniques and are supplying agricultural produce to restaurants, tourist resorts, grocery stores, and other consumers in Africa and Caribbean Basin countries.

(3) A need exists for the training of African farmers and farmers in Caribbean Basin countries and other developing countries in farming techniques that are appropriate for the majority of eligible farmers in African or Caribbean countries, including standard growing practices, insecticide and sanitation procedures, and other farming methods that will produce increased yields of more nutritious and healthful crops.

(4) African-American and other American farmers, as well as banking and insurance professionals, are a valuable resource of agribusiness expertise that would be invaluable for African farmers and farmers in Caribbean Basin countries.

(5) A United States commitment is appropriate to support the development of a comprehensive agricultural skills training program for these farmers that focuses on—

(A) improving knowledge of standard growing practices and sanitation procedures to prevent crop destruction;

(B) teaching modern farming techniques, including the identification, development, and use of village banking systems, and marketing of small farm, agribusiness enterprises.

(C) the use and maintenance of farming equipment that is appropriate for the majority of eligible farmers in African or Caribbean Basin countries;

(D) expansion of small farming operations into agribusiness enterprises through the development and use of village banking systems, and the use of agribusinessperson pilot projects, resulting in increased access to credit for these farmers; and

(E) marketing crop yields to prospective purchasers (businesses and individuals) for local needs and export.

(D) the participation of African-American and other American farmers and American agricultural farming specialists in such a training program promises the added benefit of improving access to African and Caribbean Basin markets for African farmers and United States farm equipment and products and business linkages for United States insurance providers offering technical assistance on, among other things, agricultural risk insurance products.

(7) Existing programs that promote the exchange of agricultural knowledge and expertise through the exchange of American and foreign farmers have been effective in promoting improved agricultural techniques and food security, and, thus, the extension of additional resources to such farmer-to-farmer exchanges is warranted.

(B) DEFINITIONS.—In this section:

(1) AGRICULTURAL FARMING SPECIALIST.—The term ‘‘agricultural farming specialist’’ means an individual trained to transfer information and technical support relating to agribusiness, food security, the mitigation and alleviation of poverty, and the expansion of agricultural and farm risk, maximization of crop yields, agricultural trade, and other...
needs specific to a geographical location as determined by the President.

(2) **Caribbean Basin Country.**—The term "Caribbean Basin country" means a country eligible to receive assistance as a beneficiary country under section 212 of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702).

(3) **Eligible Farmer.**—The term "eligible farmer" means an individual owning or working on farm land (as defined by a particular country's laws relating to property) in the Caribbean or in a Caribbean country or, in any other developing country in which the President determines there is a need for farming expertise or for information or technical support described in paragraph (1).

(4) **Program.**—The term "Program" means the extension of African and Caribbean Basin Program established under this section.

(c) **Establishment of Program.**—The President shall establish a grant program, to be known as the "Farmers for Africa and Caribbean Basin Program", to assist eligible organizations in carrying out bilateral exchange programs whereby African-American and other American farmers and agricultural farming specialists share technical knowledge with eligible farmers regarding—

(1) maximization of crop yields;

(2) use of agricultural risk insurance as financial tools and a means of risk management; and

(3) expansion of trade in agricultural products;

(4) enhancement of local food security;

(5) the mitigation and alleviation of hunger;

(6) marketing agricultural products in local, regional, and international markets; and

(7) other ways to improve farming in countries in which there are eligible farmers.

(d) **Eligible Grantees.**—The President may make a grant under the Program to—

(1) a college or university, including a historically black college or university, or a foundation maintained by a college or university; and

(2) a private organization or corporation, including grassroot organizations, with an established mission and capacity to carry out such a bilateral exchange program.

(e) **Terms of Program.**—(1) It is the goal of the President that at least 1,000 farmers participate in the training program by December 31, 2005, of which 80 percent of the total number of participating farmers will be African-American farmers. In Caribbean Basin countries and 20 percent of the total number of participating farmers will be American farmers.

(2) Training under the Program will be provided to eligible farmers in groups to ensure that information is shared and passed on to other eligible farmers. Eligible farmers will be trained to be specialists in their home communities and will be encouraged not to retain enhanced farming technology for their own personal enrichment.

(3) Through partnerships with American businesses, the Program will utilize the commercial capability of businesses dealing in agriculture to train eligible farmers on farming equipment that is appropriate for the majority of eligible farmers in African or Caribbean countries. The Program will introduce eligible farmers to the use of insurance as a risk management tool.

(f) **Selection of Participants.**—(1) The selection of eligible farmers, as well as African-American and other American farmers and agricultural farming specialists, to participate in the Program shall be made by eligible grantees using an application process approved by the President.

(2) Participating farmers must have sufficient farm or agribusiness experience and have obtained certain targets regarding the productivity of their farm or agribusiness.

(3) The President may make grants under the Program during a period of 5 years beginning on October 1 of the first fiscal year for which funds are made available to carry out this section.

(g) **Authorization of Appropriations.**—There are authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2002 through 2011.

**SEC. 312. GEORGE MCGOVERN-ROBERT DOLE INTERNATIONAL FOOD FOR EDUCATION AND CHILD NUTRITION PROGRAM.**

(a) **In General.**—The President may, subject to subsection (j), direct the placement of commodities and technical assistance to carry out—

(1) preschool and school feeding programs in foreign countries to improve food security, reduce the incidence of hunger, and improve literacy and primary education, particularly with respect to girls; and

(2) maternal, infant, and child nutrition programs for programs to women, nursing mothers, infants, and children who are 5 years of age or younger.

(b) **Eligible Program and Cost Items.**—Notwithstanding any other provision of law—

(1) any agricultural commodity is eligible for distribution under this section;

(2) as necessary to achieve the purposes of this section—

(A) funds may be used to pay the transportation costs incurred in moving commodities (including prepositioned commodities) provided under this section from the designated points of entry or ports of entry of one or more foreign countries to storage and distribution sites in these countries, and associated storage and distribution costs;

(B) funds may be used to pay the costs of activities conducted in the recipient countries by a nonprofit voluntary organization, cooperative, or intergovernmental agency or organization that would enhance the effectiveness of the activities implemented by such entities under this section; and

(C) funds may be provided to meet the allowable administrative expenses of private voluntary organizations, cooperatives, or intergovernmental organizations which are implementing activities under this section;

(3) for the purposes of this section, the term "agricultural commodities" includes any agricultural commodity, or the products thereof, produced in the United States.

(c) **Eligible Recipients.**—The President shall designate one or more Federal agencies to—

(1) implement the Program established under this section;

(2) ensure that the Program established under this section is consistent with the foreign policy and development assistance objectives of the United States; and

(3) consider, in determining whether a country should receive assistance under this section, whether the government of the country taking concrete steps to improve the preschool and school systems in its country.

(d) **Eligible Recipients.**—Assistance may be provided under this section to private voluntary organizations, cooperatives, intergovernmental organizations, governments and their agencies, and other organizations.

(e) **Procedures.**—

(1) In General. —In carrying out subsection (a) the President shall assure that procedures are carried out in accordance with—

(A) provide for the submission of proposals by eligible recipients, each of which may include one or more recipient countries, for commodities and other assistance under this section;

(B) provide for eligible commodities and assistance on a multiple year basis; and

(C) ensure eligible recipients demonstrate the organizational capacity and the ability to develop, implement, monitor, report on, and administer projects and activities conducted under this section;

(D) provide for the expedited development, review, and approval of proposals submitted in accordance with this section;

(E) ensure monitoring and reporting by eligible recipients on the use of commodities and other assistance provided under this section; and

(F) allow for the sale or barter of commodities by eligible recipients to acquire funds to implement activities that enhance food security of women and children or otherwise enhance the effectiveness of programs and activities authorized under this section.

(2) **Priorities for Program Funding.**—In carrying out paragraph (1) with respect to criteria for determining the use of commodities and other assistance provided for programs and activities authorized under this section, the President shall consider the ability of eligible recipients to—

(A) identify and assess the needs of beneficiaries, especially malnourished or undernourished mothers and children who are 5 years of age or younger, and school-age children who are malnourished, undernourished, or do not regularly attend school;

(B) in the case of preschool and school-age children, target low-income areas where children’s enrollment and attendance in school is low or girls’ enrollment and participation in preschool or do not regularly attend school; and

(C) involve indigenous institutions as well as local communities and governments in the development and implementation to foster local capacity building and leadership.

(3) In carrying out subsection (a)(1) and on their implementation in the field in recipient countries.

(f) **Multilateral Involvement.**—The President is urged to encourage the participation of the Inter-American Development Bank in the agricultural sector in order to ensure multilateral commitments to, and support of, food aid coordinating mechanisms to ensure multilateral commitments to, and participation in, programs like those supported under this section. The President is urged to support multilaterally the work of the Food and Agriculture Organization of the United Nations and the Committee on Agriculture of the United States House of Representatives and the Committee on Foreign Relations and the Committee on Agriculture, Nutrition, and Forestry of the United States Senate on the committees and activities of governments, including the United States government, in the global effort to reduce child hunger and increase school attendance.

**APPENDIX: SEC. 313. FEEDING AND NUTRITION PROGRAMS.**—The President is urged to encourage the support and active involvement of the private sector,
funds, and other individuals and organizations in programs assisted under this section.

(1) REQUIREMENT TO SUFFICIENT LOCAL FUNDING—Not later than 1 year after the date of the enactment of this Act, the Secretary of Agriculture shall provide to the designated congressional committees on the feasibility of instituting a program which would charge and retain a fee to cover the costs of unavoidable costs with coordinated services performed abroad on matters within the authority of the Department of Agriculture administered through the Foreign Agriculture Service.

(2) DEFINITIONS. In this section, the term “designated congressional committees” means the Committee on Agriculture and the Committee on International Relations of the House of Representatives.

SEC. 314. NATIONAL EXPORT STRATEGY REPORT.

(a) REPORT. Not later than 1 year after the date of the enactment of this Act, the Secretary of Agriculture shall submit to the designated congressional committees a report on the policies that the Department of Agriculture has undertaken to implement the National Export Strategy Report. The report shall contain a description of the coordination of the policies and programs through all other appropriate Federal agencies participating in the Trade Promotion Coordinating Committee.

(b) DEFINITION. In this section, the term “designated congressional committees” means the Committee on Agriculture and the Committee on International Relations of the House of Representatives.

TITLE IV—NUTRITION PROGRAMS

Subtitle A—Food Stamp Program

SEC. 401. SIMPLIFIED DEFINITION OF INCOME.

Section 5(i)(d) of the Food Stamp Act of 1977 (7 U.S.C. 2014(e)(1)) is amended—

(1) in paragraph (3)—

(A) by striking “and (C)” and inserting “(C)”; and

(B) by inserting after “premiums,” the following:

“(D) to the extent that any other educational loans on which payment is deferred, grants, scholarships, fellowships, veterans’ educational benefits, and the like, are required to be excluded under title XIX of the Social Security Act, the state agency may exclude it under this subsection.”;

(2) by striking “and (15)” and inserting “(15)”; and

(3) by inserting before the period at the end the following:

“; (16) any state complementary assistance program payments that are excluded pursuant to subsection (a) and (b) of section 1901 of title XIX of the Social Security Act, and (17) at the option of the State agency, any type of income that is otherwise not considered by the Secretary that, in the Secretary’s determination, does not meet the criteria under section 3(c) of the Food Stamp Act of 1977 (7 U.S.C. 2025) is amended by inserting at the end the following:

“(A) in the matter preceding clause (i), by striking “the Secretary determines that a 95 percent statistical probability exists that the 3d consecutive year after year in which the Secretary determines that a 95 percent statistical probability exists that the 3d consecutive year after year in which”;

(B) by inserting before the period at the end the following:

“(C) if the Secretary determines that a 95 percent statistical probability exists that the 3d consecutive year after year in which”;

(C) by inserting after “shall be determined” the following:

“for the 3d consecutive year after year in which”

In the final month of the transitional benefits period under paragraph (2), a household shall receive an amount equal to the allotment received in the month immediately preceding the date on which cash assistance is terminated. A household receiving benefits from the food stamp program under this Act to continue to receive food stamp benefits for a period of not more than 6 months after the date on which cash assistance is terminated.

“3 AMOUNT.—During the transitional benefits period under paragraph (2), a household shall receive an amount equal to the allotment received in the month immediately preceding the date on which cash assistance is terminated. A household receiving benefits from the Food Stamp Program under this Act to continue to receive food stamp benefits for a period of not more than 6 months after the date on which cash assistance is terminated.

“4 DETERMINATION OF FUTURE ELIGIBILITY.—In the final month of the transitional benefits period under paragraph (2), the State agency may—

“(A) require a household to cooperate in a determination of eligibility to receive an authorization to participate in the Food Stamp Program for good cause shown, the Secretary deems reasonable, other than for payment error;

“(B) if the Secretary determines that a 95 percent statistical probability exists that the 3d consecutive year after year in which the Secretary determines that a 95 percent statistical probability exists that the 3d consecutive year after year in which”;

(C) by inserting after “shall be determined” the following:

“for any fiscal year in which the Secretary determines that a 95 percent statistical probability exists that the 3d consecutive year after year in which”;

“5 LIMITATION.—A household sanctioned under section 6, or for a failure to perform an action required by Federal, State, or local law relating to such cash assistance program, shall not be eligible for transitional benefits under this subsection.”.

SEC. 402. STANDARD DEDUCTION.

Section 5(c)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2014(d)) is amended—

(1) by striking “of $134, $229, $189, $269, and $118” and inserting “equal to 9.7 percent of the eligibility limit established under section 5(c)(1) for a household of six for fiscal year 2002 or less than $134, $229, $189, and $118”;

(2) by inserting before the period at the end the following:

“; except that the standard deduction for Guam shall be determined with reference to 2 times the eligibility limits under section 5(c)(1) for a household of six for fiscal year 2002 or less than $134, $229, $189, and $118; and

(3) by inserting before the period at the end the following:

“(A) in the matter preceding clause (i), by striking “the Secretary determines that a 95 percent statistical probability exists that the 3d consecutive year after year in which”;

(B) by inserting before the period at the end the following:

“(C) if the Secretary determines that a 95 percent statistical probability exists that the 3d consecutive year after year in which”;

(C) by inserting after “shall be determined” the following:

“for any fiscal year in which the Secretary determines that a 95 percent statistical probability exists that the 3d consecutive year after year in which”;

“6 QUALITY CONTROL SYSTEMS.

Section 11(e) of the Food Stamp Act of 1977 (7 U.S.C. 2014(e)(1)) is amended—

(1) by striking “the Secretary” and inserting “the Department of Agriculture”;

(2) by striking “made available to carry out the purposes of title XIX of the Social Security Act” and inserting “made available to carry out the purposes of title XIX of the Social Security Act, and the following:

“(A) by striking “No household” and inserting “Except in a case in which a household is receiving transitional benefits during the transitional benefits period under section 11(s) of this Act”;

(3) by inserting after the period at the end the following:

“(B) the Office of Congressional Relations of the Senate.”

SEC. 404. QUALITY CONTROL SYSTEMS.

(a) TARGETED QUALITY CONTROL SYSTEM.—

Section 16(c) of the Food Stamp Act of 1977 (7 U.S.C. 2025(c)) is amended—

(1) by striking “(1) and (15)” and inserting “(15)”;

(2) by inserting “and (15)” and inserting “(15)”;

(3) by inserting before the period at the end the following:

“; (16) any state complementary assistance program payments that are excluded pursuant to subsection (a) and (b) of section 1901 of title XIX of the Social Security Act, and (17) at the option of the State agency, any type of income that is otherwise not considered by the Secretary that, in the Secretary’s determination, does not meet the criteria under section 3(c) of the Food Stamp Act of 1977 (7 U.S.C. 2025) is amended by adding at the end the following:

“(A) by striking “The limits in this section may be increased to any fiscal year in which the Secretary determines that a 95 percent statistical probability exists that the 3d consecutive year after year in which”;

(B) by inserting “except in a case in which a household is receiving transitional benefits during the transitional benefits period under section 11(s) of this Act”;

(2) Section 11(c) of the Food Stamp Act of 1977 (7 U.S.C. 2025(c)) is amended by striking “No household” and inserting “Except in a case in which a household is receiving transitional benefits during the transitional benefits period under section 11(s) of this Act”;

(3) Section 11(h) of the Food Stamp Act of 1977 (7 U.S.C. 2025(c)) is amended by inserting at the end the following:

“(B) by inserting “or performance under the measures established under paragraph (10)” after “for payment error”;

(4) in paragraph (5), by inserting “to comply with paragraph (10)” and before “to establish”

“(A) in addition to the measures established under paragraph (1), the Secretary shall measure the performance of State agencies in each of the following regards—

“(1) compliance with the deadlines established under paragraphs (3) and (9) of section 11(e); and

“(ii) the percentage of negative eligibility decisions that are made correctly.

“(B) for each fiscal year, the Secretary shall make excellence bonus payments of $1,000,000 each to the 5 States with the highest performance measures established under paragraph (A) and to the 5 States whose combined performance under the 2 measures in subparagraph (A) most improved in any fiscal year.

“(C) For any fiscal year in which the Secretary determines that a 95 percent statistical probability exists that a State agency’s performance with respect to any of the 2 performance measures established in subparagraph (A) is substantially worse than a level that the Secretary deems reasonable, other than for payment error as shown, the Secretary shall investigate that State agency’s administration of the food stamp program. If this investigation determines that the State’s administration has been deficient, the Secretary shall require the State agency to take prompt corrective action.”.

(b) IMPLEMENTATION.—The amendment made by subsection (a)(6) shall apply to all fiscal years beginning on or after October 1, 2001, and ending before October 1, 2007. All other amendments made by this section shall apply to all fiscal years beginning on or after October 1, 1999.

SEC. 405. SIMPLIFIED APPLICATION AND ELIGIBILITY DETERMINATION SYSTEMS.

Section 16 of the Food Stamp Act of 1977 (7 U.S.C. 2025) is amended by inserting at the end the following:
“(1) SIMPLIFICATION OF SYSTEMS.—The Secretary shall expend up to $9,500,000 million in each fiscal year to pay 100 percent of the costs of State agencies to develop and implement systems to provide service and eligibility determination systems.”.

SEC. 406. AUTHORIZATION OF APPROPRIATIONS.

(a) EMPLOYMENT AND TRAINING PROGRAMS.—Section 16(b)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2026(b)(1)) is amended—

(1) in subparagraph (A) by striking “fiscal year 2002” and inserting “each of the fiscal years 2003 through 2011”; and

(2) in subparagraph (B) by striking “2002” and inserting “2011”.

(b) COST ALLOCATION.—Section 16(k)(3) of the Food Stamp Act of 1977 (7 U.S.C. 2026(k)(3)) is amended—

(1) in subparagraph (A) by striking “2002” and inserting “2011”; and

(2) in subparagraph (B) by striking “2002” and inserting “2011”.

(c) CASH PAYMENT PILOT PROJECTS.—Section 17(b)(1)(B)(vi) of the Food Stamp Act of 1977 (7 U.S.C. 2026(b)(1)(B)(vi)) is amended by striking “2002” and inserting “2011”.

(d) OUTREACH DEMONSTRATION PROJECTS.—Section 17(i)(1)(A) of the Food Stamp Act of 1977 (7 U.S.C. 2026(i)(1)(A)) is amended by striking “fiscal year 2002” and inserting “2003 through 2011”.

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 19(a)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2027(a)(1)) is amended by striking “1996 through 2002” and inserting “2003 through 2011”.

(f) FUNDING FOR RICO.—Section 19(a)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2027(a)(1)) is amended—

(1) in subparagraph (A)—

(a) in clause (ii) by striking “and” at the end;

(b) in clause (iii) by adding “and” at the end; and

(c) in inserting after clause (iii) the following:—

“(iv) for each of fiscal years 2003 through 2011, the amount equal to the amount required to be paid under this subparagraph for the preceding fiscal year, as adjusted by the percentage by which the thrifty food plan is adjusted under section 206 of the Act; and the remainder is determined under this clause;” and

(2) in subparagraph (B)—

(A) by inserting “(i)” after “(B);” and

(B) by adding the following:

“(ii) Notwithstanding subparagraph (A) and clause (i), the Commonwealth may spend up to $4,000,000 of the amount required under subparagraph (A) to be paid for fiscal year 2002 to pay 100 percent of the cost to upgrade and modernize the electronic data processing system used to provide such food assistance and to implement systems to simplify the determination of eligibility to receive such assistance.”.

(g) TERRITORY OF AMERICAN SAMOA.—Section 19 of the Food Stamp Act of 1977 (7 U.S.C. 2028) is amended—

(1) by striking “Effective October 1, 1995, from” and inserting “From” and

(2) by adding at the end of each of fiscal years 1996 through 2002 and inserting “$3,750,000 for fiscal year 2002 and $4,000,000 for each of fiscal years 2003 through 2011”.

(h) COMMODITY DISTRIBUTION PROGRAMS.—Section 25(b)(2) of the Food Stamp Act of 1977 (7 U.S.C. 2025(b)(2)) is amended—

(1) in subparagraph (A) by striking “and” at the end;

(2) in subparagraph (B) —

(A) by striking “2002” and inserting “2001”; and

(B) by striking the period at the end and inserting “;” and

(3) by inserting after subparagraph (B) the following:—

“(C) $7,500,000 for each of the fiscal years 2002 through 2011.”.

(i) ASSISTANCE FOR COMMUNITY FOOD ASSISTANCE PROGRAM.—

Section 27 of the Food Stamp Act of 1977 (7 U.S.C. 2036) is amended—

(1) in subsection (d) by striking “1997 through 2002” and inserting “2002 through 2011”; and

(2) by adding at the end the following:—

“(C) USE OF FUNDS FOR RELATED COSTS.—For each of the fiscal years 2002 through 2011, the Secretary shall use $140,000,000 of the funds made available under subsection (a) to pay for the direct and indirect costs of the States related to the processing, storing, and distributing to eligible recipients agencies of commodities purchased by the Secretary under such subsection and commodities secured from other sources, including commodities defined in section 111 of the Hunger Prevention Act of 1988 (7 U.S.C. 612: note).”.

(j) SPECIAL EFFECTIVE DATE.—The amendments made by this section are effective as of October 1, 2001.

Subtitle B—Commodity Distribution

SEC. 441. DISTRIBUTION OF SURPLUS COMMODITIES TO SPECIAL NUTRITION PROJECTS.

The Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c: note) is amended—

(1) in section 301—

(A) by striking “1991 through 2002” and inserting “2003 through 2011”; and

(B) in subsections (a)(2) and (d)(2) of section 5 by striking “1991 through 2002” and inserting “2003 through 2011”;

SEC. 442. COMMODITY SUPPLEMENTAL FOOD PROGRAM.

The Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c: note) is amended—

(1) in section 301—

(A) by striking “1991 through 2002” and inserting “2003 through 2011”; and

(B) by striking “administrative”; and

(C) by inserting “storage,” after “procuring.”.

Subtitle C—Miscellaneous Provisions

SEC. 461. HUNGER FELLOWSHIP PROGRAM.

(a) SHORT TITLE; FINDINGS.—

(1) SHORT TITLE.—This section may be cited as the “Congressional Hunger Fellows Act of 2001”.

(2) FINDINGS.—The Congress finds as follows:

(A) There is a critical need for compassionate individuals who are committed to assisting people who suffer from hunger as well as a need for such individuals to initiate and administer programs to solve the hunger problem.

(B) Bill Emerson, the distinguished late member of the United States Congress, dedicated his life to the fight against hunger. He envisioned the development of a national hunger fellowship program that would train future leaders of the United States Government to pursue careers in humanitarian service.

(C) The special concern that Mr. Emerson and Mr. Leland demonstrated during their lives for the hungry and poor was an inspiration for others to work toward the goals of equality and justice for all.

(D) These two outstanding leaders maintained a special bond of friendship regardless of political affiliation and worked together to encourage future leaders to recognize and pursue careers in humanitarian service.

(E) It is especially appropriate to honor the memory of Mr. Emerson and Mr. Leland by creating a fellowship program to develop and train future leaders of the United States Government.

(f) MEMBERS OF THE BOARD OF TRUSTEES.—

(1) IN GENERAL.—The Program shall be subject to the supervision and direction of a Board of Trustees.

(2) MEMBERS OF THE BOARD OF TRUSTEES.—

(A) APPOINTMENT.—The Board shall be composed of 6 voting members appointed under clause (i) and one nonvoting ex officio member designated in clause (ii) as follows:

(i) VOTING MEMBERS.—The Speaker of the House of Representatives shall appoint two members.

(ii) NONVOTING MEMBER.—The Executive Director of the program shall serve as a nonvoting ex officio member of the Board.

(B) TERMS.—Members of the Board shall serve a term of 4 years.

(C) VACANCY.—

(i) AUTHORITY OF BOARD.—A vacancy in the membership of the Board does not affect the power of the remaining members to carry out this section.

(ii) APPOINTMENT OF SUCCESSORS.—If a member of the Board does not serve the full term applicable to the member, the individual appointed to fill the resulting vacancy shall be appointed by the successor of the predecesor of the individual.

(D) CHAIRPERSON.—As the first order of business of the first meeting of the Board, the members shall elect a Chairperson.

(E) COMPENSATION.—

(i) IN GENERAL.—Subject to clause (ii), members of the Board may not receive compensation for service on the Board.

(ii) TRAVEL.—Members of the Board may be reimbursed for travel, subsistence, and other necessary expenses incurred in carrying out the duties of the program.

(D) DUTIES.—

(A) BYLAWS.—

(i) ESTABLISHMENT.—The Board shall establish such bylaws and other regulations as may be appropriate to enable the Board to carry out this section, including the duties described in this paragraph.

(ii) TRAVEL.—Members of the Board may use the facilities of the Board and other regulations shall include provisions—

(I) for appropriate fiscal control, funds accountability, and operating principles;

(II) for payment of members of the Board, or the appearance of any conflict of interest, in the procurement and employment actions taken by the Board or by any officer or employee of the Board; and

(III) for the resolution of a tie vote of the members of the Board.

(iv) for authorization of travel for members of the Board.
(1) IN GENERAL.—A fellowship shall be awarded pursuant to a nationwide competition established by the program.

(ii) QUALIFICATION.—A successful applicant shall be an individual who has demonstrated:

(I) an intent to pursue a career in humanitarian service and outstanding potential for such a career;

(II) a commitment to social change;

(III) leadership potential or actual leadership experience;

(IV) diverse life experience;

(V) proficient writing and speaking skills;

(VI) an ability to live in poor or diverse communities; and

(VII) such other attributes as determined to be appropriate by the Board.

(iii) AMOUNT OF AWARD.—

(I) IN GENERAL.—Each individual awarded a fellowship under this paragraph shall receive a living allowance and, subject to subclause (II), an end-of-service award as determined by the program.

(II) REQUIREMENT FOR SUCCESSFUL COMPLETION OF FELLOWSHIP.—Each individual awarded a fellowship under this paragraph shall be entitled to receive an end-of-service award at an appropriate rate for each month of satisfactory use as determined by the Executive Director.

(iv) RECOGNITION OF FELLOWSHIP AWARD.—

(A) EMERSON FELLOW.—An individual awarded a fellowship under subparagraph (A) shall be known as an “Emerson Fellow”.

(B) LELAND FELLOW.—An individual awarded a fellowship under subparagraph (A) shall be known as a “Leland Fellow”.

(v) EVALUATION.—The program shall conduct periodic evaluations of the Bill Emerson Hunger Fellowship and the Mickey Leland Hunger Fellowships. Such evaluations shall include the following:

(A) An assessment of the successful completion of the work plan of the fellow.

(B) An assessment of the impact of the fellow on the community.

(c) TRUST FUND.—

(1) ESTABLISHMENT.—There shall be established the Congressional Hunger Fellows Trust Fund (hereinafter in this section referred to as the “Fund”) in the Treasury of the United States, consisting of amounts appropriated to the fund by Congress, and amounts credited to it under paragraphs (3) and (4), and amounts received under subsection (g)(3)(A).

(2) INVESTMENT OF FUNDS.—The Secretary of the Treasury shall invest the full amount of the Fund. Each investment shall be made in an interest bearing obligation of the United States or an obligation guaranteed as to principal and interest by the United States that, as determined by the Secretary in consultation with the Board, has a maturity suitable for the Fund.

(3) RETURN OF INVESTMENT.—Except as provided in subsection (f)(2), the Secretary of the Treasury shall credit to the Fund the interest on, and the proceeds from the sale or redemption of, obligations held in the Fund.

(4) EXPENDITURES; AUDITS.—

(I) IN GENERAL.—The Secretary of the Treasury shall transfer to the program from the amounts described in subsection (e)(3) and subsection (c)(3)(A) such sums as the Board determines are necessary to enable the program to carry out the provisions of this section.

(II) LIMITATION.—The Secretary may not transfer to the program the amounts appropriated to the Fund under subsection (I).

(d) USE OF FUNDS.—Funds transferred to the program under paragraph (1) shall be used for the following purposes:

(A) STIPENDS FOR FELLOWS.—To provide for a living allowance for the fellows.

(B) TRAVEL OF FELLOWS.—To defray the costs of transportation of the fellows to the fellowship placement sites.

(C) INSURANCE.—To defray the costs of appropriate insurance of the fellows, the program, and the Board.

(D) TRAINING OF FELLOWS.—To defray the costs of preservice and inservice education and training of fellows.

(E) SUPPORT STAFF.—Staff described in subsection (g).

(f) AUDIT.—

(1) AUDIT BY GAO.—

(A) IN GENERAL.—The Comptroller General of the United States shall conduct an annual audit of the accounts of the program.

(B) REPORT TO CONGRESS.—The Comptroller General shall submit a copy of the results of each audit to the appropriate congressional committees.

(g) STAFF; POWERS OF PROGRAM.—

(1) EXECUTIVE DIRECTOR.—

(A) IN GENERAL.—The Board shall appoint an Executive Director of the program, who shall administer the program. The Executive Director shall carry out such other functions as the Board determines necessary and sufficient to carry out the functions of the provisions of this section.

(B) RESTRICTION.—The Executive Director may not serve as Chairperson of the Board.

(C) COMPENSATION.—The Executive Director may be paid at a rate not to exceed the rate of basic pay payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(2) STAFF.—

(A) IN GENERAL.—With the approval of a majority of the Board, the Executive Director may appoint and fix the pay of additional personnel as the Executive Director considers necessary and sufficient to carry out the functions of the provisions of this section.

(B) COMPENSATION.—An individual appointed under subparagraph (A) shall be paid at a rate not to exceed the rate of basic pay payable for level GS–15 of the General Schedule.

(C) POWERS.—In order to carry out the provisions of this section, the program may perform the following functions:

(A) GIFTS.—The program may solicit, accept, hold, manage, use, and dispose of gifts, bequests, or devises of services or property, both real and personal, for the purpose of aiding or facilitating the work of the program.

(B) CONTRACTS.—The program may contract for the performance of the program.

(C) EXPERTS AND CONSULTANTS.—The program may employ consultants, experts, and temporary and intermittent employees in the performance of its activities.
compensate Government and private agencies or persons without regard to section 3709 of the Revised Statutes (41 U.S.C. 5).

(D) OTHER NECESSARY EXPENDITURES.—The program shall also include other expenditures which the program considers necessary to carry out the provisions of this section, but excluding project development.

(b) Than rather than December 31 of each year, the Board shall submit to the appropriate congressional committees a report on the activities of the program carried out during the preceding fiscal year, and shall include the following:

(1) An analysis of the evaluations conducted under subsection (d)(4) (relating to evaluations of easements and Leland fellowship and accomplishment of the program purposes) during that fiscal year.

(2) A statement of the total amount of funds attributable to gifts received by the program in that fiscal year (as authorized under subsection (g)(3)(A)), and the total amount of such funds that were expended to carry out the program that fiscal year.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $18,000,000 to carry out the provisions of this section.

(j) DEFINITION.—In this section, the term ‘appropriate congressional committees’ means—

(1) the Committee on Agriculture and the Committee on International Relations of the House of Representatives; and

(2) the Committee on Agriculture, Nutrition and Forestry and the Committee on Foreign Relations of the Senate.

SEC. 462. GENERAL EFFECTIVE DATE.

Except as otherwise provided in this title, the amendments made by this title shall carry out the program that fiscal year.

SEC. 463. AUTHORIZATION OF APPROPRIATIONS.

(1) in subparagraph (C), by striking ‘50 percent’ and inserting ‘50 percent’;

(2) by adding at the end the following:

‘‘(i) General.—In general, the Secretary shall carry out the provisions of this section for a direct farm ownership loan to the be

(3) by including the following:

‘‘(ii) the Secretary approved an application for a direct farmer or rancher for a loan described in clause (i) that is not approved by a commercial lender to begin

(ii) the Secretary approved an application for a direct farm ownership loan to the beginning farmer or rancher for the acquisition of land for a farm or ranch, if

(iii) the Secretary approved an application for a direct farm ownership loan to the beginning farmer or rancher for the acquisition of land for a farm or ranch, for a direct operating loan if

(iv) funds for direct farm ownership loans under section 346(b) were not available at the time at which the application was approved.

SEC. 503. LIMITATIONS ON AMOUNT OF FARM OWNERSHIP LOANS.

Section 305 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1929) is amended by striking ‘$200,000’ and inserting ‘$250,000’.

SEC. 504. JOINT FINANCING ARRANGEMENTS.

Section 307(a)(3)(D) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1929) is amended by striking ‘7 years’ and inserting ‘10 years’.

SEC. 505. GUARANTEED LOANS MADE UNDER STATE BEGINNING FARMER OR RANCHER PROGRAM.

Section 309 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1929) is amended by adding at the end the following:

‘‘(i) in general.—In general, the Secretary shall carry out the provisions of this section for a direct farm ownership loan to the be

(2) by adding at the end the following:

‘‘(ii) the Secretary approved an application for a direct farm ownership loan to the beginning farmer or rancher for the acquisition of land for a farm or ranch, if

(iii) the Secretary approved an application for a direct farm ownership loan to the beginning farmer or rancher for the acquisition of land for a farm or ranch, for a direct operating loan if

(iv) funds for direct farm ownership loans under section 346(b) were not available at the time at which the application was approved.

SEC. 506. GUARANTEE OF LOANS MADE UNDER STATE BEGINNING FARMER OR RANCHER PROGRAM.

Section 309 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1929) is amended by adding at the end the following:

‘‘(i) in general.—In general, the Secretary shall carry out the provisions of this section for a direct farm ownership loan to the be

(3) by adding at the end the following:

‘‘(ii) the Secretary approved an application for a direct farm ownership loan to the beginning farmer or rancher for the acquisition of land for a farm or ranch, if

(iii) the Secretary approved an application for a direct farm ownership loan to the beginning farmer or rancher for the acquisition of land for a farm or ranch, for a direct operating loan if

(iv) funds for direct farm ownership loans under section 346(b) were not available at the time at which the application was approved.

SEC. 507. DOWN PAYMENT LOAN PROGRAM.

Section 310 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1933) is amended by adding at the end the following:

(1) in subsection (b)—

‘‘(A) in paragraph (1), by striking ‘30 percent’ and inserting ‘40 percent’;

(2) by adding at the end the following:

‘‘(B) in paragraph (3), by striking ‘10 years’ and inserting ‘20 years’;

(3) in subsection (c)(3)(B), by striking ‘10-year’ and inserting ‘20-year’.

SEC. 508. BEGINNING FARMER AND RANCHER CONTRACT LAND SALES PROGRAM.

(a) in general.—Subtitle A of the Consolidated Farm and Rural Development Act (7 U.S.C. 1929) is amended by adding at the end the following:

‘‘(i) in general.—Not later than October 1, 2002, the Secretary shall carry out a pilot program in not fewer than 10 geographically dispersed States, as determined by the Sec
tary, to guarantee up to 5 loans per State in each of fiscal years 2003 through 2006 made by a private seller of a farm or ranch to a qualified beginning farmer or rancher on a contract land sale basis, if the loan meets applicable underwriting criteria and a commercial lending institution agrees to serve as escrow agent.

(2) DATE OF COMMENCEMENT OF PROGRAM.—The Secretary shall commence the pilot program on making a determination that guarantees of contract land sales present a risk that is comparable with the risk presented in the case of guarantees to commercial lenders.

(b) REGULATIONS.—

(1) in general.—As soon as practicable after the date of enactment of this Act, the Secretary of Agriculture shall promulgate such regulations as are necessary to imple
ment the amendment made by subsection (a).

(2) procedure.—The promulgation of the regulations and administration of the amendment made by subsection (a) shall be made without regard to—

(A) the notice and comment provisions of section 553 of title 5, United States Code;

(B) the Statement of Policy of the Sec
detary of Agriculture that promulgate such rules do not apply to the rulemaking process.

(3) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out the amendment made by subsection (a), the Secretary shall use the authority provided under section 808 of title 5, United States Code.

Subtitle B—Operating Loans

SEC. 511. DIRECT LOANS.

Section 311(e)(1)(A) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1910c(i)(1)) is amended by striking “who has,” and all that follows through “years”.

SEC. 512. AMOUNT OF GUARANTEE OF LOANS FOR TRIBAL OPERATIONS:

WAIVER OF LIMITATIONS FOR TRIBAL OPERATIONS AND OTHER OPERATIONS.

(a) AMOUNT OF GUARANTEE OF LOANS FOR TRIBAL OPERATIONS.—Section 310(h) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1910c(ii)(1)) is amended by striking “who has,” and all that follows through “years”.

(b) WAIVERS.—

(1) in paragraph (4), by striking “paragraphs (5) and (6)” and inserting “paragraphs (5), (6), and (7)”;

(2) by adding at the end the following:

‘‘(7) AMOUNT OF GUARANTEE OF LOANS FOR TRIBAL OPERATIONS.—In the case of an operating loan made to a Native American farm
er or rancher whose farm or ranch is within an Indian reservation (as defined in section 353(e)(1)(A) of the Bankruptcy Code), the Secretary shall guar
antee 95 percent of the loan.

(c) in paragraph (4), by striking “paragraphs (5) and (6)” and inserting “paragraphs (5), (6), and (7)”;

(2) by adding at the end the following:

‘‘(A) TRIBAL FARM AND RANCH OPERATIONS.—The Secretary shall waive the limitation under paragraph (1)(C) for a direct loan made under this title for a Native American farmer or rancher whose farm or ranch is within an Indian reservation (as defined in section 353(e)(1)(A) of the Bankruptcy Code), if the Sec
detary determines that commercial credit is not generally available for such farm or ranch operations.

(B) OTHER FARM AND RANCH OPERATIONS.—On a case-by-case determination not subject to administrative appeal, the Secretary may grant a borrower a waiver, 1 time only for a period of 2 years, of the limitation under paragraph (1)(C) for a direct operating loan if the borrower demonstrates to the satisfaction of the Secretary that—

(i) the borrower has a viable farm or ranch operation;

(ii) the borrower applied for commercial credit from at least 2 commercial lenders;
“(iii) the borrower was unable to obtain a commercial loan (including a loan guaranteed by the Secretary); and

(iv) the borrower successfully has completed training within 1 year, borrower training under section 359 (from which requirement the Secretary shall not grant a waiver under section 359(f)).”

Subtitle C—Administrative Provisions

SEC. 521. ELIGIBILITY OF LIMITED LIABILITY COMPANIES FOR FARM OWNERSHIP LOANS, FARM OPERATING LOANS, AND RURAL DEVELOPMENT LOANS.

(a) In General.—Sections 302(a), 311(a), and 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1922(a), 1961(a), and 1991(a)) are amended by inserting “or joint operations” each place it appears and inserting “joint operations and limited liability companies”.

(b) CONFORMING AMENDMENT.—Section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)) is amended by striking “or joint operations” each place it appears and inserting “joint operations and limited liability companies”.

SEC. 522. DEBT SETTLEMENT.

Section 331(b)(4) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981(b)(4)) is amended by striking “carried—” and all that follows through “(B) after” and inserting “carried out after”.

SEC. 523. TEMPORARY AUTHORITY TO ENTER INTO CONTRACTS; PRIVATE COLLECTION AGENCIES.

(a) In General.—Section 331 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981) is amended by striking sections (d) and (e).

(b) Application.—The amendment made by subsection (a) shall not apply to a contract entered into before the effective date of this Act.

SEC. 524. INTEREST RATE OPTIONS FOR LOANS IN SERVICING.

Section 333(b) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981b) is amended—

(1) by striking “lower of (1) the” and inserting “lower of—

“(1) the”; and

(2) by striking “original loan or (2) the” and inserting the following: “original loan; “

(2) such the loan is charged by the Secretary for loans, other than guaranteed loans, of the same type at the time at which the borrower applies for a deferral, consolidation, rescheduling, or reamortization; or

“(3) the”.

SEC. 525. ANNUAL REVIEW OF BORROWERS.

Section 333 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1983) is amended by striking paragraph (2) and inserting the following:

“(2) except with respect to a loan under sections 303, 313, or 314—

“(A) an annual review of the credit history and business operation of the borrower; and

“(B) an annual review of the continued eligibility of the borrower for the loan.”

SEC. 526. SIMPLIFIED LOAN APPLICATIONS.

Section 333a(g)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1983a(g)(1)) is amended by striking “of loans the principal amount of which is $50,000 or less” and inserting “of farmer program loans the principal amount of which is $100,000 or less”.

SEC. 527. INVENTORY PROPERTY.

Section 335(c) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1985(c)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B)—

(i) in clause (i), by striking “75 days” and inserting “135 days”; and

(ii) by adding at the end the following:—

“(iv) COMBINING AND DIVIDING OF PROPERTY.—To the maximum extent practicable, the Secretary shall maximize the opportunity of combining or dividing inventory parcels of the property in such manner as the Secretary determines to be appropriate;” and

(B) in subparagraph (C)—

(i) by striking “75 days” and inserting “135 days”; and

(ii) by striking “75-day period” and inserting “135-day period”;

(2) P REVIOUS LEASE.—In the case of real property acquired before April 4, 1996, that the Secretary leased before April 4, 1996, not later than 68 days after the lease expires, the Secretary shall offer to sell the property in accordance with paragraph (1),”; and

(3) in paragraph (3)—

(A) in subparagraph (A), by striking “subparagraph (B)” and inserting “subparagraphs (B) and (C)”; and

(B) by adding at the end the following:

“(C) OFFER TO SELL OR GRANT FOR FARM-LAND PRESERVATION.—For the purpose of farmland preservation, the Secretary shall—

(i) in consultation with the State Conservationist of each State in which inventory property is located, identify each parcel of inventory property in the State that should be preserved for agricultural use; and

(ii) offer to sell or grant an easement, restriction, development right, or similar legal right to each parcel identified under clause (i) to a State, a political subdivision of a State, or a nonprofit organization separately from the underlying fee or other rights to the property owned by the United States.”

SEC. 528. DEFINITIONS.

(a) Qualified Beginning Farmer or Rancher.—Section 343(a)(11)(F) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)(11)(F)) is amended by striking “25 percent” and inserting “30 percent”.

(b) Debt Forgiveness.—Section 343(a)(12) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)(12)) is amended by striking subparagraph (B) and inserting the following:

“(B) EXCEPTIONS.—The term ‘debt forgiveness’ does not include—

“(i) consolidation, rescheduling, reamortization, or deferral of a loan; or

“(ii) any write-down provided as part of a resolution of a discrimination complaint against the Secretary.”.

SEC. 529. LOAN AUTHORIZATION LEVELS.

Section 346 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1994) is amended—

(1) in subsection (b)—

(A) by striking paragraph (1) and inserting the following:

“(1) IN GENERAL.—The Secretary may make or guarantee loans under subparts A and B from the Agricultural Credit Insurance Fund provided for in section 309 for not more than $3,750,000,000 for each fiscal year 2002 through 2006, of which, for each fiscal year—

(A) $750,000,000 shall be for direct loans, of which—

(i) $200,000,000 shall be for farm ownership loans under subpart A; and

(ii) $550,000,000 shall be for operating loans under subpart A; and

(B) $3,000,000,000 shall be for guaranteed loans, of which—

(i) $1,000,000,000 shall be for guarantee of farm ownership loans under subpart A; and

(ii) $2,000,000,000 shall be for guarantee of operating loans under subpart B.”; and

(B) in paragraph (2)(A)(ii), by striking “farmers and ranchers” and all that follows and inserting “farmers and ranchers 35 percent for each of fiscal years 2002 through 2006”;

and

(2) in subsection (c), by striking the last sentence.

SEC. 530. INTEREST RATE REDUCTION PROGRAM.

Section 351 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1999) is amended—

(1) in subsection (a)—

(A) by striking “Program.—” and all that follows through “The Secretary”; and

(B) by striking paragraph (2); and

(2) in subsection (c) and inserting the following:

“(e) Amount of Interest Rate Reduction.—

“(1) IN GENERAL.—In return for a contract entered into by a lender under subsection (b) for the reduction of the interest rate paid on a loan, the Secretary shall make payments to the lender in an amount equal to not more than 100 percent of the cost of reducing the annual rate of interest payable on the loan, except that such payments shall not exceed the cost of reducing the rate by more than—

“(A) in the case of a borrower other than a beginning farmer or rancher, 5 percent; and

“(B) in the case of a beginning farmer or rancher, 4 percent.

“(2) BEGINNING FARMERS AND RANCHERS.—The percentage reduction of the interest rate for which payments are authorized to be made for a beginning farmer or rancher under paragraph (1) shall be 1 percent more than the percentage reduction for farmers and ranchers that are not beginning farmers or ranchers.”; and

(3) in subsection (e), by striking paragraph (2) and inserting the following:

“(2) Maximum Amount of Funds.—

“(A) IN GENERAL.—The total amount of funds used by the Secretary to carry out this section for a fiscal year shall not exceed $750,000,000.

“(B) BEGINNING FARMERS AND RANCHERS.—

“(1) IN GENERAL.—The Secretary shall reserve not less than 25 percent of the funds used by the Secretary under subparagraph (A) to make payments for guaranteed loans made to beginning farmers and ranchers.

“(2) DEDUCTION OF FROM FUND.— Funds reserved for beginning farmers or ranchers under clause (i) for a fiscal year shall be reserved only until April 1 of the fiscal year.”.

SEC. 531. OPTIONS FOR SATISFACTION OF OBLIGATION TO PAY RECAPTURE AMOUNT.

(a) In General.—Section 353(e)(7) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2001(e)(7)) is amended—

(1) in subparagraph (C), by redesignating clauses (i) and (ii) as clauses (i) and (II), respectively, and adjusting the margins appropriately;

(2) by redesignating subparagraphs (A) through (C) as clauses (i) through (III), respectively, and adjusting the margins appropriately;

(3) by striking the paragraph heading and inserting the following:

“(II) Options for Satisfaction of Obligation to Pay Recapitulation Amount.—

“(A) IN GENERAL.—As an alternative to repaying the full recapture amount at the end of the term of the agreement (as determined by the Secretary in accordance with this section), a borrower may satisfy the obligation to pay the amount of recapture by—

“(i) financing the recapture payment in accordance with subparagraph (B); or

“(ii) paying the amount of recapture in a single payment.”
“(ii) granting the Secretary an agricultural use protection and conservation easement on the property subject to the shared appreciation agreement in accordance with subparagraph (C);”

“(B) Financing of Recapture Payment.—”;

“(b) Effective Date.—The amendments made by subsection (a) take effect on the date on which Farm Credit System Insurance Corporation premiums are due from insured Farm Credit System banks under section 5.55 of the Farm Credit Act of 1971 (12 U.S.C. 2277a–4) for calendar year 2001.

“SEC. 544. Board of Directors of the Federal Agricultural Mortgage Corporation.”

“SEC. 543. Insurance Corporation Premiums.”

“(b) By adding at the end the following:

“(ii) the borrower acted in good faith (as determined by the Secretary) in attempting to repay the recapture amount.”

“SEC. 542. Banks for Cooperatives.”

“(a) Election.—”

“SEC. 541. Rebuttal or Pre-Consummation Approval Requirements.”

“(a) Banks for Cooperatives.—”

“SEC. 540. Amendment of Title II of the Farm Credit Act of 1971 (12 U.S.C. 2272(g)).”—

“(c) Application.—”

“(b) Repeal of Title II of the Farm Credit Act of 1971 (12 U.S.C. 2272(g)).”—

“(A) Election.—The permanent board shall annually elect a chairperson from among the members of the permanent board.

“(B) Term.—The term of the chairperson shall coincide with the term served by elected members of the permanent board under paragraph (6)(B).”
Subtitle E—General Provisions

SEC. 551. INAPPLICABILITY OF FINALITY RULE. Section 281(a)(1) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 7001a(a)) is amended by striking “This subsection” and inserting the following:

“(A) IN GENERAL.—Except as provided in subsection (b), this section—

(1) to eligible independent producers (as determined by the Secretary) of value-added agricultural commodities and products of agricultural credit decision made by such a State, county, or area committee, or employee of such a committee, under the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) and the amendments made by this title;

(2) to develop a business plan for viable marketing opportunities for a value-added agricultural commodity or product of an agricultural credit decision made by such a State, county, or area committee, or employee of such a committee, under the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) and the amendments made by this title; or

(b) NATURE OF PROGRAM.

(1) establishment of fund.—The Secretary shall establish a fund under this section.

(2) USE OF FUNDS.—The purpose of the fund established under this section shall be to provide for the establishment and operation of the appropriate grants and assistance.

SEC. 601. FUNDING FOR RURAL LOCAL TELEVISION BROADCAST SIGNAL LICENSE GUARANTEES.

Section 109(c)(1) of the Launching Our Communities’ Access to Local Television Act of 2000 (title X of H.R. 5588, as enacted by section 1(b)(2) of Public Law 106-533) is amended by adding at the end the following: “Subject to subsection (g), the aggregate amount of all such matching grants shall be at least $10,000,000 for each of the fiscal years 2002 through 2006.”

SEC. 602. EXPANDED ELIGIBILITY FOR VALUE-ADDED AGRICULTURAL PRODUCT MARKET DEVELOPMENT GRANTS.

Section 231(a) of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1621 note) is amended by striking “in each of fiscal years 2002 through 2011, the Secretary shall award competitive grants” and inserting the following:

“(A) IN GENERAL.—Except as provided in subsection (b), this section—

(1) to eligible independent producers (as determined by the Secretary) of value-added agricultural commodities and products under the Agricultural Risk Protection Act of 2000 (title X of H.R. 5548, as enacted by section 1(b)(2) of Public Law 106-533) and the amendments made by this title;

(2) to develop a business plan for viable marketing opportunities for a value-added agricultural commodity or product of an agricultural credit decision made by such a State, county, or area committee, or employee of such a committee, under the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) and the amendments made by this title;

(3) to develop strategies for the ventures that are intended to create marketing opportunities for the producers; and

(b) NATURE OF PROGRAM.

(1) establishment of program.—The Secretary shall establish a program under this section.

(2) USE OF FUNDS.—The purpose of the program established under this section shall be to provide for the establishment and operation of the appropriate grants and assistance.

SEC. 603. AGRICULTURE INNOVATION CENTER DEMONSTRATION PROGRAM.

(a) PURPOSES.—The purposes of this section are to carry out a demonstration program under which agricultural producers are provided—

(1) technical assistance, including engineering services, applied research, scale production, and similar services to enable the producers to establish businesses for further processing of agricultural products; (2) marketing, market development, and business planning; and

(3) overall organizational, outreach, and development assistance to increase the viability, growth, and sustainability of value-added agricultural businesses.

(b) NATURE OF PROGRAM.—The Secretary of Agriculture (in this section referred to as the “Secretary”) shall—

(1) grants to eligible applicants for the purposes of enabling the applicants to obtain the assistance described in subsection (a); and

(2) provide assistance to eligible applicants through the research and technical services of the Department of Agriculture.

(c) ELIGIBILITY REQUIREMENTS.—

(1) IN GENERAL.—An applicant shall be eligible for a grant and assistance described in subsection (b) to establish an Agriculture Innovation Center if—

(A) the applicant—

(i) has provided services similar to those described in subsection (a); and

(ii) shows the capability of providing the services;

(B) the application of the applicant for the grant and assistance sets forth a plan, in accordance with regulations which shall be prescribed by the Secretary, outlining support of the applicant in the agricultural community, the technical and other expertise of the applicant, and the goals of the applicant for increasing and improving the ability of local producers to develop markets and processes for value-added agricultural products;

(C) the applicant demonstrates that resources (in cash or in kind) of definite value, not less than $5,000,000, are to be made available to the applicant, to increase and improve the ability of local producers to develop markets and processes for value-added agricultural products; and

(D) the applicant meets the requirement of paragraph (2).

(b) RULE OF INTERPRETATION.—This section shall be construed to prevent a recipient of a grant under this section from collabo- rating with any other institution with respect to activities conducted using the grant.

(c) ELIGIBILITY REQUIREMENTS.—

(1) IN GENERAL.—An applicant may be eligible for a grant and assistance described in subsection (b) not less than $5,000,000 for fiscal year 2002; and

(2) less than $10,000,000 for each of the fiscal years 2003 and 2004.

(d) RULE OF INTERPRETATION.—This section shall be construed to prevent a recipient of a grant under this section from collabo- rating with any other institution with regard to activities conducted using the grant.

(e) AVAILABILITY OF FUNDS.—Of the amount made available under section 231(a) of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1621 note), the Secretary shall use to carry out this section—

(f) REPORT ON BEST PRACTICES.—The Secretary shall report to the Committees on Agriculture, Rural Development, and Small Business of the Senate and the House of Representatives on the best practices of the activities conducted using the grants made available under this section.
commodity markets. The research should systematically examine possible effects on demand for agricultural commodities, market prices, farm income, and Federal outlays on commodity programs. The Committees on Agriculture, Nutrition, and Forestry of the Senate and the Committees on Agriculture, House of Representatives, are hereby directed to submit a report to the Senate and to the Committee on Agriculture, House of Representatives, which shall include the best practices and innovations found at each of the Agriculture Innovation Centers established under the demonstration program under this section, and detail the location and type of agricultural projects assisted, and the type of assistance provided, under this section.

SEC. 604. FUNDING OF COMMUNITY WATER AS- SYSTEMS PILOT PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out section 306A of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926a) $30,000,000 for each of fiscal years 2002 through 2011.

(b) EXTENSION OF PROGRAM.—Section 306A(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926a(1)) is amended by striking “2002” and inserting “2011”.

(c) MINIMUM ANNUAL AMOUNTS.—Section 306A of such Act (7 U.S.C. 1926a) is amended—

(1) in the heading by striking “emergency”;

(2) in subsection (a)—

(A) by striking “after” and inserting “when”;

and

(B) by inserting “is imminent” after “communities”;

and

(3) in subsection (c), by striking “shall”—

and all that follows and inserting “shall be a public or private entity”.

SEC. 605. LOAN GUARANTEES FOR THE FINANCING OF THE PURCHASE OF RENEWABLE ENERGY SYSTEMS.

Section 4(i) of the Rural Electrification Act of 1936 (7 U.S.C. 904) is amended—

(1) by inserting “(a)” before “The Secretary”;

and

(2) by adding after and below the end the following:

“(b) Loan Guarantees for the Financing of the Purchase of Renewable Energy Systems.—The Secretary may provide a loan guarantee, on such terms and conditions as the Secretary deems appropriate, for the purpose of financing the purchase of a renewable energy system, including a wind energy system and anaerobic digesters for the purpose of generating energy, by any person or individual who is a farmer, a rancher, or an owner of a small business as defined by the Secretary) that is located in a rural area (as defined by the Secretary) for providing guarantees under this subsection, the Secretary shall give priority to loans used primarily for power generation on a farm, ranch, or small business (as defined by the Secretary).”

SEC. 606. LOANS AND LOAN GUARANTEES FOR RENEWABLE ENERGY SYSTEMS.

Section 310B(a)(3) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(a)(3)) is amended by adding “and other renewable energy systems including wind energy systems and anaerobic digesters for the purpose of generating energy after “solar energy systems”.

SEC. 607. RURAL BUSINESS OPPORTUNITY PROGRAM.

Section 306(a)(11)(D) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926a(11)(D)) is amended by striking “2002” and inserting “2011”.

SEC. 608. GRANTS FOR WATER SYSTEMS FOR RURAL AND NATIVE VILLAGES IN ALASKA AND HAWAII.

Section 306D(d)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926d(d)(1)) is amended by striking “2002” and inserting “2011”.

SEC. 609. RURAL COOPERATIVE DEVELOPMENT GRANTS.

Section 310B(e)(9) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(a)(9)) is amended by striking “2002” and inserting “2011”.

SEC. 610. NATIONAL RESERVE ACCOUNT OF THE FARM SECURITY ACT OF 1933.


SEC. 611. RURAL VENTURE CAPITAL DEMONSTRATION PROGRAM.

Section 381(b)(3) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009m(b)(3)) is amended by striking “2002” and inserting “2011”.

SEC. 612. INCREASE IN LIMIT ON CERTAIN LOANS BY NATIONAL RURAL DEVELOPMENT TRUST FUND.

Section 310B(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(a)) is amended by striking “$25,000,000” and inserting “$30,000,000”.

SEC. 613. PILOT PROGRAM FOR DEVELOPMENT AND IMPLEMENTATION OF STRATEGIC REGIONAL DEVELOPMENT PLANS.

(a) DEVELOPMENT.—

(1) SELECTION OF STATES.—The Secretary of Agriculture (hereafter referred to as the “Secretary”) shall, on a competitive basis, select States in which to implement strategic regional development plans developed under this subsection.

(2) GRANTS.—

(A) AUTHORITY.—

(i) IN GENERAL.—From the funds made available to carry out this subsection, the Secretary shall make a matching grant to 1 or more entities in each State selected under subsection (a), to develop a strategic regional development plan that provides for rural economic development in a region in the State in which the entity is located.

(ii) PRIORITY.—In making grants under this subsection, the Secretary shall give priority to entities that represent a regional coalition of community-based planning, development, governmental, and business organizations.

(b) TERMS OF MATCH.—In order for an entity to be eligible for a matching grant under this subsection, the entity shall make a commitment to the Secretary to provide funds for the development of a strategic regional development plan of the kind referred to in subparagraph (A) in an amount that is not less than the matching share.

(c) LIMITATION.—The Secretary shall not make a grant under this subsection in an amount that exceeds $150,000.

(2) FUNDING.—

(A) AUTHORIZATION OF APPROPRIATIONS.—

There is authorized to be appropriated to carry out this section for each of fiscal years 2002 through 2011 the total obtained by adding—

(i) $2,000,000;

and

(ii) 5% of the amounts made available by section 306D of the Farm Security Act of 2001 for grants under this section.

(B) AVAILABILITY.—Funds made available pursuant to subparagraph (A) shall remain available without fiscal year limitation.

(c) Use of Funds.—The amounts made available under subsections (a) and (b) may be used, at the Secretary’s discretion, to carry out any provision of this section.

SEC. 614. GRANTS TO NONPROFIT ORGANIZATIONS TO FUND THE CONSTRUCTION, REFURBISHING, AND SERVICING OF INDIVIDUALLY-OWNED HOUSEHOLD WATER WELL SYSTEMS IN RURAL AREAS FOR INDIVIDUALS WITH LOW OR MODERATE INCOMES.

(a) IN GENERAL.—Subtitle A of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(a)) is amended by adding at the end the following:

“SEC. 306E. GRANTS TO NONPROFIT ORGANIZATIONS TO FUND THE CONSTRUCTION, REFURBISHING, AND SERVICING OF INDIVIDUALLY-OWNED HOUSEHOLD WATER WELL SYSTEMS IN RURAL AREAS FOR INDIVIDUALS WITH LOW OR MODERATE INCOMES.

(1) DEFINITION OF ELIGIBLE INDIVIDUAL.—In this section, the term ‘eligible individual’ means an individual who is a member of a household, the combined income of whose members for the 12-month period for which the information is available, is not more than 100 percent of the median nonmetropolitan household income for the State or territory in which the individual resides, according to the most recent decennial census of the United States.

(2) GRANTS.—The Secretary may make grants to private nonprofit organizations for the purpose of assisting eligible individuals in obtaining financing for the construction, refurbishing, and servicing of individual household water well systems in rural areas that are owned (or to be owned) by the eligible individuals.

(b) USE OF FUNDS.—A grant made under this section may be—

(1) used, or invested to provide income to be used, to carry out subsection (b); and

(2) used to pay administrative expenses associated with providing the assistance described in subsection (b).

(3) PRIORITY IN AWARDING GRANTS.—In awarding grants under this section, the Secretary shall give priority to an applicant that has substantial expertise and experience in promoting the safe and productive use of private, low-income-own household water well systems and ground water.”.

(c) EFFECTIVE DATE.—The amendment made by this section takes effect on October 1, 2001.

SEC. 615. NATIONAL RURAL DEVELOPMENT PARTNERSHIP.

Subtitle E of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009–2009n) is amended by adding at the end the following:

“SEC. 381P. NATIONAL RURAL DEVELOPMENT PARTNERSHIP.

(a) RURAL AREA DEFINED.—In this section, the term ‘rural area’ means such areas as the Secretary may determine.

(b) ESTABLISHMENT.—There is established a National Rural Development Partnership..."
(in this section referred to as the ‘Partner-ship’), which shall be composed of—

“(1) the National Rural Development Co-ordinating Committee established in accordance with subsection (a) and; and

“(2) State rural development councils estab-lished in accordance with subsection (d).

“(c) NATIONAL RURAL DEVELOPMENT Co-

ordinating Committee.—

“(1) COMPOSITION.—The National Rural De-

velopment Coordinating Committee (in this section referred to as the ‘Coordinating Com-

mittee’) shall be composed of—

“(A) representatives of all Federal depart-

ments and agencies with policies and pro-

grams that affect or benefit rural areas;

“(B) representatives of national associa-

tions of State, regional, local, and tribal gov-

ernments and intergovernmental and multi-

jurisdictional agencies and organizations;

“(C) national public interest groups; and

“(D) other national nonprofit organiza-

tions that elect to participate in the activi-

ties of the Coordinating Committee.

“(2) FUNCTIONS.—The Coordinating Com-

mittee may—

“(A) provide support for the work of the State rural development councils established in accordance with subsection (d); and

“(B) develop and facilitate strategies to re-

duce or eliminate conflicting or duplicative

administrative and regulatory impediments

confronting the rural areas of the State.

“(d) STATE RURAL DEVELOPMENT COUN-

CILS.—

“(1) COMPOSITION.—A State rural develop-

ment council may—

“(A) be composed of representatives of

Federal, State, local, and tribal govern-

ments, and nonprofit organizations, the pri-

vate sector, and other entities committed to

rural advancement; and

“(B) have a nonpartisan and nondiscrimi-

nating membership that is broad and re-

presentative of the economic, social, and po-

litical diversity of the State.

“(2) FUNCTIONS.—A State rural develop-

ment council may—

“(A) facilitate collaboration among Fed-

eral, State, local, and tribal governments

and the private and non-profit sectors in the

planning and implementation of programs

and policies that affect the rural areas of

the State, and to do so in such a way that pro-

vides the greatest degree of flexibility and

innovation in responding to the unique needs

of the State and the rural areas; and

“(B) in conjunction with the Coordinating

Committee, develop and facilitate strategies to re-

duce or eliminate conflicting or duplicative

administrative and regulatory impediments

confronting the rural areas of the State.

“(e) ADMINISTRATION OF THE PART-NER-

SHIP.—The Secretary may provide for any

additional support staff to the Partnership as the Secretary determines to be necessary to carry out the duties of the Partnership.

“(f) TERMINATION.—The authority provided

by this section shall terminate on the date that is 5 years after the date of the enactment

of this section.

SEC. 616. ELIGIBILITY OF RURAL EMPOW-

ERMENT ZONES, RURAL ENTERPRISE COM-

MUNITIES, AND CHAMPION CON-

MINITIES FOR DIRECT AND GUARAN-

TEED LOANS FOR ESSENTIAL COM-

MUNITIES.

Section 306(a)(1) of the Consolidated Farm

and Rural Development Act (7 U.S.C. 1929a(a)(1)) is amended by inserting after the 1st sentence the following:—

“The Secretary may also make or insure loans to communities that have been designated as rural empow-

erment zones or rural enterprise communi-

ties pursuant to section 766 of the Agriculture, Rural Development, Food and Drug Administra-

tion, and Related Agencies Appropriations Act, 1999, or as champion communities (as determined by the Secretary), to provide for the installation or improvement of essential community facilities including necessary re-

lated equipment, and to furnish financial as-

sistance of such aid in planning projects for

such purposes.”.

SEC. 617. GRANTS TO TRAIN FARM WORKERS IN NEW AND REMODELED BUILDINGS AND TO TRAIN FARM WORKERS IN SPECIALIZED SKILLS NECESSARY FOR HIGHER VALUE PRODUCTS.

(a) IN GENERAL.—The Secretary of Ag-

riculture may make a grant to a nonprofit or-

ganization with the capacity to train farm workers to provide off-farm opportunities for non-profit or-

organizations, agribusinesses, State and local governments, agricultural labor organiza-

tions, and community-based organizations with that capacity.

(b) USE OF FUNDS.—An entity to which a

grant is made under this section shall use the grant to train farm workers to use new technologies and develop specialized skills for agricultural development.

(c) LIMITATIONS ON AUTHORIZATION OF AP-

PROPRIATIONS.—In determining to provide

grants under this section, there are authorized to be appropriated to the Secretary of Agriculture not more than $10,000,000 for each of fiscal years 2002 through 2007.

SEC. 618. LOAN GUARANTEES FOR THE PURCHASE OF STOCK IN A FARM COOPERATIVE ORGANIZATION IN ORDER TO MODERNIZE OR EXPAND.

Section 310B(g)(2) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(g)(2)) is amended by striking “start-up” and all that follows and inserting “capital stock of a farmer cooperative established for an agricultural purpose.”.

SEC. 619. DEFINITIONS, ASSETS AND SUBORDI-

NATED UNSECURED DEBT REQUIRED TO BE CONSIDERED IN DETERMINING ELIGIBILITY OF FARM-OWNED COOPERATIVE FOR BUSINESS AND INDUSTRY GUARANTEED LOAN.

Section 310B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932) is amended by adding at the end the following:

“(1) DEFINITIONS.—Securities the Secretary determines shall be considered securities the Secretary shall consider shall constitute property of a cooperative organization owned by farmers that are eligible for the purpose of this section if such property is—

“(A) ‘securities’ as defined under subsection (b) of this section that include stock in a cooperative organization owned by farmers; or

“(B) other property—

“(i) if the market value of such property is less than $200,000, and

“(ii) if the market value of such property is $200,000 or more, constitutes property of a cooperative organization owned by farmers if the Secretary determines that the property—

“(I) is marketable or marketable to a new lender if—

“(1) the original loan—

“(A) is current and performing; and

“(B) is not in default; and

“(2) the cooperative organization has ade-

quate security or collateral (including tangi-

tile and intangible assets).”—

SEC. 621. RURAL WATER AND WASTE FACILITY GRANTS.

Section 3701(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2026a(a)(2)) is amended by striking “aggregating not to exceed $590,000,000 in any fiscal year” and inserting “aggregating not to exceed $700,000,000 in any fiscal year.”.

SEC. 622. RURAL WATER CIRCUIT RIDER PRO-

GRAM.

(a) ESTABLISHMENT.—The Secretary of Ag-

riculture shall establish a national rural water and wastewater circuit rider grant program that shall be modeled after the Na-

tional Rural Water Association Rural Water Circuit Rider Program that receives funding from the Rural Utilities Service.

(b) LIMITATIONS ON AUTHORIZATION OF AP-

PROPRIATIONS.—To carry out subsection (a), there are authorized to be appropriated to the Secretary of Agriculture $15,000,000 for each fiscal year.

SEC. 623. RURAL WATER GRASSROOTS SOURCE WATER PROTECTION PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Ag-

riculture shall establish a national grass-

roots source water protection program that will utilize the on-site technical assistance capabilities of State rural water associations that are operating wellhead or ground water protection programs in rural areas.

(b) LIMITATIONS ON AUTHORIZATION OF AP-

PROPRIATIONS.—To carry out subsection (a), there are authorized to be appropriated to the Secretary of Agriculture $5,000,000 for each fiscal year.

SEC. 624. DELTA REGIONAL AUTHORITY.

Section 362N of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009a–13) is amended by striking “2002” and inserting “2011”.

SEC. 625. PREDEVELOPMENT AND SMALL CAP-

ITALIZATION LOAN FUND.

The Secretary of Agriculture may make grants to private, nonprofit, multi-State rural community assistance programs to capitalize revolving funds for the purpose of financing eligible projects of predevelopment, repair, and improvement costs of existing water and wastewater sys-

The Secretary of Agriculture $15,000,000 for

each fiscal year.

SEC. 626. RURAL ECONOMIC DEVELOPMENT LOAN AND GRANT PROGRAM.

The Secretary of Agriculture may use an additional source of funding for economic de-

veloped programs administered by the De-

partment of Agriculture through guaran-

teeing fees on guarantees of bonds and notes issued by cooperative lenders for electricity and telecommunications purposes.

TITLE VII—RESEARCH AND RELATED MATTERS

Subtitle A—Extensions

SEC. 700. MARKET EXPANSION RESEARCH.

Section 138h(b)(3)(C) of the Food Security Act of 1985 (7 U.S.C. 1932h(b)(3)(C)) is amended by striking “1996” and inserting “2011”.}

SEC. 701. NATIONAL RURAL INFORMATION CEN-

TER CLEARINGHOUSE.

Section 238(d)(1) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 3128a(1) is amended by striking “2002” and inserting “2011”.

SEC. 702. GRANTS AND FELLOWSHIPS FOR FOOD AND AGRICULTURAL SCIENCES EDUCATION.

Section 1417(l) of the National Agricultural Research, Extension, and Education Policy Act of 1977 (7 U.S.C. 3152(l)) is amended by striking “2002” and inserting “2011”.

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amended by striking “2002” and inserting “2011”.

SEC. 716. AGRICULTURE RESEARCH FACILITIES.

The first sentence of section 1477 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3324) is amended by striking “2002” and inserting “2011”.

SEC. 717. RANGELAND RESEARCH.

Section 1489(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3336(a)) is amended by striking “2002” and inserting “2011”.

SEC. 718. NATIONAL GENETICS RESOURCES PROGRAM.

Section 1561(b) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5922(b)) is amended by striking “2002” and inserting “2011”.

SEC. 719. HIGH-PRIORITY RESEARCH AND EXTENSION INITIATIVES.

Section 1567(a) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5926(a)) is amended by striking “2002” and inserting “2011”.

SEC. 720. NUTRITION MANAGEMENT RESEARCH AND EXTENSION INITIATIVE.

Section 1572(a) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5928(a)) is amended by striking “2002” and inserting “2011”.

SEC. 721. AGRICULTURAL TELECOMMUNICATIONS PROGRAM.

Section 1578(a) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5930(a)) is amended by striking “2002” and inserting “2011”.

SEC. 722. ALTERNATIVE AGRICULTURAL RESEARCH AND COMMERCIALIZATION REVOLVING FUND.

(a) AUTHORIZATION OF APPROPRIATIONS.—

Section 1566(g)(1) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5906(g)(1)) is amended by striking “2002” and inserting “2011”.

(b) CAPITALIZATION.—Section 1566(g)(2) of such Act (7 U.S.C. 5906(g)(2)) is amended by striking “2002” and inserting “2011”.

SEC. 723. ASSISTIVE TECHNOLOGY PROGRAM FOR FARMERS WITH DISABILITIES.

Section 1580(b) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5933(b)) is amended by striking “2002” and inserting “2011”.

SEC. 724. PARTNERSHIPS FOR HIGH-VALUE AGRICULTURAL PRODUCT QUALITY RESEARCH.

Section 1592(b) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5935(b)) is amended by striking “2002” and inserting “2011”.

SEC. 725. BIODEGRADED PRODUCTS.

(a) PILOT PROJECT.—Section 1604(e) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7624(e)) is amended by striking “2002” and inserting “2011”.

(b) AUTHORIZATION OF APPROPRIATIONS.—

Section 1604(h) of such Act (7 U.S.C. 7624(h)) is amended by striking “2002” and inserting “2011”.

SEC. 726. INTEGRATED RESEARCH, EDUCATION, AND CONSERVATION ACT, 2002, AND COMPETITIVE GRANTS PROGRAM.

Section 1616(a) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7626(a)) is amended by striking “2002” and inserting “2011”.

SEC. 727. INSTITUTIONAL CAPACITY BUILDING GRANTS.

(a) GENERAL.—Section 1617(b) of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note) is amended by striking “2002” and inserting “2011”.

(b) AUTHORIZATION OF APPROPRIATIONS.—

Section 1617(c) of such Act is amended by striking “2002” and inserting “2011”.

SEC. 728. ENDOWMENT FOR 1994 INSTITUTIONS.

The first sentence of section 533(b) of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note) is amended by striking “2002” and inserting “2011”.
SEC. 740. PRIVATE NONINDUSTRIAL HARDWOOD RESEARCH PROJECTS.

(a) In General.—The Secretary shall establish a program to provide competitive grants to producers to be used for basic hardwood research projects directed at—

(1) improving timber management techniques;
(2) increasing timber production;
(3) enhancing species diversity; and
(4) addressing invasive and endangered species.

(b) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2002 through 2011.


(a) Authorization of Appropriations.—Section 533(a)(3)(A) of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note) is amended by striking paragraphs (1) and (2) and inserting the following:

"(1) A UTHORIZATION OF APPROPRIATIONS.

(2) AUTHORIZATION OF APPROPRIATIONS.

(b) Authorization of Appropriations.—Section 533(c)(4)(A) of such Act is amended by striking "$50,000" and inserting "$100,000".

(b) Withdrawals and Expenditures.—Section 533(c)(4)(A) of such Act is amended by striking "section 308(b)" and all that follows through "1998" and inserting "section 2(a)(7) of the Tribally Controlled College or University Assistance Act of 1998".

(c) Accreditation.—Section 533(a)(3) of such Act is amended by striking "under sections 533 and 535 and" and inserting "under sections 301 and 303".

(d) 1994 Institutions.—Section 532 of such Act is amended by striking paragraphs (1) through (30) and inserting the following:

"(1) Bay Mills Community College.
(2) Blackfeet Community College.
(3) Cankdeska Cikana Community College.
(4) College of Winnebago Nation.
(5) Crownpoint Institute of Technology.
(6) Dine College.
(7) Dine College.
(8) Duluth Memorial College.
(9) Fond du Lac Tribal and Community College.
(10) Fort Belknap College.
(11) Haskell Indian Nations University.
(12) Institute of American Indian and Alaska Native Culture and Arts Development.
(13) Lac Courte Oreilles Ojibwa Community College.
(14) Little Big Horn College.
(15) Little Missouri Community College.
(16) Northwest Indian College.
(17) Ogala Lakota College.
(18) Salish Kootenai College.
(19) Sinte Gleska University.
(20) Sisseton Wahpeton Community College.
(21) St. Tanka-Huron University.
(22) Sitting Bull College.
(23) Southern Indian Indian Polytechnic Institute.
(24) Stone Child College.
(25) Turtle Mountain Community College.
(26) United Tribes Technical College.

SEC. 742. NATIONAL AGRICULTURAL RESEARCH, EXTENSION, AND TEACHING POLICY AMENDMENTS.

Section 1404(4) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3010(4)) is amended—

(1) by striking the period at the end of subparagraph (E) and inserting "; and"; and
(2) by adding at the end the following: "(F) by striking "and barley caused by Fusarium graminearum" and inserting "and barley infected with wheat scab"; and inserting "; and barley caused by Fusarium graminearum or by Karnal bunt after "wheat scab"; and
(3) by redesignating paragraph (7) as paragraph (8) and inserting the following:

"(8) Improve on farm energy use efficiencies.

(c) Thomas Jefferson Initiative for Crop Diversification.—Section 405(a) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7622a(a)) is amended—

(1) in subsection (a)(5)(F), by inserting "(including improved use of energy inputs)" after "farm production efficiencies"; and
(2) in subsection (d)—

(A) by redesigning paragraphs (4) and (5) as paragraphs (5) and (6) respectively; and

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

"(4) Improve on farm energy use efficiencies.

(d) Coordinated Program of Research, Extension, and Education.—Section 1404(4) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3010(4)) is amended by inserting "(including improved use of energy inputs)" after "poultry systems that increase efficiencies.".

(e) Support for Research Regarding Diseases of Wheat, Triticale, and Barley Caused by Fusarium Graminearum or by Tilletia Indica.—

(1) Research Grant Authorized.—Section 408(a) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7626a(a)) is amended to read as follows: "(a) Research Grant Authorized.—The Secretary of Agriculture may make grants to consortia of land-grant colleges and universities to enhance the ability of the consortia to carry out multi-State research projects aimed at understanding and combating diseases of wheat, triticale, and barley caused by Fusarium graminearum and related fungi (referred to in this section as 'wheat scab') or by Tilletia indica and related fungi referred to in this section as 'Karnal bunt')."

(2) Research Components.—Section 408(b) of such Act (7 U.S.C. 7626b(b)) is amended—

(A) in paragraph (1), by inserting "or Karnal bunt," after "epidemiology of wheat scab";

(B) in paragraph (1), by inserting "; and barley," after "occurring in wheat";

(C) in paragraph (2), by inserting "or Karnal bunt" after "wheat scab";

(D) in paragraph (3)(A), by striking "and barley for the purpose of" and inserting ", triticale, and barley for the purpose of Karnal bunt or";

(E) in paragraph (3)(B), by striking "and barley infected with wheat scab" and inserting "; and barley infected with wheat scab or with Karnal bunt;"

(F) in paragraph (3)(C), by inserting "wheat scab" after "to render";

(G) in paragraph (4), by striking "and barley to wheat scab" and inserting ", triticale, and barley to wheat scab and to Karnal bunt"; and

(H) in paragraph (5)—

(i) by inserting "and Karnal bunt" after "wheat scab"; and

(ii) by inserting ", triticale," after "resistant wheat".

(3) Communications Networks.—Section 408(c) of such Act (7 U.S.C. 7626c(c)) is amended by inserting "or Karnal bunt" after "wheat scab".

(4) Technical Amendments.—The section for fiscal year 2002 of such Act is amended by striking "AND BARLEY CAUSED BY FUSARIUM GRAMINEARUM" and inserting "TRITICALE, AND BARLEY CAUSED BY FUSARIUM GRAMINEARUM OR BY TILLETIA INDIKA".

(B) The table of sections for such Act is amended by striking "and barley caused by fusarium graminearum" in the item relating to section 408 and inserting "; triticale, and barley caused by Fusarium graminearum or by Tilletia indica".

(1) Program to Control Johnes's Disease.—Title IV of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621 et seq.) is amended by adding after the section for 2002 the following:

"SEC. 409. BOVINE JOHNE'S DISEASE CONTROL PROGRAM.

(a) Establishment.—The Secretary of Agriculture, in coordination with State veterinarians and other appropriate State animal health professionals, may establish a program to conduct research, testing, and evaluation of programs of the control and management of Johnes's disease in livestock.

(b) Authorization of Appropriations.—There is authorized to be appropriated to the Secretary of Agriculture such sums as may be necessary to carry out this section for each of fiscal years 2003 through 2011.

SEC. 743. FOOD, AGRICULTURE, CONSERVATION, AND TRADE ACT OF 1990.

(a) Agricultural Genome Initiative.—Section 1671(b) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5921(b)) is amended—

(1) in paragraph (3), by inserting "pathogens and before "diseases causing economic hardship";

(2) in paragraph (6), by striking "and" at the end;

(3) by redesignating paragraph (7) as paragraph (8); and

(4) by inserting after paragraph (6) the following new paragraph:

"(7) reducing the economic impact of plant pathogens on commercially important crop plants and;

(b) High-Priority Research and Extension Initiatives.—Section 1672(e) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5922(e)) is amended by adding at the end the following new paragraphs:

"(25) Research to Protect the United States Food Supply and Agriculture from Bio-terrorism.—Research grants may be made under this section for the purpose of developing technologies, which support the
capability to deal with the threat of agricultural bioterrorism.

(26) WIND EROSION RESEARCH AND EXTENSION.—Research and extension grants may be made available under this section for the purpose of validating wind erosion models.

(27) CROP LOSS RESEARCH AND EXTENSION.—Research and extension grants may be made available under this section for the purpose of validating crop loss models.

(28) LAND USE MANAGEMENT RESEARCH AND EXTENSION.—Research and extension grants may be made available under this section for the purpose of evaluating the environmental benefits of land use management tools such as those provided in the Farmland Protection Program.

(29) WATER AND AIR QUALITY RESEARCH AND EXTENSION.—Research and extension grants may be made available under this section for the purpose of better understanding agricultural impacts to air and water quality and means to address them.

(30) REVENUE AND INSURANCE TOOLS RESEARCH AND EXTENSION.—Research and extension grants may be made available under this section for the purposes of better understanding the impact of revenue and insurance tools on farm income.

(31) AGROTOURISM RESEARCH AND EXTENSION.—Research and extension grants may be made available under this section for the purpose of enhancing the economic, environmental, and food systems impacts on agrotourism.

(32) HARVESTING PRODUCTIVITY FOR FRUITS AND VEGETABLES.—Research and extension grants may be made available under this section for the purpose of improving harvesting productivity for fruits and vegetables (including citrus), identifying the development of mechanical harvesting technologies and effective, economical, and safe abscission compounds.

(33) NITROGEN-FIXATION BY PLANTS.—Research and extension grants may be made available under this section for the purpose of enhancing the nitrogen-fixing ability and efficiency of legumes, developing new varieties of legumes that fix nitrogen more efficiently, and developing new varieties of other commercially important crops that potentially are able to reduce nitrogen applications.

(34) AGRICULTURAL MARKETING.—Extension grants may be made available under this section for the purpose of providing education materials, research and outreach programs regarding commodity and livestock marketing strategies for agricultural producers and for cooperatives and other marketers of any agricultural commodity, including livestock.

(35) ENVIRONMENT AND PRIVATE LANDS RESEARCH AND EXTENSION.—Research and extension grants may be made available under this section for the purpose of researching the use of computer models to aid in assessment of best management practices on a watershed basis, working waterfront, industry, and private landowners to help craft industry-led solutions to identified environmental issues, researching and monitoring water, air, or soil quality improvements and the ability to aid in the development of new approaches to local environmental concerns, and working with local, State, and federal officials to help craft effective solutions that protect private property rights and agricultural production realities.

(36) LIVESTOCK DISEASE RESEARCH AND EXTENSION.—Research and extension grants may be made available under this section for the purpose of identifying possible livestock disease threats, educating the public regarding livestock disease threats, training persons to deal with such threats, and conducting related research.

(37) PLANT GENE EXPRESSION.—Research and development grants may be made available under this section for the purpose of plant gene expression research to accelerate the application of basic plant genomics to the development and testing of new varieties of enhanced food crops, crops that can be used as renewable energy sources, and other alternative uses of crops.


(a) NATIONAL AGRICULTURAL RESEARCH, EXTENSION, EDUCATION, AND ECONOMIC ADVISORY BOARD.—Section 1408 of the National Agricultural Research, Education, and Teaching Policy Act of 1977 (7 U.S.C. 3123) is amended—

(1) in subsection (d)(1), by redesignating subparagrapghs (R) through (DD) as subparagraphs (R) through (EE), respectively; and

(2) by inserting after subparagraph (Q) the following new subparagraph:

"(R) 1 member representing a nonland grant college or university with a historic commitment to research in the food and agricultural sciences;"

(b) G RANT PROGRAM.—Research and extension grants may be made under this section for the purpose of providing education materials, information, and outreach programs for the purpose of providing education materials, information, and outreach programs.

(c) TYPES OF RESEARCH.—Research and extension grants may be made under this section for the purpose of providing education materials, information, and outreach programs for the purpose of providing education materials, information, and outreach programs.

(d) ELIGIBILITY REQUIREMENTS.—Eligibility for grants made under this section shall be limited to the purposes of this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as necessary to carry out this section.

SEC. 746. BIOMASS RESEARCH AND DEVELOPMENT.

Title III of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 7624 note) is amended—

(1) in section 302(3), by inserting "or bio- diesel after "such as ethanol";"

(2) in section 303, by inserting "animal byproducts," after "fibers," and

(3) in section 306(b)(1), by redesignating subparagraphs (E) through (J) as subparagraphs (F) through (K), respectively; and

(4) by inserting after subparagraph (D) the following new subparagraph:

"(E) an individual affiliated with a livestock trade association;"

SEC. 747. BIOTECHNOLOGY RISK ASSESSMENT RESEARCH.

Section 1668 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5921) is amended as follows:

(a) PURPOSE.—It is the purpose of this section—

(1) to authorize and support environmental assessment research to help identify and analyze environmental effects of biotechnology; and

(2) to authorize research to help regulators develop long-term policies concerning the introduction of such technology.

(b) GRANT PROGRAM.—The Secretary of Agriculture shall establish a grant program within the Cooperative State Research, Education, and Extension Service and the Agricultural Research Service to provide the necessary funding for environmental assessment research concerning the introduction of genetically engineered plants and animals into the environment.

(c) TYPES OF RESEARCH.—Types of research for which grants may be made under this section shall include the following:

(1) Research designed to identify and develop appropriate management practices to minimize physical and biological risks associated with genetically engineered animals and plants once they are introduced into the environment.

(2) Research designed to develop methods to monitor the dispersal of genetically engineered animals and plants.

(3) Research designed to further existing knowledge with respect to the characteristics, rates and methods of gene transfer that may occur between genetically engineered plants and animals and related wild and agricultural organisms.

(4) Environmental assessment research designed to provide analysis, which compares the future impacts of genetically modified through genetic engineering to other types of production systems.

(5) Other areas of research designed to further the purposes of this section.

(d) ELIGIBILITY REQUIREMENTS.—Grants under this section shall be—

(1) made on the basis of the quality of the proposed research project; and

(2) available to any public or private research or educational institution or organization.

(e) CONSULTATION.—In considering specific areas of research for funding under this section, the Secretary of Agriculture shall consult with the Administrator of the Animal and Plant Health Inspection Service and the National Agricultural Research, Extension, Education, and Economics Advisory Board.

(f) PROGRAM COORDINATION.—The Secretary of Agriculture shall coordinate research funded under this section with the Office of Research and Development of the Environmental Protection Agency in order to avoid duplication of research activity on biotechnology, as defined and determined by the Secretary, at least 3 percent of such amount
for the purpose of making grants under this section for research on biotechnology risk assessment. Except that, funding from this authorization should be collected and applied to extent practicable for biotechnology risk assessment research on all categories identified as biotechnology by the Secretary.”.

SEC. 748. COMPETITIVE, SPECIAL, AND FACILITIES RESEARCH GRANTS.

Section 2(a) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450a) is amended by adding at the end the following new paragraph:

“(3) DETERMINATION OF HIGH PRIORITY RESEARCH.—Research priorities shall be determined by the Secretary on an annual basis, taking into account input as gathered by the Secretary through the National Agricultural Research, Extension, Education, and Economics Advisory Committee.

SEC. 749. MATCHING FUNDS REQUIREMENT FOR RESEARCH AND EXTENSION ACTIVITIES.

Section 1449 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222d) is amended—

(1) by amending subsection (c) to read as follows:

“(c) MATCHING FORMULA.—For each of fiscal years 2003 through 2011, the State shall provide funds from nonfederal sources. Such matching funds shall be for an amount equal to not less than 60 percent of the formula funds to be distributed to the eligible institutions of the State if the Secretary determines that the State will be unlikely to satisfy the matching requirement.

(2) by amending subsection (d) to read as follows:

“(d) WAIVER AUTHORITY.—Notwithstanding subsection (f), the Secretary may waive the matching funds requirement under this section for fiscal years 2003 through 2011 for an eligible institution of a State if the Secretary determines that the State will be unlikely to satisfy the matching requirement.

SEC. 749A. MATCHING FUNDS REQUIREMENT FOR RESEARCH AND EXTENSION ACTIVITIES FOR THE UNITED STATES TERRITORIES.

(a) RESEARCH MATCHING REQUIREMENT.—Section 3(d)(4) of the Hatch Act of 1987 (7 U.S.C. 343(e)(4)) is amended by striking “the same matching funds” and all that follows through the end of the sentence and inserting “matching funds requirements from nonfederal sources for fiscal years 2003 through 2011 in an amount equal to not less than 50 percent of the formula funds to be distributed to the Territory. The Secretary may waive the matching funds requirements for a Territory for any of the fiscal years 2003 through 2011 if the Secretary determines that the Territory will be unlikely to satisfy the matching funds requirement for that fiscal year.”.

(b) EXTENSION MATCHING REQUIREMENT.—Section 4(a) of the Smith-Lever Act (7 U.S.C. 343(e)(4)) is amended by striking “the same matching funds” and all that follows through the end of the sentence and inserting “matching funds requirements from nonfederal sources for fiscal years 2003 through 2011 in an amount equal to not less than 50 percent of the formula funds to be distributed to the Territory. The Secretary may waive the matching funds requirements for a Territory for any of the fiscal years 2003 through 2011 if the Secretary determines that the Territory will be unlikely to satisfy the matching funds requirement for that fiscal year.”.

SEC. 750. INITIATIVE FOR FUTURE AGRICULTURE SYSTEMS.

(a) FUNDING.—Section 401(b)(1) of the Agricultural Research, Extension, and Education Reform Act of 1988 (7 U.S.C. 7621(b)(1)) is amended to read as follows:

“(1) IN GENERAL.—

“(A) TOTAL AMOUNT TO BE TRANSFERRED.—On October 1, 2011, and each October 1 thereafter through September 30, 2011, the Secreta- ry of Agriculture shall deposit funds of the Commodity Credit Corporation into the Account under this subparagraph equal to $1,160,000,000.

“(B) EQUAL AMOUNTS.—To the maximum extent practicable, the amounts deposited into the Account pursuant to subparagraph (A) shall be deposited in equal amounts for each fiscal year.

“(C) AVAILABILITY OF FUNDS.—Amounts de- posited into the Account pursuant to sub- paragraph (A) shall remain available until expended.

(b) AVAILABILITY OF FUNDS.—Section 401(f)(6) of the Agricultural Research, Extension, and Education Reform Act of 1988 (7 U.S.C. 7621(f)(6)) is amended to read as follows:

“(6) AVAILABILITY OF FUNDS.—Funds made available under this section to the Secretary prior to October 1, 2003, under paragraph (A) shall be deposited in equal amounts for each fiscal year.

SEC. 751. DEFINITION OF FOOD AND AGRICULTURAL SCIENCES.

Section 2 of the Food and Agriculture Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3031) is amended by striking “food and agricultural sciences;” and inserting “food and agricultural sciences;”.

SEC. 752. DEPARTMENT OF CONGRESSIONAL RECORD

For each of fiscal years 2002 through 2011 sums as are necessary for each of the fiscal years 2002 through 2011 to carry out this section.

SEC. 753. FEDERAL EXTENSION SERVICE.

Section 3(b)(8) of the Smith-Lever Act (7 U.S.C. 343(b)(3)) is amended by striking “$5,000,000” and inserting “such sums as are necessary for each of the fiscal years 2002 through 2011 to carry out this section.”.

SEC. 754. POLICY RESEARCH CENTERS.

Section 1419(a)(3) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3155(c)(3)) is amended by striking “collect and analyze data” and inserting “collect, analyze, and disseminate data”.

SEC. 755. ANIMALS USED IN RESEARCH.

Section 2(g) of the Animal Welfare Act (7 U.S.C. 2132(g)) is amended by inserting “birds, rats of the genus Rattus, and mice of the genus Mus, that are bred for use in re- search, and after “excludes”.

Subtitle C—Related Matters

SEC. 761. RESIDENT INSTRUCTION AT LAND-GRANT COLLEGES IN UNITED STATES TERRITORIES.

PURPOSE.—It is the purpose of this sec- tion to promote and strengthen higher edu- cation in the food and agricultural sciences at agricultural and mechanical colleges lo- cated in the Commonwealth of Puerto Rico, the Virgin Islands of the United States, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Fed- eral States of Micronesia, the Republic of the Marshall Islands, or the Republic of Palau (hereinafter referred to in this section as “eligible institutions”) by formulating and administering programs to carry out the teaching programs in agriculture, natural re- sources, forestry, veterinary medicine, home economics, and disciplines closely allied to agriculture and agriculture production and de- livery system.

(b) GRANTS.—The Secretary of Agriculture shall make competitive grants to those eligi- ble institutions having the capacity to carry out the teaching of food and agricultural sciences.

(c) USE OF GRANT FUNDS.—Grants made under subsection (b) shall be used to—

(1) strengthen institutional educational ca- pacities, including libraries, curriculum, fac- ulty, scientific instrumentation, instruction delivery systems, and student recruitment and retention, in order to respond to identi- fied State, regional, national, or inter- national education needs in the food and agri- cultural sciences;

(2) attract and support undergraduate and graduate students in order to educate them in fields of research and practical need to the food and agriculture sciences;

(3) facilitate cooperative initiatives be- tween two or more eligible institutions or between eligible institutions and State Government, organizational in the pri- vate sector, to maximize the development and use of resources such as faculty, facili- ties, and equipment to meet the needs in the food and agriculture sciences teaching programs; and

(4) conduct undergraduate scholarship pro- grams to assist in meeting national needs for training food and agricultural scientists.

(d) GRANT REQUIREMENTS.—

(1) The Secretary of Agriculture shall en- sure that each eligible institution, prior to receiving grant funds under subsection (b), shall have a significant demonstrable commitment to higher education programs in the food and agricultural sciences and to each specific subject area for which grant funds under this subsection are to be used.

(2) The Secretary of Agriculture may re- quire that any grant awarded under this sec- tion contain provisions requiring funds to be targeted to meet the needs identified in section 1402 of the National Agriculture Re- search, Extension, and Teaching Policy Act of 1977.

(e) AUTHORIZATION OF APPROPRIATIONS.—

There are authorized to be appropriated such sums as are necessary for each of the fiscal years 2002 through 2011 in an amount equal to not less than 50 percent of the formula funds to be distributed to the Territory. The Secretary may waive the matching funds requirements for a Territory for any of the fiscal years 2003 through 2011 if the Secretary determines that the Territory will be unlikely to satisfy the matching funds requirement for that fiscal year.

SEC. 762. DECLARATION OF EXTRAORDINARY EMERGENCY AND RESULTING AUTORITIES.

(a) REVIEW OF PAYMENT OF COMPENSA- TION.—Section 415(e) of the Plant Protection Act (7 U.S.C. 7715(e)) is amended by striking “October 15, 2003, ending” before the final period the following: “or re- view by any officer of the Government other than the Secretary or the designee of the Secretary.”.

(b) REVIEW OF CERTAIN DECISIONS.—

(1) PLANT PROTECTION ACT.—Section 422 of the Plant Protection Act (7 U.S.C. 7772) is amended by striking “Secretary” and inserting “Secretary in carrying out this section, including the action or inaction of any officer, employee, or agent of the Secretary in carrying out this section, including the action or inaction of any officer, employee, or agent of the Secretary.”.

(2) SECRETARIAL DISCRETION.—The action of any officer, employee, or agent of the Secre-
(2) OTHER PLANT AND ANIMAL PEST AND DISEASE LAWS.—Section 11 of the Act of May 29, 1884 (21 U.S.C. 114a; commonly known as the “Animal Industry Act”) and the first section of the Act of November 29, 1961 (7 U.S.C. 174b), are each amended by adding at the end the following new sentence: “The action of any officer, employee, or agent of the Secretary or any officer of the Government other than the Secretary or the designee of the Secretary.”.

(c) Methylene Bromide.—The Plant Protection Act (7 U.S.C. 7701 et seq.), is amended by inserting after section 418 the following new section: “SEC. 419. METHYLENE BROMIDE. “(a) IN GENERAL.—The Secretary, upon request of State, local, or tribal authorities, shall determine whether methylene bromide treatments or applications required by State, local, or tribal authorities to prevent the introduction, establishment, or spread of plant pests (including diseases) or noxious weeds should be authorized as an official control or official requirement.

(b) ADMINISTRATION.— “(1) TIME FOR DETERMINATION.—The Secretary shall make the determination required by subsection (a) not later than 90 days after receiving the request for such a determination.

“(2) REGULATIONS.—The promulgation of regulations for and the administration of this section shall be made without regard to— “(A) the notice and comment provisions of section 553 of title 5, United States Code; “(B) the Statement of Policy of the Secretary of Agriculture, effective July 24, 1971 (36 Fed. Reg. 13804; relating to notices of proposed rulemaking and public participation in rulemaking); “(C) chapter 35 of title 44, United States Code (commonly known as the ‘Paperwork Reduction Act’); “(d) USE OF FUNDS.—

SEC. 763. AGRICULTURAL BIOTECHNOLOGY RESEARCH AND DEVELOPMENT FOR DEVELOPING WORLD.

(a) GRANT PROGRAM.—The Secretary of Agriculture shall establish a program to award grants to entities described in subsection (b) for the development of agricultural biotechnology with respect to the developing world. The Secretary shall administer and oversee the program through the Foreign Agricultural Service of the Department of Agriculture.

(b) PARTNERSHIPS.—(1) In order to be eligible to receive a grant under this section, the grantee shall be participating in an agricultural biotechnology project.

(2) A participating institution of higher education shall be an historically black or land-grant college or university, an Hispanic service or tribal college, or an institution that has agriculture or the biological sciences in its curricula.

(c) COMPETITIVE AWARD.—Grants shall be awarded in the competitive section on a merit-reviewed competitive basis.

(d) USE OF FUNDS.—The activities for which the grant funds may be expended include— “(1) Enhancing the nutritional content of agricultural products that can be grown in the developing world to address malnutrition through biotechnology.

(2) Increasing the yield and safety of agricultural products that can be grown in the developing world through biotechnology.

(3) Increasing through biotechnology the yield of agricultural products that can be grown in the developing world that are drought and stress-resistant.

(4) Extending the growing range of crops that can be grown in the developing world through biotechnology.

(5) Enhancing the shelf-life of fruits and vegetables grown in the developing world through biotechnology.

(6) Developing environmentally sustainable agricultural products through biotechnology.

(7) Developing vaccines to immunize against life-threatening illnesses and other medications that can be administered by consuming genetically engineered agricultural products.

(e) FUNDING SOURCE.—Of the funds deposited in the Treasury account known as the Initiative for Future Agriculture and Food Systems on October 1, 2008, and each October 1 thereafter through October 1, 2007, the Secretary of Agriculture shall spend $5,000,000 during each of fiscal years 2004 through 2008 to carry out this section.

Subtitle D—Repeal of Certain Activities and Sections

SEC. 771. FOOD SAFETY INFORMATION OFFICE AND NATIONAL CONFERENCE.

(a) REPEAL.—Subsections (b) and (c) of section 615 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7654(b) and (c)) are repealed.

(b) CONFORMING AMENDMENTS.—(1) Generally.—Section 615 of such Act is amended—

“A. In the section heading, by striking ‘AND NATIONAL CONFERENCE’; “B. by striking ‘(a) FOOD SAFETY RESEARCH INFORMATION OFFICE.—’; “C. by redesignating paragraphs (1), (2), and (3) as subsections (a), (b), and (c), respectively, and moving the margins 2 ems to the left; “D. in subsection (b) (so redesignated), by redesignating paragraphs (a) and (b) as paragraphs (1) and (2), respectively, and moving the margins 2 ems to the left; and “E. in subsection (c) (so redesignated), by striking ‘subsection(2)’ and inserting ‘this subsection’.

(2) TABLE OF SECTIONS.—The table of sections for such Act is amended by striking ‘AND NATIONAL CONFERENCE’ in the item relating to section 615.


Section 617 of the Agricultural Research, Extension, and Education Reform Act of 1998 (Public Law 105-185, 112 Stat. 607) is repealed.

SEC. 773. NATIONAL GENETIC RESOURCES PROGRAM.

Section 1634 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5845) is repealed.

SEC. 774. NATIONAL ADVISORY BOARD ON AGRICULTURAL WEATHER.

(a) REPEAL.—Section 1639 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5853) is repealed.

(b) CONFORMING AMENDMENT.—Section 1640(b) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5854(b)) is amended by striking “take into” and all that follows through “Weather and”.}

SEC. 775. AGRICULTURAL INFORMATION EXCHANGE.

Section 1420 of the National Agricultural Research, Extension, and Teaching Policy Act Amendments of 1985 (Public Law 99-198; 99 Stat. 1551) is repealed.

SEC. 776. PESTICIDE RESISTANCE STUDY.

Section 1347 of the National Agricultural Research, Extension, and Teaching Policy Act Amendments of 1985 (Public Law 99-198; 99 Stat. 1558) is repealed.

SEC. 777. EXPANSION OF EDUCATION STUDY.

Section 1348 of the National Agricultural Research, Extension, and Teaching Policy Act Amendments of 1985 (Public Law 99-198; 99 Stat. 1559) is repealed.

SEC. 778. SUPPORT FOR ADVISORY BOARD.

Repeal.—Section 1412 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3127) is repealed.

(b) CONFORMING AMENDMENT.—Section 1413(c) of such Act (7 U.S.C. 3128(c)) is amended by striking “section 1412 of this title and”.

SEC. 779. TASK FORCE ON 10-YEAR STRATEGIC PLAN FOR AGRICULTURAL RESEARCH FACILITIES.

(a) REPEAL.—Section 4 of the Research Facilities Act (7 U.S.C. 390b) is repealed.

(b) CONFORMING AMENDMENT.—Section 2 of such Act (7 U.S.C. 390) is amended by striking paragraph (5).

Subtitle E—Agriculture Facility Protection

SEC. 780. ADDITIONAL PROTECTIONS FOR ANIMAL OR AGRICULTURAL ENTERPRISES, RESEARCH FACILITIES, AND OTHER ENTITIES AGAINST DISRUPTION.

(a) DEFINITIONS.—For the purposes of this section, the following definitions apply: “(1) ANIMAL OR AGRICULTURAL ENTERPRISE.—The term ‘animal or agricultural enterprise’ means any of the following: “(A) A commercial, governmental, or academic enterprise that uses animals, plants, or other biological materials for food or fiber production, breeding, processing, research, or testing; “(B) A zoo, aquarium, circus, rodeo, or other entity that exhibits or uses animals, plants, or other biological materials for educational or entertainment purposes; “(C) A fair or similar event intended to advance agricultural arts and sciences; “(D) A facility managed or occupied by an association, federation, foundation, council, or other group or entity of food or fiber producers, processors, or agricultural or biomedical researchers intended to advance agricultural or biomedical arts and sciences; “(2) ECONOMIC DAMAGE.—The term ‘economic damage’ means the replacement of the following: “(A) The cost of lost or damaged property (including all real and personal property) of an animal or agricultural enterprise; “(B) The cost of repeating an interrupted or invalidated experiment; “(C) The loss of revenue (including costs related to business recovery) directly related to the disruption of an animal or agricultural enterprise; “(D) The cost of the tuition and expenses of any student to complete an academic program that was discontinued or to complete a replacement program, when the tuition and expenses are incurred as a result of the damage or loss of the property of an animal or agricultural enterprise; “(E) PROPERTY OF AN ANIMAL OR AGRICULTURAL ENTERPRISE.—The term ‘property of
an animal or agricultural enterprise’ means real and personal property of or used by any of the following:

(A) An animal or agricultural enterprise.

(B) An employee of an animal or agricultural enterprise.

(C) A student attending an academic animal or agricultural enterprise.

(D) Disruption.—The term ‘disruption’ does not include any lawful disruption that results from lawful public, governmental, or animal or agricultural enterprise employee reaction to the disclosure of information about an animal or agricultural enterprise.

(b) VIOLATION.—A person may not recklessly or intentionally, or with criminal intent, contribute to, the disruption of the functioning of an animal or agricultural enterprise by damaging or causing the loss of any property of the animal or agricultural enterprise that results in economic damage, as determined by the Secretary.

(c) ASSESSMENT OF CIVIL PENALTY.—(1) In general.—The Secretary may impose on any person that the Secretary determines violates subsection (b) a civil penalty in an amount determined under paragraphs (2) and (3) and the Secretary determines to be necessary and appropriate. The civil penalty may be assessed only on the record after an opportunity for a hearing.

(2) RECOVERY OF DEPARTMENT COSTS.—The civil penalty assessed by the Secretary against a person for a violation of subsection (b) shall be not less than the total cost incurred by the Secretary for investigation of the violation in addition to any hearing regarding the violation, and assessing the civil penalty.

(3) RECOVERY OF ECONOMIC DAMAGE.—In addition to the amount determined under paragraph (2), the amount of the civil penalty shall include an amount not less than the total cost (or, in the case of knowing or intentionally causing the violation any amount not less than 10 percent of the total cost) of the economic damage incurred by the animal or agricultural enterprise, any employee of the animal or agricultural enterprise, or any student attending an academic animal or agricultural enterprise as a result of the damage or loss of the property of an animal or agricultural enterprise.

(d) IDENTIFICATION.—The Secretary shall identify for each civil penalty assessed under subsection (b) by notice to the point of the civil penalty that represents the recovery of Department costs and the portion that represents the recovery of economic losses.

(e) IN DETERMINING PENALTY.—In determining the amount of a civil penalty under subsection (c), the Secretary shall consider the following:

(1) The nature, circumstance, extent, and gravity of the violation or violations.

(2) The ability of the injured animal or agricultural enterprise to continue to operate, costs incurred by the animal or agricultural enterprise to recover lost business, and the effect of the violation on earnings of employees of the animal or agricultural enterprise.

(3) The interruptions experienced by students attending an academic animal or agricultural enterprise.

(4) Whether the violator has previously violated subsection (a).

(5) The violator’s degree of culpability.

(6) FUND TO ASSIST VICTIMS OF DISRUPTION.—

(1) FUND ESTABLISHED.—There is established in the Treasury a fund which shall consist of all amounts collected under subsection (c) that represents the recovery of economic damages.

(2) USE OF MINTS IN FUND.—The Secretary shall use amounts in the fund to compensate animal or agricultural enterprises, employees of an animal or agricultural enterprise, and students attending an academic animal or agricultural enterprise for economic losses incurred as a result of the disruption of the functioning of an animal or agricultural enterprise in violation of subsection (b).

TITLE VIII—FORESTRY INITIATIVES

SEC. 801. REPEAL OF FORESTRY INCENTIVES PROGRAM AND STEWARDSHIP INCENTIVES PROGRAM.


SEC. 802. ESTABLISHMENT OF FOREST LAND ENHANCEMENT PROGRAM.

(a) FINDINGS.—Congress finds the following:

(1) There is a growing dependence on private nonindustrial forest lands to supply the necessary market commodities and nonmarket values, such as habitat for fish and wildlife, aesthetics, outdoor recreation opportunities, and other forest resources, required by a growing population.

(2) There is a strong demand for expanded assistance programs for owners of nonindustrial private forest land since the majority of the wood supply of the United States comes from nonindustrial private forest land.

(3) The soil and water and air quality of the United States can be maintained and improved through good stewardship of nonindustrial private forest lands.

(4) The present services resulting from stewardship of nonindustrial private forest lands provide income and employment that contribute to the economic health and diversity of rural America.

(5) Wildfires threaten human lives, property, forests, and other resources, and Federal and State cooperation in forest fire prevention and control has proven effective and valuable, in that properly managed forest stands are less susceptible to catastrophic fire, as dramatically by the catastrophic fire seasons of 1998 and 2000.

(6) Owners of private nonindustrial forest lands are being faced with increased pressure to convert their forestland to development and other uses.

(7) Complex, long-rotation forest investments, including sustainable hardwood management plans and other difficult commitments for small, nonindustrial private forest landowners and, thus, should receive equal consideration under cost-share programs.

(b) THE INVESTMENT.—The investment of one Federal dollar in State and private forestry programs is estimated to leverage $9 on average from State, local, and private sources.

(c) PURPOSE.—It is the purpose of this section to strengthen the commitment of the Department of Agriculture to sustainable forest management and cooperative Federal, State, and local sustainable forest program for the establishment, management, maintenance, enhancement, and restoration of forest and nonindustrial private forest lands in the United States.

(d) ELIGIBILITY.—An owner of nonindustrial private forest land is eligible for cost-sharing assistance under the Program if the owner—

(1) agrees to develop and implement an individual stewardship, forest, or stand management plan for site specific activities and practices in cooperation with, and approved by, the State forester, state or local, or private sector program in consultation with the State forester; and

(2) agrees to implement approved activities in accordance with the plan for a period of not less than 10 years, unless the State forester approves a modification to such plan; and

(e) MESSETING THE ACREAGE RESTRICTIONS.—Meets the acreage restrictions as determined by the State forester in conjunction with the State Forest Stewardship Coordinating Committee established under section 19.

SEC. 4. FOREST LAND ENHANCEMENT PROGRAM.

The Cooperative Forestry Assistance Act of 1978 is amended by inserting after section 3 (16 U.S.C. 2120) the following new section 4:

SEC. 4. FOREST LAND ENHANCEMENT PROGRAM.

(a) ESTABLISHMENT.—

(1) ESTABLISHMENT; PURPOSE.—The Secretary shall establish a Forest Land Enhancement Program (in this section referred to as the 'Program') for the purpose of providing financial, technical, educational, and related assistance to State foresters to enhance and improve the quality of nonindustrial private forest lands in the United States by assisting the owners of such lands in more actively managing their forest and related resources by utilizing existing State, Federal, and private sector resource management expertise, financial assistance, and educational opportunities.

(2) ADMINISTRATION.—The Secretary shall carry out the Program within, and administer the Program through, the Natural Resource Conservation Service of the Department of Agriculture, in cooperation with the State forest service.

(3) PROGRAM OBJECTIVES.—In implementing the Program, the Secretary shall target resources to achieve the following objectives:

(1) Enhance implementation of agroforestry practices.

(2) Maintain and enhance the forest land base and leverage State and local financial and technical assistance to owners that promote the same conservation and environmental values.

(c) ELIGIBILITY.—

(1) IN GENERAL.—An owner of nonindustrial private forest land is eligible for cost-sharing assistance under the Program if the owner—

(A) agrees to develop and implement an individual stewardship, forest, or stand management plan for site specific activities and practices in cooperation with, and approved by, the State forester, state or local, or private sector program program in consultation with the State forester; and

(B) agrees to implement approved activities in accordance with the plan for a period of not less than 10 years, unless the State forester approves a modification to such plan; and

(C) meets the acreage restrictions as determined by the State forester in conjunction with the State Forest Stewardship Coordinating Committee established under section 19.

(2) STATE PRIORITIES.—The Secretary, in consultation with the State forester and the Forest Stewardship Coordinating Committee may develop State priorities for cost sharing under the Program that will promote forest management objectives in State.

(3) DEVELOPMENT OF PLAN.—An owner shall be eligible for cost-share assistance for the development of the individual stewardship, forest, or stand management plan required by paragraph (1).

(4) APPROVED ACTIVITIES.—(1) DEVELOPMENT.—The Secretary, in consultation with the State forester and the Forest Stewardship Coordinating Committee, shall develop a list of approved activities and practices that will be eligible for cost-share assistance under the Program within each State.
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"(2) TYPE OF ACTIVITIES.—In developing a list of approved activities and practices under paragraph (1), the Secretary shall at- tempt to achieve the establishment, restor- ation, enhancement, maintenance, and en- hancement of forests and trees for the fol- lowing:

(A) The sustainable growth and manage- ment of forest or stand productivity.

"(B) The restoration, use, and enhance- ment of forest wetlands and riparian areas.

"(C) The protection of water quality and water resources through the application of State- developed forestry best management prac- tices.

(D) Energy conservation and carbon se- questration.

(E) Habitat for flora and fauna.

(F) The control, detection, and moni- toring of invasive species on forestlands as well as preventing the spread and providing for the restoration of lands affected by invasive species.

(G) Hazardous fuels reduction and other management activities that reduce the risks and help restore, recover, and mitigate the damage to forests caused by fire.

(H) The development of forest or stand management plans for which such owner received cost-share payments to any one owner shall be deter- mined by the Secretary, that

"(i) Other activities approved by the Sec- retary, in coordination with the State for- ester and the State Forest Stewardship Co- ordinating Committees.

"(e) COOPERATION.—In implementing the Program, the Secretary shall cooperate with other Federal, State, and local natural re- source management agencies, institutions of higher education, and the private sector.

(f) REIMBURSEMENT OF ELIGIBLE ACTIVI- TIES.—

(1) IN GENERAL.—The Secretary shall share the cost of implementing the approved activities that the Secretary determines are appropriate, in the case of an owner that has entered into an agreement to place non- industrial private forest lands of the owner in the Program.

(2) RATE.—The Secretary shall determine the appropriate reimbursement rate for cost- share payments under paragraph (1) and the share of making for such payments.

(3) MAXIMUM.—The Secretary shall not make cost-share payments under this sub- section to an owner in an amount in excess of 75 percent of the total cost, or a lower per- centage as determined by the State forester, to such person for implementing the prac- tices under an approved plan. The maximum payments to any one owner shall be deter- mined by the Secretary.

(4) CONSULTATION.—The Secretary shall make determinations under this subsection in consultation with the State forester.

(g) RECAPTURE.—

(1) IN GENERAL.—The Secretary shall es- tablish and implement a mechanism to re- capture payments made to an owner in the event that the owner fails to implement any appro- priate practices identified in the individual stewardship, forest, or stand management plan for which such owner received cost- share payments.

(2) ADDITIONAL REMEDY.—The remedy pro- vided in paragraph (1) is in addition to any other remedy available to the Secretary.

(h) DISTRIBUTION.—The Secretary shall distribute funds available for cost sharing under the Program among the States only after giving appropriate consideration to

(1) the total acreage of nonindustrial pri- vate forest land in each State;

(2) the potential productivity of such land;

(3) the number of owners eligible for cost share payments in each State;

(4) the opportunities to enhance non-tim- ber resources on such forest lands;

(5) the anticipated demand for timber and nontimber resources in each State;

(6) the need to improve forest health to mini- mize the damaging effects of cata- strophic fire, insects, disease, or weather;

and

(7) the need and demand for agroforestry practices in each State.

(1) DEFINITION.—In this section:

(A) NONINDUSTRIAL PRIVATE FOREST LANDS.—The term ‘‘nonindustrial private for- est lands’’ means rural lands, as determined by the Secretary.

(B) A have existing tree cover or are suit- able for growing trees; and

(C) A are owned or controlled by any non- industrial private legal entity (other than a nonprofit private legal entity) so long as the individual, group, association, corporation, tribe, or enti- tity has definitive decision-making author- ity over the lands, including through long- term leases and other land tenure systems, for a period of time long enough to ensure compliance with the Program.

(2) OWNER.—The term ‘‘owner’’ includes a private individual, group, association, cor- poration, Indian tribe, or other pri- vate legal entity (other than a nonprofit private legal entity) that has definitive decision-making authority over nonindustrial private forest lands through long-term lease or other land tenure systems.

(3) SECRETARY.—The term ‘‘Secretary’’ means the Secretary of Agriculture.

(4) STATE FORESTER.—The term ‘‘State for- ester’’ means the director or other head of a State Forestry Agency or equivalent State official.

(5) AVAILABILITY OF FUNDS.—The Secre- tary shall use $200,000,000 of funds of the Commodity Credit Corporation to carry out the Program during the period beginning on October 1, 2001, and ending on September 30, 2011.

(d) CONFORMING AMENDMENT.—Section 24(b)(2) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 962(b)(2)) is amended by striking ‘‘forestry incentive program’’ and inserting ‘‘Forest Land Enhancement Program’’.

SEC. 803. IMPROVED RESOURCES EXTENSION ACTIVITIES.

(a) EXTENSION AND AUTHORIZATION IN-CREASE.—Section 6 of the Renewable Re- sources Extension Act of 1978 (16 U.S.C. 1674) is amended—

(1) by striking ‘‘$30,000,000’’ and inserting ‘‘$39,000,000’’; and

(2) by striking ‘‘2002’’ and inserting ‘‘2011’’.

(b) SUSTAINABLE FOREST ORCHARD INI- TIATIVE.—The Renewable Resources Exten- sion Act of 1978 is amended by inserting after section 3A (16 U.S.C. 1674a) the following new section:

SEC. 5B. SUSTAINABLE FOREST ORCHARD INI- TIATIVE.

(1) The Secretary shall establish a program to be known as the ‘‘Sustainable Forest Orchard Initiative’’ for the purpose of edu- cating landowners regarding the following:

(1) The value and benefits of practicing sustainable forestry.

(2) The importance of professional for- estry advice in achieving their sustainable forestry objectives.

(3) The variety of public and private sec- tor resources available to assist them in planning for and practicing sustainable for- estry.

SEC. 804. ENHANCED COMMUNITY FOREST PROTEC- TION.

(a) FINDINGS.—Congress finds the fol- lowing:

(1) The severity and intensity of wildland fires has increased dramatically over the past few decades as a result of past fire and land management policies.

(2) The record 2000 fire season is a prime example of what can be expected if action is not taken.

(3) These wildfires threaten not only the nation’s forested resources, but the thou- sands of communities intermingled with the wildlands in the wildfire interface.

(4) The National Fire Plan developed in re- sponse to the 2000 fire season is the proper, coordinated, and most effective means to ad- dress this wildfire issue.

(5) Whereas adequate authorities exist to tackle the wildfire issues at the landscape scale, Federal land managers need au- thority to take action on most private lands where the largest threat to life and property lies.

(6) There is a significant Federal interest in enhancing community protection from wildfire.

(b) ENHANCED PROTECTION.—The Cooper- ative Management Related to Wildfire Threats Act of 1978 is amended by inserting after section 10 (16 U.S.C. 2106) the following new section:

SEC. 10A. ENHANCED COMMUNITY FIRE PRO- TECTION.

(1) COOPERATIVE MANAGEMENT RELATED TO WILDFIRE THREATS.—The Secretary may cooperate with State foresters and equiva- lent State officials in the management of lands in the United States for the following purposes:

(1) Aid in wildfire prevention and control.

(2) Protect communities from wildfire threats.

(3) Enhance the growth and maintenance of trees and forests that promote overall forest health.

(4) Ensure the continued production of all forest resources, including timber, outdoor recreation opportunities, wildlife habitat, and clean water, through conservation of for- est cover on watersheds, shelterbelts, and wildlands.

(6) COMMUNITY AND PRIVATE LAND FIRE ASSISTANCE PROGRAM.—

(1) ESTABLISHMENT.—The Secre- tary shall establish a Community and Pri- vate Land Fire Assistance program (in this section referred to as the ‘‘Program’’—

(A) to focus the Federal role in promoting oversight and coordination among the Fed- eral, State, and local levels;

(B) to augment Federal projects that es- tablish landscape level protection from wildfire.

(C) to expand outreach and education pro- grams to homeowners and communities about fire prevention; and

(D) to establish defensible space around private landowners homes and property against wildfires.

(2) ADMINISTRATION AND IMPLEMENTA- TION.—The Program shall be administered by the Forest Service and implemented through the State forester or equivalent State official.

(3) COMPONENTS.—In coordination with existing authorities under this Act, the Secre- tary may undertake on both Federal and non-Federal lands—

(1) fuel hazard mitigation and preven- tion;

(2) invasive species management;

(3) multi-resource wildfire planning;

(4) community and landowner education enterprises, including the program known as FIREWISE;

(5) market development and expansion;

(6) improved wood utilization;

(7) special restoration projects.

(4) CONSIDERATIONS.—The Secretary shall use local contract personnel wherever pos- sible to carry out projects under the Pro- gram.
“(c) Authorization of Appropriations.—There are hereby authorized to be appropriated to the Secretary $35,000,000 for each of fiscal years 2002 through 2011, and such sums as Congress shall determine and appropriate for any subsequent fiscal year to carry out this section.”

SEC. 805. INTERNATIONAL FORESTRY PROGRAM.
Section 2405(d) of the Global Climate Change Prevention Act of 1990 (title XXIV of Public Law 107–77) is amended by striking “2002” and inserting “2011”.

SEC. 806. WILDFIRE PREVENTION AND HAZARDOUS FUEL PURCHASE PROGRAM.
(a) Findings.—Congress finds that—

1. the damage caused by wildfire disasters has been in equivalent magnitude to the damage resulting from the Northridge earthquake, Hurricane Andrew, and the recent flooding of the Mississippi River and the Red River;

2. more than 20,000 communities in the United States are at risk from wildfire and approximately 11,000 of those communities are located near Federal land;

3. the accumulation of heavy forest fuel loads continues to increase as a result of disease, insect infestations, and drought, further increasing the risk of fire each year;

4. modification of forest fuel load conditions through the removal of hazardous fuels would—

(A) minimize catastrophic damage from wildfires;

(B) reduce the need for emergency funding to respond to wildfires; and

(C) protect lives, communities, watersheds, and wildlife habitat;

5. the hazardous fuels removed from forest land represent an abundant renewable resource as well as a significant supply of biomass for biomass-to-energy facilities;

6. the United States should invest in technologies that promote economic and entrepreneurial opportunities in processing forest products removed through hazardous fuel reduction activities; and

7. the United States should—

(A) develop and expand markets for traditionally underused wood and other biomass as a value-added outlet for excessive forest fuels;

(B) commit resources to support planning, assessments, and project reviews to ensure that hazardous fuels management is accomplished expeditiously and in an environmentally sound manner.

(b) Definitions.—In this section:

(1) Biomass-to-energy facility.—The term “biomass-to-energy facility” means a facility that uses biomass as a raw material to produce electric energy, useful heat, or a transportation fuel.

(2) Eligible community.—The term “eligible community” means—

(A) any town, township, municipality, or other similar unit of local government (as determined by the Secretary), or any area represented by a nonprofit corporation or institution organized under Federal or State law to promote broad-based economic development, that—

(i) has a population of not more than 10,000 individuals;

(ii) is located within a county in which at least 15 percent of the total primary and secondary labor and proprietor income is derived from forestry, wood products, and forest-related industries, such as recreation, forage production, and tourism; and

(iii) is located near forest land, the condition of which land the Secretary determines poses a substantial present or potential hazard to the safety of—

(I) a forest ecosystem;

(II) wildlife; or

(III) in the case of a wildfire, human, community, or firefighter safety, in a year in which drought conditions are present; and

(B) any county that is at least $5 but not more than $10 per ton of hazardous fuels, as determined by the Secretary taking into consideration the factors described in clause (ii) of paragraph (1) and the level of anticipated benefits of those purchases in reducing the risk of wildfires.

(2) Grant amounts.—

(A) in general.—A grant under this subsection shall be—

(i) based on—

(I) the distance required to transport hazardous fuels to a biomass-to-energy facility; and

(II) the cost of removal of hazardous fuels; and

(ii) be in an amount that is at least equal to the product obtained by multiplying—

(I) the number of tons of hazardous fuels delivered to a grant recipient; by

(II) an amount that is at least $5 but not more than $10 per ton of hazardous fuels, as determined by the Secretary taking into consideration the factors described in clause (ii) of paragraph (1);

(B) limitation on individual grants.—

(i) in general.—Except as provided in clause (ii), a grant under subparagraph (A) shall not exceed $1,500,000 for any biomass-to-energy facility for any year.

(ii) Small biomass-to-energy facilities.—A biomass-to-energy facility that has an annual generation of 5 megawatts or less shall not be subject to the limitation under clause (i).

(3) Monitoring of grant recipient activities.—

(A) in general.—As a condition of receipt of a grant under this subsection, a grant recipient shall keep such records as the Secretary requires, including records that—

(i) completely and accurately disclose the use of grant funds; and

(ii) describe all transactions involved in the purchase of hazardous fuels derived from forest land.

(B) access.—On notice by the Secretary, the operator of a biomass-to-energy facility that purchases hazardous fuels, or uses hazardous fuels purchased, with funds from a grant under this subsection shall provide the Secretary with—

(i) reasonable access to the biomass-to-facility; and

(ii) an opportunity to examine the inventories and records of the biomass-to-energy facility.

(4) Monitoring of effect of treatments.—The Secretary shall monitor Federal land from which hazardous fuels are removed and sold to a biomass-to-energy facility under this subsection to determine and document the reduction in fire hazards on the land.

(5) Authorization of appropriations.—There is authorized to be appropriated to carry out this subsection $50,000,000 for each fiscal year.

(d) Long-term forest stewardship contracts for hazardous fuels removal.—

(1) Annual assessment of treatment activities.—

(A) in general.—Subject to the availability of appropriations, not later than March 1 of each of fiscal years 2002 through 2006, the Secretary shall submit to Congress an assessment of the number of acres of Federal forest land recommended to be treated during the subsequent fiscal year using stewardship end result contracts authorized by paragraph (3).

(B) components.—The assessment shall—

(i) be based on the treatment schedules contained in the report entitled ‘Protecting People and Sustaining Resources in Fire-Adapted Ecosystems’, dated October 13, 2000, and incorporated into the National Fire Plan;

(ii) identify the acreage by condition class, type of material and estimated quantities of hazardous fuels recommended to be treated, and the methods that would achieve the restoration goals outlined in the report within 10-, 15-, and 20-year time periods;

(iii) give priority to condition class 3 areas (as described in subsection (a)(4)(A)), include modifications in the restoration goals based on the effects of—

(I) fire; and

(II) hazardous fuel treatments under the National Fire Plan; or

(iv) update in data;

(A) description of 5 megawatts or less shall be included in the treatments; and

(B) describe the land allocation categories in which the contract authorities shall be used; and

(vi) give priority to areas described in subsection (a)(4)(A).

(2) funding recommendation.—The Secretary shall include in the annual assessment under paragraph (1) a request for funds sufficient to implement the recommendations contained in the assessment using stewardship end result contracts described in
paragraph (3) in any case in which the Secretary determines that the objectives of the National Fire Plan would best be accomplished through forest stewardship end result contracting.

(3) STEWARDSHIP END RESULT CONTRACTING.—

(A) IN GENERAL.—Subject to the availability of funds, the Secretary may enter into stewardship end result contracts to implement the National Fire Plan on National Forest System land based on the stewardship treatment schedules provided in the annual assessments conducted under paragraph (1).

(B) PERIOD OF CONTRACTS.—The contracts entered into under this subsection (b) through (g) of section 347 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (commonly known as the “Stewardship End Result Contracting Demonstration Project”) (16 U.S.C. 2104 note; Public Law 105–57), shall apply to contracts entered into under this paragraph, except that the period of each such contract shall be 10 years.

(C) STATUS REPORT.—Beginning with the assessment required under paragraph (1) for fiscal year 2007, the Secretary shall include in the annual assessment under paragraph (1) a status report of the stewardship end result contracts entered into under this paragraph.

SEC. 307. MCINTIRE-STENNIS COOPERATIVE FOREST RESEARCH PROGRAM.

It is the sense of Congress to reaffirm the importance of Public Law 87–188 (16 U.S.C. 552a) commonly known as the McIntire-Stennis Cooperative Forestry Act.

TITLE IX—MISCELLANEOUS PROVISIONS

Subtitle A—Tree Assistance Program

SEC. 901. ELIGIBILITY.

(a) Loss.—Subject to the limitation in subsection (b), the Secretary of Agriculture shall provide assistance, as specified in section 902, to eligible orchardists that planted trees on or after the date of enactment of this Act for any purposes but lost such trees as a result of a natural disaster, as determined by the Secretary.

(b) LIMITATION.—An eligible orchardist shall be eligible for assistance under subsection (a) only if such orchardist’s tree mortality, as a result of the natural disaster, exceeds 15 percent (adjusted for normal mortality).

SEC. 902. ASSISTANCE.

The assistance provided by the Secretary of Agriculture to eligible orchardists for losses described in section 901 shall consist of either—

(1) reimbursement of 75 percent of the cost of replanting trees lost due to a natural disaster, as determined by the Secretary, in excess of 15 percent mortality (adjusted for normal mortality); or

(2) at the discretion of the Secretary, sufficient seedlings to reestablish the stand.

SA 2679. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 2471 submitted by Mr. Daschle and intended to be proposed to the bill (S. 1731) 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, and for other purposes; which was ordered to lie on the table; as follows:

Strike the period at the end of section 164 and insert a period and the following:

SEC. 165. RESTRICTION OF COMMODITY AND CREDIT INSURANCE COVERAGE, PAYMENTS, LOANS, AND BENEFITS TO PREVIOUSLY CROPPED LAND; FOOD STAMP PROGRAM FUNDING INCREASES.

(a) RESTRICTION.—Section 194 of the Federal Agriculture Improvement and Reform Act of 1996 (Public Law 104–117, 110 Stat. 945) is amended to read as follows:

“(b) RESTRICTION.—Section 194 of the Federal Agriculture Improvement and Reform Act of 1996 (Public Law 104–117, 110 Stat. 945) is amended by striking subparagraph (C) and inserting—

“(1) used to produce earned income;

“(II) necessary for the transportation of a physically disabled household member; or

“(III) depended on by a household to carry fuel for heating or water for home use and provides the primary source of fuel or water, respectively, for the household.”

(b) CONFORMING AMENDMENT.—Section 17 of the Food Stamp Act of 1977 (7 U.S.C. 2026) is amended by striking subsection (h).

(2) NUTRITION ASSISTANCE FOR ELDERLY INDIVIDUALS.—

(A) RESTORATION OF ELIGIBILITY.—Section 402(a)(2)(I) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)(2)(I)) is amended by striking “who” and all that follows and inserting the following: “who is not residing in the United States; and

“(c) RESTORATION OF ELIGIBILITY.—Section 402(a)(2)(I) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)(2)(I)) is amended by striking subparagraph (C) and inserting the following:

“(III) if the household includes a member who

(A) is at least 1 of the 5 crop years preceding the 2002 crop year; or

(B) at least 3 of the 10 crop years preceding the 2002 crop year.

“(2) CROP ROTATION.—(Paragraph 1) shall not apply to an owner or producer, with respect to any agricultural commodity planted or considered planted, on land if the land—

(A) has been planted, considered planted, or devoted to an agricultural commodity during—

(i) the 5 crop years preceding the 2002 crop year; or

(ii) the 10 crop years preceding the 2002 crop year;

(B) the land has been planted, considered planted, or devoted to an agricultural commodity during—

(i) the 1 crop years preceding the 2002 crop year; or

(ii) the 5 crop years preceding the 2002 crop year; or

(iii) the 10 crop years preceding the 2002 crop year;

(C) has been planted, considered planted, or devoted to an agricultural commodity during—

(i) the 1 crop years preceding the 2002 crop year; or

(ii) the 5 crop years preceding the 2002 crop year; or

(iii) the 10 crop years preceding the 2002 crop year;

(D) at least 65 years of age or older.

(B) CONFORMING AMENDMENTS.—

(A) CONFORMING AMENDMENTS.—Section 264 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1621(2)(I)) is amended by striking “subsection (I)” and inserting “subsection (I)(ii) and (III)”.

(B) CONFORMING AMENDMENT.—Section 423(d) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1631(3)(d)) is amended by striking “is 65 years of age or older.”

(C) CONFORMING AMENDMENT.—Section 5(i)(2)(E) of the Food Stamp Act of 1977 (7 U.S.C. 2014(e)(2)) is amended by striking “is 65 years of age or older.”

(D) CONFORMING AMENDMENT.—Section 402(a)(2)(C)) is amended by striking “is 65 years of age or older.”

SA 2680. Mr. CRAIG submitted an amendment intended to be proposed to amendment SA 2471 submitted by Mr. Daschle and intended to be proposed to the bill (S. 1731) 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, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

 SEC. 1022. STUDY OF PROPOSAL TO PROHIBIT PACKERS FROM OWNING, FEEDING, OR CONTROLLING LIVESTOCK.

(a) IN GENERAL.—Not later than 270 days after the date of enactment of this Act, the Secretary of Agriculture shall complete a study to determine the impact that prohibiting packers described in subsection (b) from owning, feeding, or controlling livestock intended for slaughter more than 14 days prior to slaughter would have on—

(1) livestock producers that market under contract, grid, basis contract, or forward contract; and

(2) rural communities and employees of commercial feedlots associated with a packer;
(3) private or cooperative joint ventures in packing facilities;
(4) livestock producers that market feeder livestock to feedlots owned or controlled by packers;
(5) the market price for livestock (both cash and future prices);
(6) the ability of livestock producers to obtain credit from commercial sources;
(7) specialized programs for marketing specific cuts of meat;
(8) the ability of the United States to compete in international livestock markets; and
(9) future investment decisions by packers and the potential location of new livestock packing operations.

(b) Packers.—The packers referred to in subsection (a) are packers that slaughter more than 2 percent of the slaughter of a particular type of livestock slaughtered in the United States in any year.

(1) consider the legal conditions that have existed in the past regarding the feeding by packers of livestock intended for slaughter; and
(2) determine the impact of those legal conditions.

(d) Effectiveness of Other Provision.—The term ‘loan commodity’ has the meaning given the term in section 102 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7202).

SA 2682. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill S. 1731, 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, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 165. PAYMENT AND NET INCOME LIMITATIONS.

(a) Payment Limitations.—

(1) IN GENERAL.—The payments referred to in subparagraph (A) of this subsection (a) are packers that slaughter more than 2 percent of the slaughter of a particular type of livestock slaughtered in the United States in any year.

(b) Consideration.—In conducting the study under subsection (a), the Secretary of Agriculture shall—

(1) consider the legal conditions that have existed in the past regarding the feeding by packers of livestock intended for slaughter; and
(2) determine the impact of those legal conditions.

(d) Effectiveness of Other Provision.—The term ‘loan commodity’ has the meaning given the term in section 102 of that Act.

(E) Secretary.—The term ‘Secretary’ means the Secretary of Agriculture.''

(2) Transition.—Section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308), as in effect on the day before the date of the enactment of this Act, shall continue to apply with respect to fiscal year 2001 and the 2001 crop of any contract commodity or loan commodity (as defined in section 102 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7202)).

(b) Net Income Limitation.—The Food Security Act of 1985 is amended by inserting after section 1001E (7 U.S.C. 1308-5) the following:

"SEC. 1001F. Net Income Limitation.

"(a) Definitions.—In this section—

(1) Adjusted Gross Agricultural Income.—The term ‘adjusted gross agricultural income’ means the adjusted gross income for all agricultural enterprises of the owner or producer, including insurance indemnities resulting from losses in the agricultural enterprises; and (b) by including all farm payments paid by the Secretary for all agricultural enterprises of the owner or producer, including payments and benefits described in section 1001F(b); (C) by deducting the cost or basis of livestock or other items purchased for resale, such as feeder livestock, on all agricultural enterprises of the owner or producer; and (D) as represented on a schedule F of the Federal income tax returns of the owner or producer or a comparable tax form related to the agricultural enterprises of the owner or producer, as approved by the Secretary.

"(2) As Adjusted Gross Income.—The term ‘adjusted gross income’ has the meaning given the term in section 62 of the Internal Revenue Code of 1986.

"(b) Limitation.—Notwithstanding any other provision of title I of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7201 et seq.), an owner or producer shall not be eligible for a payment or benefit described in paragraphs (1) or (2) of section 1001 for a fiscal or crop year (as appropriate) if—

(1) the average adjusted gross income of the owner or producer for each of the preceding 3 taxable years exceeds $2,500,000; and (2) the adjusted gross income of the owner or producer is adjusted gross agricultural income.

(1) Eligibility.—Section 135 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7235) (as amended by section 158G(d) of that Act) is amended by inserting subsection (a) and inserting the following:

"(a) In General.—The Secretary may make loan deficiency payments available to producers on a farm that, although eligible to obtain a marketing assistance loan...

"(A) Contract Commodity.—The term ‘contract commodity’ has the meaning given the term in section 102 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7202).

"(B) Counter-Cyclical Payment.—The term ‘counter-cyclical payment’ means a payment made under section 113 or 158G of that Act.

"(C) Direct Payment.—The term ‘direct payment’ means a payment made under section 119 of that Act.

"(D) Loan Commodity.—The term ‘loan commodity’ has the meaning given the term in section 102 of that Act.

"(E) Secretary.—The term ‘Secretary’ means the Secretary of Agriculture."
under section 131 with respect to a loan com-

munity, agree to forgo obtaining the loan for the covered commodity in return for pay-

ments under this section; and

(2) BENEFICIAL INTEREST.—Section 135(e)(1) of the Federal Agriculture Improvement and

Reform Act of 1996 (7 U.S.C. 7255(e)) (as amended by section 126) of the 2000 and 2001 crop

years, producers that, although not eligible to obtain such a marketing assistance loan under

section 131, produce a loan com-

munity.

(2) BENEFICIAL INTEREST.—Section 135(e)(1) of the Federal Agriculture Improvement and

Reform Act of 1996 (7 U.S.C. 7255(e)) (as amended by section 126) of the 2000 and 2001 crop

years, producers that, although not eligible to obtain such a marketing assistance loan under

section 131, produce a loan com-

munity.

(2) BENEFICIAL INTEREST.—Section 135(e)(1) of the Federal Agriculture Improvement and

Reform Act of 1996 (7 U.S.C. 7255(e)) (as amended by section 126) of the 2000 and 2001 crop

years, producers that, although not eligible to obtain such a marketing assistance loan under

section 131, produce a loan com-

munity.

(2) BENEFICIAL INTEREST.—Section 135(e)(1) of the Federal Agriculture Improvement and

Reform Act of 1996 (7 U.S.C. 7255(e)) (as amended by section 126) of the 2000 and 2001 crop

years, producers that, although not eligible to obtain such a marketing assistance loan under

section 131, produce a loan com-

munity.

(b) UNLAWFUL PRACTICES.—(1) IN GENERAL.—Except as provided in paragraph (2), it shall be unlawful for any

stockyard owner, market agency, or dealer to buy, sell, give, receive, transfer, market, hold, or

drag any nonambulatory livestock unless the nonambulatory livestock has been humanely euthanized.

(2) UNLAWFUL PRACTICES.—(1) IN GENERAL.—Except as provided in paragraph (2), it shall be unlawful for any

stockyard owner, market agency, or dealer to buy, sell, give, receive, transfer, market, hold, or

drag any nonambulatory livestock unless the nonambulatory livestock has been humanely euthanized.

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stockyard owner, market agency, or dealer to buy, sell, give, receive, transfer, market, hold, or

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drag any nonambulatory livestock unless the nonambulatory livestock has been humanely euthanized.

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stockyard owner, market agency, or dealer to buy, sell, give, receive, transfer, market, hold, or

drag any nonambulatory livestock unless the nonambulatory livestock has been humanely euthanized.

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stockyard owner, market agency, or dealer to buy, sell, give, receive, transfer, market, hold, or

drag any nonambulatory livestock unless the nonambulatory livestock has been humanely euthanized.

(b) UNLAWFUL PRACTICES.—(1) IN GENERAL.—Except as provided in paragraph (2), it shall be unlawful for any

stockyard owner, market agency, or dealer to buy, sell, give, receive, transfer, market, hold, or

drag any nonambulatory livestock unless the nonambulatory livestock has been humanely euthanized.

(b) UNLAWFUL PRACTICES.—(1) IN GENERAL.—Except as provided in paragraph (2), it shall be unlawful for any

stockyard owner, market agency, or dealer to buy, sell, give, receive, transfer, market, hold, or

drag any nonambulatory livestock unless the nonambulatory livestock has been humanely euthanized.
(A) vesicular stomatitis;
(B) bovine tuberculosis;
(C) transmissible spongiform encephalopathy;
(D) foot and mouth disease; and
(E) E. coli 0157:H7 infection;
(2) laboratory tests to expedite detection of—
(A) infected livestock; and
(B) the presence of diseases within herds or flocks of livestock; and
(3) prevention strategies, including vaccination programs, for infectious diseases that affect livestock.
(c) OFFICE OF SCIENCE AND TECHNOLOGY POLICY.—
(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the President shall—
(A) establish within the Office of Science and Technology Policy a noncareer, senior executive service appointment position for a Veterinary Advisor; and
(B) appoint an individual to the position.
(2) QUALIFICATIONS; DUTIES.—The individual appointed to the position described in paragraph (1) shall—
(A) hold the degree of Doctor of Veterinary Medicine from an accredited college of veterinary medicine in the United States; and
(B) provide to the science advisor of the President expertise in—
(i) exotic animal disease detection, prevention, and control;
(ii) food safety; and
(iii) animal agriculture.
(3) EXECUTIVE SCHEDULE PAY RATES.—Section 5313 of title 5, United States Code, is amended—
(A) by striking paragraph (5a), without further appropriation.
(B) STOCKPILING OF VACCINES.—If, after conducting the study and comparison described in paragraph (1), the Secretary determines that the present number of doses of a particular vaccine referred to in that paragraph, the Secretary shall take such actions as are necessary to obtain the required additional doses of that vaccine.
(e) VETERINARY TRAINING.—Not later than December 1, 2001, the Secretary shall develop a plan to ensure that, during the 2-year period beginning on that date, veterinarians representing all regions of the United States, especially regions in which livestock production is a major industry, are trained to identify high risk livestock diseases.
(f) FUNDING FOR FISCAL YEAR 2002.—
(1) IN GENERAL.—On October 1, 2002, out of any money in the Treasury not otherwise appropriated, the Secretary of the Treasury shall provide to the Secretary $15,000,000 to carry out this section, to remain available until expended.
(2) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive the funds and shall accept the funds provided under paragraph (1), without further appropriation.
SEC. 3. PAYMENT LIMITATIONS; NUTRITION AND COMMODITY PROGRAMS.—
(a) PAYMENT LIMITATIONS.—
(1) In general.—Section 1001A of the Food Security Act of 1985 (7 U.S.C. 1380a) is amended—
(A) by striking paragraphs (5)(A) and (5)(B) and inserting the following:
(1) LIMITATIONS ON DIRECT AND COUNTER-CYCLICAL PAYMENTS.—Subject to paragraph (5)(A), the total amount of direct payments and counter-cyclical payments made directly or indirectly to an individual or entity during any fiscal year may not exceed $75,000.
(2) LIMITATIONS ON MARKETING LOAN GAINS, LOAN DEFICIENCY PAYMENTS, AND COMMODITY CERTIFICATE TRANSACTIONS.—(A) IN GENERAL.—Subject to paragraph (5)(A), the total amount of the payments and benefits described in subparagraph (B) that an individual or entity may directly or indirectly receive during any crop year may not exceed $150,000.
(B) PAYMENTS AND BENEFITS.—Subparagraph (5)(A) shall apply to the following payments and benefits:
(1) MARKETING LOAN GAINS.—
(i) REPAYMENT GAINS.—Any gain realized by a producer from repayment of a marketing loan deficiency payment made under section 131 or 158G(a) of the Federal Agricultural Improvement and Reform Act of 1996 for a crop of any loan commodity or peanuts, respectively, at a level lower than the original loan rate established for the loan commodity or peanuts under section 132 or 158G(d) of that Act, respectively.
(ii) FORFETURE GAINS.—In the case of settlement of a marketing assistance loan under section 131 or 158G(a) of that Act for a crop of any loan commodity or peanuts, respectively, by forfeiture, the amount by which the loan amount exceeds the repayment amount for the loan if the loan had been settled by repayment instead of forfeiture.
(2) LOAN DEFICIENCY PAYMENTS.—Any loan deficiency payment received for a loan commodity or peanuts under section 135 or 158G(e) of that Act, respectively.
(ii) COUNTER-CYCLICAL PAYMENTS.—The term ‘counter-cyclical payment’ means a payment made under section 114 or 158D of the Federal Agriculture Improvement and Reform Act of 1996.
(2) DIRECT PAYMENT.—The term ‘direct payment’ means a payment made under section 113 or 158C of that Act.
(3) LOAN COMMODITY.—The term ‘loan commodity’ has the meaning given the term in section 120 of that Act.
(4) SECRETARY.—The term ‘Secretary’ means the Secretary of Agriculture.
(5) APPLICATION OF LIMITATION.—(A) MAINTAINED COMMODITY.—The total amount of payments and benefits described paragraph (1) and (2) that a married couple may receive directly or indirectly may not exceed $275,000 during the fiscal or crop year (as appropriate).
(B) TENANT RULE.—(1) IN GENERAL.—Any individual or entity that conducts a farming operation to produce a crop subject to the limitations established under this section as a tenant shall be ineligible to receive any payment or benefit described in paragraph (1) or (2), or sub- title D of title XII, with respect to that land unless the individual or entity makes a contribution of active personal labor to the operation that is at least equal to the lesser of—
(i) 1,000 hours; or
(ii) 40 percent of the minimum number of labor hours required to produce each commodity required to produce each commodity shall be equal to the number of hours that would be necessary to conduct a farming operation for the production of each commodity that is comparable in size to an individual or entity’s commensurate share in the farming operation for the production of the commodity, based on the minimum number of hours per acre required to produce the commodity in the State where the farming operation is located, as determined by the Secretary.
(C) MINIMUM NUMBER OF LABOR HOURS.—For the purpose of clause (i)(II), the minimum number of labor hours required to produce each commodity is a major industry, are trained to identify high risk livestock diseases.
(D) PUBLIC SCHOOLS.—The provisions of this section that limit payments to the individual or entity shall not be applicable to land owned by a public school district or land owned by a State that is used to maintain a public school.
(2) SUBSTANTIVE CHANGE.—Section 1001A(a) of the Food Security Act of 1985 (7 U.S.C. 1380a(a)) is amended—
(A) in the section heading, by striking ‘‘PREVENTION OF CREATION OF ENTITIES TO QUALITY AS SEPARATE PERSONS,’’ AND INSERTING ‘‘SUBSTANTIVE CHANGE,’’
(B) by striking ‘‘(a) PREVENTION’’ and all that follows through the end of paragraph (2) and inserting the following:
(a) SUBSTANTIVE CHANGE.—
(1) IN GENERAL.—The Secretary may not apply this section for purposes of the application of the limitations under this section any change in a farming operation that other- wise would increase the number of individuals or entities to which this section is applied unless the Secretary determines that the change is bona fide and substantive.
(2) FAMILY MEMBERS.—For the purpose of paragraph (1), the addition of a family member to a farming operation under the criteria established under subsection (b)(1)(B) shall be considered a bona fide and substantive change in the farming operation.
(3) (1) by striking ‘‘as a separate person’’; and
(ii) by inserting that determined by the Secretary before the period at the end; and
(D) by striking paragraph (4).
(3) ACTIVELY ENGAGED IN FARMING.—Section 1001A(b) of the Food Security Act of 1985 (7 U.S.C. 1388-1(b)) is amended—
(A) by striking paragraph (1) and inserting the following:

"(1) IN GENERAL.—To be eligible to receive, directly or indirectly, payments (as described in paragraphs (1) and (2) of section 1001A and subject to limitation) with respect to a particular farming operation an individual or entity shall be actively engaged in farming with respect to the operation as provided under paragraphs (2), (3), and (4);"

(B) in paragraph (2), by adding at the end the following:

"(E) ACTIVE PERSONAL MANAGEMENT.—For an individual to be considered to be providing active personal management under this paragraph, the individual or entity shall be providing active personal management under this paragraph on behalf of the individual or a corporation or entity, the management provided by the individual shall be personally provided on a regular, substantial, and continuous basis through the direction supplied by the individual shall be personal, and the management provided by the individual to be considered to be providing active personal management under this paragraph shall be personal, and the management provided by the individual shall be personal;"

(C) in paragraph (3)—

(i) by striking subparagraph (A) and inserting—

"(A) how State and county office employees are trained regarding the payment limitation requirements;"

(ii) in the matter preceding subparagraph (B) and inserting—

"(B) by striking ‘‘person’’ each place it appears and inserting ‘‘individual or entity’’;"

(D) in paragraph (4)—

(i) in the paragraph heading, by striking ‘‘PERSONS’’ and inserting ‘‘INDIVIDUALS AND ENTITIES’’;

(ii) in the matter preceding subparagraph (A), by striking ‘‘PERSONS’’ and inserting ‘‘INDIVIDUALS AND ENTITIES’’;

(iii) in subparagraph (B)—

(I) in the subparagraph heading, by striking ‘‘PERSONS’’ and inserting ‘‘INDIVIDUALS AND ENTITIES’’; and

(ii) by striking paragraph (5), (F) in paragraph (6), by striking ‘‘person’’ and inserting ‘‘an individual or entity’’; and (G) by redesignating paragraph (6) as paragraph (5).

(4) ADMINISTRATION.—Section 1001A of the Food Security Act of 1985 (7 U.S.C. 1388-1) is amended by adding at the end the following:

"(c) ADMINISTRATION.—

(1) REVIEWS.—

(A) IN GENERAL.—During each of fiscal years 2002 through 2006, the Office of Inspector General for the Department of Agriculture shall conduct a review of the administration of the requirements of this section and sections 1001, 1001B, 1001C, and 1001E in at least 6 States.

(B) MINIMUM NUMBER OF COUNTIES.—Each State review described in subparagraph (A) shall cover at least 5 counties in the State.

(C) REPORT.—Not later than 90 days after completing a review described in subparagraph (A), the Inspector General for the Department of Agriculture shall issue a final report to the Secretary of the findings of the Inspector General.

(2) SUMMARY.—If a report issued under paragraph (1) reveals that significant problems exist in the implementation of payment limitation requirements of this section and sections 1001, 1001B, 1001C, and 1001E in a State and the Secretary agrees that the problems exist, the Secretary—

"(A) shall use the crop program developed by the Secretary, regarding the payment limitation requirements; and

"(B) may require that all payment limitation requirements are met on behalf of the State that is a landowner contributing the owned land to the farming operation and that is a landowner contributing the owned land to the farming operation; and

"(C) households of 6 or more members.—To the extent that the average standard deduction established under subsection (c)(1) for a household of 6 members shall be used to calculate the standard deduction for each household of 6 or more members.

(2) APPLICABLE PERCENTAGE.—For the purpose of subparagraph (A), the applicable percentage shall be—

"(i) 8 percent for each of fiscal years 2002 through 2004;

"(ii) 8.25 percent for each of fiscal years 2005 and 2006; and

"(iii) 8.5 percent for each of fiscal years 2007 and 2008;

"(iv) 8.75 percent for fiscal year 2009; and

"(v) 9 percent for each of fiscal years 2010 and 2011.


(F) IN GENERAL.—The Secretary shall provide a report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate that describes—

"(A) how State and county office employees are trained regarding the payment limitation requirements;"

(B) the general procedures used by State and county office employees to identify potential violations of the payment limitation requirements;

(C) the requirements for State and county office employees to report serious violations of the payment limitation requirements, including violations of section 1001B that Act to the county committee, higher level officials of the Farm Service Agency, and to the Office of Inspector General; and

(D) the sanctions imposed against State and county office employees who fail to report or investigate potential violations of the payment limitation requirements.

(3) PARTICIPANT EXPENSES.—Section 6(d)(1)(A) of the Food Stamp Act of 1977 (7 U.S.C. 2014(e)) is amended by striking ‘‘$25 per month’’ and inserting ‘‘$25 per month’’.

(4) EXCLUSION OF CERTAIN PROVISIONS.—Section 428(a)(2)(B) of the Food Stamp Act of 1977 (7 U.S.C. 2025(h)(3)) is amended by striking ‘‘50 percent’’ and inserting ‘‘50 percent’’.

(5) EFFECTIVE DATE.—This section shall take effect on the date of enactment of this Act.
and Grant Act.

whether the losses were caused by an act of terrorism. The Secretary shall make a final determination and afford all interested parties an opportunity to be heard on the question of whether the losses were caused by an act of terrorism.

SECTION 102. CREDIT FOR REINSURANCE.

Each State shall afford an insurer credit on the same basis and to the same extent that credit for reinsurance would be available to that insurer under applicable State law when reinsurance is obtained from an assuming insurer licensed or accredited in that State that is economically equivalent to that insurer. Loans under title II and grants under title III.

SEC. 103. MANDATORY COVERAGE BY PROPERTY AND CASUALTY INSURERS FOR ACTS OF TERRORISM.

(a) In General.—An insurer that provides coverage for acts of terrorism in the United States, its territories, and possessions in property and casualty insurance policies forms; or

(b) deny or cancel coverage solely due to the risk of losses from acts of terrorism in the United States.

SECTION 101. LOAN AND GRANT PROGRAMS.

(a) In General.—The authority of the Secretary to make loans under title II terminates on December 31, 2002, except to the extent necessary—

(A) to provide loans for losses from acts of terrorism occurring during calendar year 2002; and

(B) to recover the amount of any loans made under this title.

SEC. 104. MONITORING AND ENFORCEMENT.

(a) FTC ANALYSIS AND ENFORCEMENT.—The Federal Trade Commission shall review reports submitted by insurers under title II or III treating any proprietary data, privileged data, or trade or business secret information contained in the reports as privileged and confidential, for the purpose of determining whether any insurer is engaged in unfair methods of competition or unfair or deceptive acts or practices in or affecting commerce (within the meaning of section 5 of the Federal Trade Commission Act (15 U.S.C. 45)).

(b) GAO REVIEW OF REPORTS AND STATE REGULATORS.—The Comptroller General shall—

(1) provide for review and analysis of the reports submitted under titles II and III;

(2) review the efforts of State insurance regulatory authorities to keep premium rates for insurance against losses from acts of terrorism or terrorism-related lines reasonable;

(3) if the Secretary makes any loans under this title, provide for the audit of loan claims filed by insurers as requested by the Secretary; and

(4) on a timely basis, make any recommendations to the Comptroller General for improvements in the programs established by this title before its termination.

(c) APPLICATION OF CERTAIN LAWS.—Notwithstanding any limitation in the McCarran-Ferguson Act (15 U.S.C. 1011 et seq.) or section 6 of the Federal Trade Commission Act (15 U.S.C. 46), the Federal Trade Commission Act (15 U.S.C. 41 et seq.) shall apply to the making of a loan or grant under this Act. In determining whether any insurer has been, or is, using any unfair or deceptive method of competition, unfair or deceptive act or practice, in violation of section 5 of that Act (15 U.S.C. 45), the Federal Trade Commission shall consider relevant information provided in reports submitted under this Act.

SECTION 105. ADMINISTRATIVE PROVISIONS.

In carrying out this Act, the Secretary may—

(1) issue such rules and regulations as may be necessary to administer this Act;

(2) make loans and grants and carry out the activities necessary to implement this Act;

(3) take appropriate action to collect premiums or assessments under this Act; and

(4) audit the reports, claims, books, and records of insurers to which the Secretary has made loans or grants under this Act.

SEC. 106. TERMINATION OF PROGRAMS.

(a) Loan Program.—(1) In General.—The authority of the Secretary to make loans under title II terminates on December 31, 2002, except to the extent necessary—

(A) to provide loans for losses from acts of terrorism occurring during calendar year 2002; and

(B) to recover the amount of any loans made under this title.

(2) Assessment and Collection of Loan Repayments.—The Secretary shall continue assessment and collection of loan repayments under title II as long as loans from the Secretary under that title are outstanding.

(3) Reporting and Enforcement.—The provisions of sections 202, 203, and 204 shall terminate when the authority of the Secretary to make loans under this title terminates.

(b) Grant Program.—The authority of the Secretary to make grants under title III terminates on December 31, 2002.

SEC. 107. DEFINITIONS.

In this Act:

(1) Covered Line.—The term "covered line" means any one or a combination of the following, written on a direct basis, as reported to the National Association of Insurance Commissioners:

(i) Fire.

(ii) Allied lines.

(iii) Commercial multiple peril.

(iv) Ocean marine.

(v) Inland marine.

(vi) Workers compensation.

(vii) Products liability.

(viii) Commercial auto no-fault (personal injury protection), other commercial auto liability, or commercial auto physical damage.

(ix) Aircraft (all peril).

(x) Fidelity and surety.

(xi) Burglary and theft.

(xii) Boiler and machinery.

(xiii) Any other line of insurance that is reported to property and casualty insurers in required financial reports on Statutory Page 14 of the NAIC Annual Statement Blank;

(xvi) Any other line of insurance that is reported to property and casualty insurers in required financial reports on Statutory Page 14 of the NAIC Annual Statement Blank which is voluntarily elected by an insurer to be included in its terrorism coverage.

(B) Other Lines.—For purposes of clause (xiii), the following lines of business may be voluntarily selected are the following:

(i) Farmowners multiple peril.

(ii) Homeowners multiple peril.

(iii) Mortgage guaranty.

(iv) Financial guaranty.

(v) Private passenger automobile insurance.

(c) Election.—The election to voluntarily include another line of insurance, if made, must apply to all affiliated insurers that are members of an insurer group. Any voluntary election is on a one-time basis and is irrevocable.

(2) Insurer.—(A) In General.—The term "insurer" means an entity writing lines on a direct basis and licensed as a property and casualty insurer, risk retention group, or other entity authorized by law as a residual market mechanism providing property or casualty coverage in at least one jurisdiction of the United States, its territories, or possessions and includes residual market insurers.

(B) Voluntary Participation.—A State workers' compensation, auto, or property insurance fund may voluntarily participate as an insurer.

(C) Group Life Insurers.—The Secretary shall provide, by rule, for—
(a) PREMIUM MUST BE SEPARATELY STATUTORY.—Each insurer offering insurance against losses from acts of terrorism in the United States on covered lines shall set forth in the rate-making methods and data used to determine the premium and the rate that the premium is actuarially justified; and shall disclose the methodology used by the insurer to analyze the report and the methodology it deems appropriate.

(b) ADDITIONAL REPORTS.—In addition to the reports required by subsection (a), each insurer shall file a report with the Secretary under paragraph (1) to the extent that the aggregate amount of claims on covered lines exceeds $10,000,000,000.

(c) REPORTS TO STATE REGULATOR; CERTIFICATION.—(1) REPORTING TERRORISM COVERAGE.—Any insurer shall—
(A) report the amount of its terrorism insurance coverage to the insurance regulatory authority for the State in which it does business; and
(B) obtain a certificate from the State in which it is not providing terrorism insurance coverage in excess of its capacity under State solvency requirements.

(2) REPORTS TO SECRETARY.—The State regulator shall file a report with the Secretary under paragraph (1) to the Secretary.

(3) FEDERAL CAUSE OF ACTION.—An insurer offering insurance against losses from acts of terrorism in the United States on covered lines shall, not later than March 1, 2002, notify each policyholder in writing as soon as possible, but no later than March 1, 2002, of the premium, or portion of the premium, attributable to that insurance, stated separately from any premium or increase in premium attributable to insurance against losses from other risks. Each such insurer shall file a copy of each such policyholder notice with the State insurance regulatory authority for the State in which the premium is effective.

(4) JUSTIFICATION OF PREMIUM; BASELINE LIMIT.—The premium shall be justified as soon as practicable after the date of enactment of this Act, but no later than March 1, 2002, each such insurer shall comply with—
(A) the requirements of subsection (b)(1) and (2), with respect to the premium or portion of the premium attributable to such insurance, and
(B) the requirements of subsection (c).

TITLE III—GRANT PROGRAM

SEC. 301. NATIONAL TERRORISM INSURANCE LOSS GRANT PROGRAM.

If the Secretary determines under section 101(a) that losses from terrorism on covered lines in calendar year 2002 exceed $10,000,000,000 in the aggregate, then the Secretary shall—

(a) establish and administer a program to provide to insurers for claims for losses to the extent that the aggregate amount of claims on covered lines exceeds $10,000,000,000.

(b) make grants to insurers for losses in excess of $10,000,000,000 in the aggregate, for the purpose of providing insurance against losses from acts of terrorism in the United States on covered lines.

(c) BASELINE DATA REPORTS.—Each insurer required to file a report under subsection (b) that provided insurance on covered lines against risk of loss from acts of terrorism in the United States during calendar year 2001, shall file a report with the Secretary under paragraph (1) to the Secretary.

(1) REQUIREMENTS.—The report required by paragraph (1) to the Secretary shall include—
(A) a description of the methodology and data used to determine the premium for, or portion of the premium attributable to, insurance against risk of loss due to acts of terrorism in the United States on covered lines.

SEC. 302. REMARKS OF INSURERS.

SEC. 303. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this title.

TITLE IV—LITIGATION

SEC. 401. PROCEDURE FOR CIVIL ACTIONS.

(a) FEDERAL CAUSE OF ACTION.—There shall be a Federal cause of action for property
damage, personal injury, or death arising out of or resulting from an act of terrorism, which shall be the exclusive cause of action and remedy for claims for property damage, personal injury, or death arising out of or resulting from an act of terrorism. All State causes of action of any kind for property damage, personal injury, or death otherwise available arising out of or resulting from an act of terrorism, are hereby preempted, except as provided in subsection (c).

(b) GOVERNING LAW.—The substantive law for determination of an action for property damage, personal injury, or death arising out of or resulting from an act of terrorism under this section shall be derived from the law, including the choice of law, of the State, or States determined to be required by the district court having jurisdiction over the action, unless such law is inconsistent with or otherwise preempted by Federal law.

(c) CLAIMS AGAINST TERRORISTS.—Nothing in this section shall in any way limit the ability of any plaintiff to seek any form of recovery from any person, government, or other entity that was a participant in, or aided, aided, or abetted, in any act of terrorism.

(d) EFFECTIVE PERIOD.—This section shall apply only to actions for property damage, personal injury, or death arising out of or resulting from an act of terrorism that occur during the period in which the Secretary is consulting from acts of terrorism that occur.

SEC. 492. PUNITIVE DAMAGES AGAINST INSURERS.

No punitive damages may be awarded in an action brought under section 40(a) against an insurer.

SA 2888. Mr. DODD (for himself, Mr. MCCONNEL, Mr. SCHUMER, Mr. BOND, Mr. TORRICELLI, Mr. MCCAIN, and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Equal Protection of Voting Rights 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. Administration.

SEC. 3. Federal Election System Grant Program.


SEC. 5. Enforcement by the Civil Rights Division of the Department of Justice.

TITLE II—GANT PROGRAMS

Subtitle A—Uniform and Nondiscriminatory Election Technology and Administration Requirements Grant Program

Sec. 201. Establishment of the Uniform and Nondiscriminatory Election Technology and Administration Requirements Grant Program.

Sec. 202. Sec. 101. VOTING SYSTEMS STANDARDS.

Sec. 102. Provisional voting and voting in information requirements.

Sec. 103. Computerized statewide voter registration lists, requirements and requirements for voters who register by mail.

Sec. 104. Enforcement by the Civil Rights Division of the Department of Justice.

TITLE II—GRANT PROGRAMS

Subtitle B—Federal Election Reform Incentive Grant Program

Sec. 211. Establishment of the Federal Election Reform Incentive Grant Program.

Sec. 212. Application.

Sec. 213. Approval of applications.

Sec. 214. Authorization.

Sec. 215. Payments; Federal share.

Sec. 216. Audits and examinations of States and localities.

Sec. 217. Reports to Congress and the Attorney General.

Sec. 218. Authorization of appropriations.

Sec. 219. Effective date.

Subtitle C—Federal Election Accessibility Grant Program

Sec. 221. Establishment of the Federal Election Accessibility Grant Program.

Sec. 222. Application.

Sec. 223. Approval of applications.

Sec. 224. Authorization.

Sec. 225. Payments; Federal share.

Sec. 226. Audits and examinations of States and localities.

Sec. 227. Reports to Congress and the Attorney General.

Sec. 228. Authorization of appropriations.

Sec. 229. Effective date.

TITLE III—ADMINISTRATION

Subtitle A—Election Administration Commission

Sec. 231. Establishment of the Election Administration Commission.

Sec. 232. Membership of the Commission.

Sec. 233. Duties of the Commission.

Sec. 234. Meetings of the Commission.

Sec. 235. Powers of the Commission.

Sec. 236. Commission personnel matters.

Sec. 237. Authorization of appropriations.

Subtitle B—Transition Provisions


Sec. 304. Transfer of property, records, and personnel.

Sec. 305. Coverage of Election Administration Commission under certain laws and programs.

Sec. 306. Effective date; transition.

TITLE IV—MISCELLANEOUS

Sec. 307. Criminal penalties.

Sec. 308. Relationship to other laws.

TITLE I—UNIFORM AND NONDISCRIMINATORY ELECTION TECHNOLOGY AND ADMINISTRATION REQUIREMENTS

Sec. 101. VOTING SYSTEMS STANDARDS.

(a) Requirements.—Each voting system used in an election for Federal office shall meet the following requirements:

(1) IN GENERAL.—

(A) Except as provided in subparagraph (B), the voting system (including any lever voting system, optical scanning voting system, or direct recording electronic voting system) shall—

(i) permit the voter to verify the votes selected by the voter on the ballot before the ballot is cast and counted;

(ii) provide the voter with the opportunity to change the ballot or correct any error before the ballot is cast and counted (including the opportunity to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error); and

(iii) if the voter selects more than 1 candidate for a single office, the voting system shall—

(I) notify the voter that the voter has selected more than 1 candidate for a single office on the ballot;

(II) notify the voter before the ballot is cast and counted of the effect of casting multiple votes for the office; and

(III) provide the voter with the opportunity to correct the ballot before the ballot is cast and counted.

(B) The voting system shall ensure that any notification required under this paragraph preserves the privacy of the voter and the confidentiality of the ballot.

(b) AUDIT CAPACITY.—The voting system shall produce a record with an audit capacity for such system.

(3) ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES.—The voting system shall—

(A) be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters;

(B) satisfy the requirement of subparagraph (A) through the use of at least 1 direct recording electronic voting system or other voting system equipped for individuals with disabilities at each polling place;

(C) meet the voting system standards for disability access if purchased with funds made available under title II on or after January 1, 2007.

(4) MULTILINGUAL VOTING MATERIALS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the voting system shall provide alternative language accessibility—

(i) with respect to a language other than English in a State or jurisdiction if, as determined by the Director of the Bureau of the Census—

(1) at least 5 percent of the total number of voting-age citizens who reside in such State or jurisdiction speak that language as their first language and who are limited-English proficient; and

(2) there are at least 10,000 voting-age citizens who reside in that jurisdiction who speak that language as their first language and who are limited-English proficient; and

(II) the illiteracy rate of the group of citizens who speak that language is higher than the national illiteracy rate; or

(ii) with respect to a language other than English that is spoken by Native American or Alaskan native citizens in a jurisdiction if, as determined by the Director of the Bureau of the Census—

(1) at least 5 percent of the total number of voting-age citizens who reside in such State or jurisdiction speak that language as their first language and who are limited-English proficient; and

(2) the illiteracy rate of the group of citizens who speak that language is higher than the national illiteracy rate.
(A) at least 5 percent of the total number of citizens on the reservation are voting-age Native American or Alaskan native citizens who speak that language as their first language and who are limited-English proficient; and

(ii) the illiteracy rate of the group of citizens who speak that language is higher than the national illiteracy rate.

(B) EXCEPTION.—If a State meets the criteria of item (aa) of subparagraph (A)(i)(I) with respect to a language, a jurisdiction of that State shall not be required to provide alternative language accessibility under this paragraph with respect to that language if—

(1) the total number of voting age citizens who reside in that jurisdiction speak that language as their first language and are limited-English proficient; and

(2) the jurisdiction does not meet the criteria of item (bb) of such subparagraph with respect to that language.

(5) Error Rates.—The error rate of the voting system in counting ballots (determined by taking into account only those errors which are attributable to the voting system and not attributable to an act of the voter) shall not exceed the error rate standards established under the voting systems standards issued and maintained by the Director of the Election Administration and Technology of the Federal Election Commission (as revised by the Director of such Office under subsection (c)).

(a) VOTING SYSTEM DEFINED.—In this section, the term “voting system” means—

(1) the total combination of mechanical, electromechanical, or electronic equipment (including the software, firmware, and documentation required to program, control, and support the equipment) that is used—

(A) to define ballots; (B) to cast and count votes; (C) to report or display election results; and (D) to maintain and produce any audit trial information;

(2) the practices and associated documentation used—

(A) to identify system components and versions of such components; (B) to test the system during its development and maintenance; (C) to maintain records of system errors and defects; (D) to determine specific system changes to be made to a system after the initial qualification of the system; and (E) to make available any materials to the voter (such as notices, instructions, forms, or paper ballots);

(b) ADMINISTRATION BY THE OFFICE OF ELECTION ADMINISTRATION.—

(1) IN GENERAL.—Not later than January 1, 2004, the Director of the Office of Election Administration of the Federal Election Commission, in consultation with the Architectural and Transportation Barriers Compliance Board (as established under section 504 of the Architectural Barriers Act of 1968 (29 U.S.C. 792)), shall promulgate standards revising the voting systems standards issued and maintained by the Director of such Office so that they meet the requirements established under subsection (a).

(2) QUADRENNIAL REVIEW.—The Director of the Office of Election Administration of the Federal Election Commission shall review the voting systems standards revised under paragraph (1) no less frequently than once every 4 years.

(c) CONSTRUCTION.—Nothing in this section shall require a jurisdiction to change the voting system or systems (including paper ballots, including, if present, absentee, and mail-in paper ballot systems, lever machine systems, punchcard systems, optical scanning systems, and direct record- ing electronic systems) used in an election in order to be in compliance with this Act.

(d) EFFECTIVE DATE.—Each State and locality shall comply with the requirements of this section on and after January 1, 2006.

SEC. 102. PROVISIONAL VOTING AND VOTING INFORMATION REQUIREMENTS.

(a) REQUIREMENTS.—If an individual declares that such individual is a registered voter in the jurisdiction in which the individual desires to vote and that the individual is eligible to vote for Federal office, but the name of the individual does not appear on the official list of eligible voters for the polling place, or an election official asserts that the individual is not eligible to vote, such individual shall be permitted to cast a provisional ballot as follows:

(1) An election official at the polling place shall notify the individual that the individual may cast a provisional ballot in that election.

(2) The individual shall be permitted to cast a provisional ballot at that polling place upon the execution of a written affirmation by the individual before an election official at the polling place stating that the individual is—

(A) a registered voter in the jurisdiction in which the individual desires to vote; and (B) eligible to vote in that election.

(3) An election official at the polling place shall transmit the ballot cast by the individual to an appropriate State or local election official for prompt verification of the written affirmation executed by the individual under paragraph (2).

(4) If the appropriate State or local election official to whom the ballot is transmitted under paragraph (3) determines that the individual is eligible under State law to vote in the jurisdiction, the individual’s provisional ballot shall be counted as a vote in that election.

(5) At the time that an individual casts a provisional ballot, the appropriate State or local election official shall give the individual written information that states that—

(A) the individual will not receive any further notification if the individual’s vote is counted; (B) if the individual’s vote is not counted, the individual will be notified not later than the date that is 30 days after the date of the election that the vote was not counted; and (C) regarding whether the individual’s vote was counted, any individual casting a provisional ballot will be able to ascertain through a free access system (such as a toll-free telephone number or an Internet website) whether the vote was counted, and if the vote was not counted, the reason that the vote was not counted.

(6) The appropriate State or local election official shall—

(A) notify the individual who cast the ballot in writing not later than the date that is 30 days after the date of the election if a provisional ballot that is cast under this subsection is not counted; and (B) establish a free access system (such as a toll-free telephone number or an Internet website) that any individual casting a provisional ballot may access to discover the reason that such vote was not counted.

(b) VOTING INFORMATION REQUIREMENTS.—

(1) PUBLIC POSTING ON ELECTION DAY.—The appropriate State or local election official shall cause voting information to be publicly posted at each polling place on the day of each election for Federal office.

(2) POSTING ON WEB SITE.—In this section, the term “voting information” means—

(A) a sample version of the ballot that will be used for that election; (B) information regarding the date of the election and the hours during which polling places will be open; (C) instructions on how to vote, including how to cast a vote and how to cast a provisional ballot; (D) instructions for mail-in registrants and first-time voters under section 103(b); and (E) general information on voting rights under applicable Federal and State laws, including information on the right of an individual to cast a provisional ballot and instructions on how to contact the appropriate officials if these rights are alleged to have been violated.

(c) ADMINISTRATION BY THE CIVIL RIGHTS DIVISION.—Not later than January 1, 2003, the Assistant Attorney General in charge of the Civil Rights Division of the Department of Justice shall promulgate such guidelines as are necessary to implement the requirements of subsection (a).

(d) EFFECTIVE DATE.—

(1) PROVISIONAL VOTING.—Each State and locality shall be required to comply with the requirements of subsection (a) on and after January 1, 2004.

(2) VOTING INFORMATION.—Each State and locality shall be required to comply with the requirements of subsection (b) on and after the date of enactment of this Act.

SEC. 103. COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST REQUIREMENTS AND REQUIREMENTS FOR VOTERS WHO REGISTER BY MAIL.

(a) COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST REQUIREMENTS.—

(1) IMPLEMENTATION.—(A) IN GENERAL.—Except as provided in subparagraph (B), each State, acting through the chief State election official, shall implement an interactive computerized statewide voter registration system that contains the name and registration information of every legally registered voter in the State and assembles a unique identifier to each legally registered voter in the State (in this subsection referred to as the “computerized list”).

(B) EXCEPTION.—The requirement under subparagraph (A) shall not apply to a State in which, under a State law, a computerized list is continuously on and after the date of enactment of this Act, there is no voter registration requirement for individuals in the State with respect to elections for Federal office.

(2) ACCESS.—The computerized list shall be accessible to each State and local election official in the State.

(b) COMPUTERIZED LIST MAINTENANCE.—

(1) IN GENERAL.—The appropriate State or local election official shall perform list maintenance with respect to the computerized list on a regular basis as follows:

(A) if an individual is to be removed from the computerized list, such individual shall be removed in accordance with the provisions of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.), including subsections (a)(4), (c)(2), (d), and (e) of section 8 of such Act (42 U.S.C. 1973gg–6).

(2) FOR PURPOSES OF REMOVING NAMES OF INELIGIBLE VOTERS FROM THE OFFICIAL LIST OF INELIGIBLE VOTERS—

(I) under section 8(a)(3)(B) of such Act (42 U.S.C. 1973gg–6(a)(3)(B)), the State shall coordinate the computerized list with State agency records on felony status; and (II) by reason of the death of the registrant under section 8(a)(4)(A) of such Act (42 U.S.C. 1973gg–6(a)(4)(A)), the State shall coordinate the computerized list with State agency records on death.

(c) LINK TO THE VOTING INFORMATION SYSTEM.—The list maintenance performed under subparagraph (A) shall be conducted in a manner that ensures that—
(i) the name of each registered voter appears in the computerized list; (ii) only voters who are not registered or who are not eligible to vote are removed from such list; and (iii) duplicate names are eliminated from the computerized list.

(b) REQUIREMENTS FOR VOTERS WHO REGISTER BY MAIL.

(1) IN GENERAL.—Notwithstanding section 6(c) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-4(c)) and subject to paragraph (3), a State shall require an individual to meet the requirements of paragraph (2) if—

(A) the individual registered to vote in a jurisdiction by mail; and

(B) the individual has not previously voted in an election for Federal office in that jurisdiction.

(2) REQUIREMENTS.

(A) IN GENERAL.—An individual meets the requirements of this paragraph if the individual—

(i) in the case of an individual who votes in person—

(I) presents to the appropriate State or local election official a current and valid photo identification; or

(II) presents to the appropriate State or local election official a copy of any current utility bill, bank statement, Government check, paycheck, or other Government document that shows the name and address of the voter; or

(ii) in the case of an individual who votes by mail, submits with the ballot—

(I) a copy of a current and valid photo identification; or

(II) a copy of a current utility bill, bank statement, Government check, paycheck, or other Government document that shows the name and address of the voter.

(B) PROVISIONAL VOTING.—An individual who desires to vote in person, but who does not meet the requirements of subparagraph (A)(i), may cast a provisional ballot under section 102(a).

(3) INAPPLICABILITY.—Paragraph (1) shall not apply in the case of a person—

(A) who registers to vote by mail under section 6 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-4) and submits as part of such registration either—

(i) a copy of a current valid photo identification; or

(ii) a copy of a current utility bill, bank statement, Government check, paycheck, or Government document that shows the name and address of the voter; or

(B) who is described in a subparagraph of section 6(c)(2) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-4(c)(2)).

(4) CONTENTS OF MAIL-IN REGISTRATION FORM.—The mail voter registration form developed under section 6 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-4) shall include:

(A) The question “Are you a citizen of the United States of America?” and boxes for the applicant to check to indicate whether the applicant is or is not a citizen of the United States.

(B) The question “Will you be 18 years of age or before election day?” and boxes for the applicant to check to indicate whether or not the applicant will be 18 or older on election day.

(C) An statement “If you checked ‘no’ in response to either of these questions, do not complete this form.”

(D) ADMINISTRATION BY THE CIVIL RIGHTS DIVISION.—Not later than October 1, 2003, the Assistant Attorney General in charge of the Civil Rights Division of the Department of Justice shall promulgate such guidelines as are necessary to implement the requirements of subsection (a).

SUBTITLE C—Uniform and Nondiscriminatory Election Technology and Administration Requirements Grant Program

SEC. 201. ESTABLISHMENT OF THE UNIFORM AND NONDISCRIMINATORY ELECTION TECHNOLOGY AND ADMINISTRATION REQUIREMENTS GRANT PROGRAM.

(a) IN GENERAL.—There is established a Uniform and Nondiscriminatory Election Technology and Administration Requirements Grant Program under which the Attorney General shall make grants to States to carry out programs to develop and implement methods to prevent the occurrence of voter fraud or the use of illegal votes, and to ensure that no votes cast in an election for Federal office in any State on or before election day shall be counted that were not legally cast or were not received by the authority responsible for counting such votes.

SEC. 202. STATE PLANS.

(a) IN GENERAL.—Each State that desires to receive a grant under this subtitle shall submit a State plan to the Attorney General in charge of the Office of Justice Programs of the Department of Justice and the Assistant Attorney General in charge of the Civil Rights Division of that Department.

(b) CONTENTS.—

(1) STATUTES.—Each State plan developed under section 202 and a description of how the State proposes to use funds made available under this subtitle to meet each of the following requirements:

(A) The Voting system standards under section 101.

(B) The provisional voting requirements under section 102.

(C) The computerized statewide voter registration list requirements under section 104(a) and subject to subsection (b) if—

(i) the State is a noncomplying State; or

(ii) the State is a complying State and subjects the individuals to whom the voter registration list requirements apply under section 104(a) to any of the following:

(A) Audit of the accuracy of the list of eligible voters in the State that complies with the requirements of such section; or

(B) A process to determine whether the list of eligible voters in the State is accurate.

(D) The uniform and nondiscriminatory election technology and administration requirements under section 203.

(c) PROCEDURE.—The Attorney General shall establish general policies and criteria with respect to the approval of applications submitted by States.
SEC. 205. AUTHORIZED ACTIVITIES.

A State or locality may use grant payments received under this subtitle for any of the following purposes:

(1) To implement voting system standards that meet the requirements of section 101.

(2) To provide for provisional voting that meets the requirements of section 102(a) and to meet the voting information requirements under section 102(b).

(3) To establish a computerized statewide voter registration system that meets the requirements of section 102(a) and to meet the requirements for voters who register by mail under section 103(b).

SEC. 206. PAYMENTS.

(a) In General.—The Attorney General shall pay to each State or locality having an application approved under section 203 the cost of the activities described in that application.

(b) RETROACTIVE PAYMENTS.—The Attorney General may make retroactive payments to States for grants awarded under this subtitle in the fiscal year in which the grant was awarded, if the Attorney General determines that the grant payments have been used for purposes other than those for which it was awarded.

SEC. 207. AUDIT AND EXAMINATIONS OF STATES AND LOCALITIES.

(a) RECORDKEEPING REQUIREMENT.—Each recipient of a grant under this subtitle shall keep such records as the Attorney General, in consultation with the Federal Election Commission, shall prescribe.

(b) AUDITS AND EXAMINATIONS.—The Attorney General, the Comptroller General, or any representative authorized by the Attorney General, may audit or examine any recipient of a grant under this subtitle and shall, for the purpose of conducting an audit or examination, have access to any record of a recipient of a grant under this subtitle that the Attorney General, the Comptroller General, or any representative authorized by the Attorney General, determines is necessary.

SEC. 208. REPORTS TO CONGRESS AND THE ATTORNEY GENERAL.

(a) REPORTS TO CONGRESS.—The Attorney General shall transmit to Congress a report on the grant program established under this subtitle for the preceding year.

(b) CONTENTS.—Each report submitted under paragraph (1) shall contain the following:

(A) A description and analysis of any activities funded by a grant awarded under this subtitle.

(B) Any recommendation for legislative or administrative action that the Attorney General considers appropriate.

(c) AVAILABILITY.—Any amounts appropriated pursuant to the authority of subsection (a) shall remain available until expended.

SEC. 209. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—The Attorney General shall pay to each State or locality having an application approved under section 203 the cost of the activities described in that application.

(b) RETROACTIVE PAYMENTS.—The Attorney General may make retroactive payments to States for grants awarded under this subtitle in the fiscal year in which the grant was awarded, if the Attorney General determines that the grant payments have been used for purposes other than those for which it was awarded.

(c) AUDITS AND EXAMINATIONS OF STATES AND LOCALITIES.—Each recipient of a grant under this subtitle shall keep such records as the Attorney General, in consultation with the Federal Election Commission, shall prescribe.

(d) REPORTS TO CONGRESS AND THE ATTORNEY GENERAL.—The Attorney General shall transmit to Congress a report on the grant program established under this subtitle for the preceding year.

(e) CONTENTS.—Each report submitted under paragraph (1) shall contain the following:

(A) A description and analysis of any activities funded by a grant awarded under this subtitle.

(B) Any recommendation for legislative or administrative action that the Attorney General considers appropriate.

(c) AVAILABILITY.—Any amounts appropriated pursuant to the authority of subsection (a) shall remain available until expended.

SEC. 210. EFFECTIVE DATE.

The Attorney General shall establish the general policies and criteria for the approval of applications under section 204 in a manner that ensures that the Attorney General is able to approve applications not later than October 1 of each year.

Subtitle II—Federal Election Reform

Incentive Grant Program

SEC. 211. ESTABLISHMENT OF THE FEDERAL ELECTION REFORM INCENTIVE GRANT PROGRAM.

(a) In General.—There is established a Federal Election Reform Incentive Grant Program under which the Attorney General, subject to the general policies and criteria for the approval of applications established under section 213(a) and in consultation with the Federal Election Commission and the Architectural and Transportation Barriers Compliance Board (as established under section 502 of the Rehabilitation Act of 1973 (29 U.S.C. 1702)), is authorized to make grants to States and localities to assist in carrying out this subtitle, the Attorney General shall act through—

(1) the Assistant Attorney General in charge of the Office of Justice Programs of the Department of Justice; and

(2) the Assistant Attorney General in charge of the Civil Rights Division of the Department of Justice (in this subtitle referred to as the “Assistant Attorney General for Civil Rights”).

SEC. 212. APPLICATION.

(a) In General.—Each State or locality that desires to receive a grant under this subtitle shall submit an application to the Attorney General at such time, in such manner, and containing such information as the Attorney General shall require, consistent with the provisions of this section.

(b) CONTENTS.—Each application submitted under subsection (a) shall—

(1) describe the activities for which assistance under this section is sought;

(2) contain a request for certification by the Assistant Attorney General for Civil Rights described in subsection (c);

(3) provide assurances that the State or locality will pay the non-Federal share of the cost of the assistance sought from non-Federal sources; and

(4) provide such additional assurances as the Attorney General determines to be essential to ensure compliance with the requirements of this subtitle.

(c) REQUEST FOR CERTIFICATION BY THE CIVIL RIGHTS DIVISION.—

The Attorney General shall make grants under this subsection to States or localities that meet the requirements described in paragraph (a) and that request certification from the Assistant Attorney General for Civil Rights.

(d) AUTHORIZATION OF APPROPRIATIONS.

The Attorney General shall pay to each State or locality that requests certification under subsection (c) the cost of the activities described in that application.

(e) AvAILABILITY.—Any amounts appropriated pursuant to the authority of subsection (a) shall remain available until expended.

(f) Certification.—If the Assistant Attorney General for Civil Rights finds that the requirements described in paragraph (a) have been met, the Attorney General shall certify that the State or locality is eligible to receive a grant under this subtitle.

(g) REVOCATION OF CERTIFICATION.—If the Assistant Attorney General for Civil Rights determines that the requirements described in paragraph (a) have not been met, the Assistant Attorney General for Civil Rights shall revoke the certification granted under paragraph (f) and notify the recipient of the revocation.

(h) Effect of Rejection.—If the Assistant Attorney General for Civil Rights revokes a certification under paragraph (g), the recipient shall return any funds received under this subtitle to the Attorney General until the recipient meets the requirements described in paragraph (a) and the Attorney General certifies that the recipient is eligible to receive a grant under this subtitle.

SEC. 213. APPROVAL OF APPLICATIONS.

(a) In General.—Subject to subsection (b), the Attorney General shall establish general policies and criteria for the approval of applications submitted under section 212(a).

(b) Certification Procedure.—

(1) In General.—The Attorney General may not approve an application of a State or locality submitted under section 212(a) unless the Attorney General has received a certification from the Assistant Attorney General for Civil Rights described in paragraph (c) with respect to such State or locality.

(2) TRANSMITTAL OF REQUEST.—Upon receipt of the request for certification submitted under section 212(c), the Attorney General shall transmit such request to the Assistant Attorney General for Civil Rights.

(3) CERTIFICATION; NONCERTIFICATION.—

(A) CERTIFICATION.—If the Assistant Attorney General for Civil Rights finds that the request for certification demonstrates that—

(i) a State or locality meets the requirements described in subparagraph (B); or

(ii) the proposed use of grant funds by the State or locality meets the requirements described in subparagraph (B) and the proposed use of grant funds by the State or locality is not inconsistent with the requirements described in paragraphs (a) and (b) of section 102;

the Attorney General shall certify that the State or locality is eligible to receive a grant under this subtitle.

(B) NONCERTIFICATION.—If the Assistant Attorney General for Civil Rights finds that the request for certification does not meet the requirements described in subparagraph (B), the Attorney General shall notify the State or locality that the application is not approved.

SEC. 214. ADMINISTRATION.

(a) IN GENERAL.—The Attorney General shall—

(1) establish a publication described in paragraph (2); and

(2) publish a report on the Federal Election Reform Incentive Grant Program, any amounts appropriated pursuant to the authority of section (a) shall remain available until expended.

(3) distribute such information as the Attorney General finds to be necessary.

(b) Recordkeeping Requirements.—Any amounts appropriated pursuant to the authority of subsection (a) shall remain available until expended.

(c) Availability.—Any amounts appropriated pursuant to the authority of subsection (a) shall remain available until expended.

(d) Certification.—If the Assistant Attorney General for Civil Rights finds that the requirements described in paragraph (a) have been met, the Attorney General shall certify that the State or locality is eligible to receive a grant under this subtitle.

(e) Revocation of Certification.—If the Assistant Attorney General for Civil Rights determines that the requirements described in paragraph (a) have not been met, the Assistant Attorney General for Civil Rights shall revoke the certification granted under paragraph (f) and notify the recipient of the revocation.

(f) Effect of Rejection.—If the Assistant Attorney General for Civil Rights revokes a certification under paragraph (g), the recipient shall return any funds received under this subtitle to the Attorney General until the recipient meets the requirements described in paragraph (a) and the Attorney General certifies that the recipient is eligible to receive a grant under this subtitle.

(g) TRANSMITTAL OF CERTIFICATION.—The Assistant Attorney General for Civil Rights shall transmit to the Attorney General either—

(A) a certification under subparagraph (A) of paragraph (3); or

(B) a notice of noncertification under subparagraph (B) of such paragraph, together with a report identifying the relevant deficiencies in the State’s or locality’s system for voter registration or administration of Federal office or in the request for certification submitted by the State or locality.
SEC. 214. AUTHORIZED ACTIVITIES. A State or locality may use grant payments received under this subtitle—

(a) to improve, acquire, lease, modify, or replace voting systems and technology and to improve the accessibility of polling places, including providing physical access for individuals with disabilities, providing nonvisual access for individuals with visual impairments, and providing assistance to individuals with limited proficiency in the English language;

(b) to implement new election administration procedures to increase voter participation and to reduce disenfranchisement, such as “same-day” voter registration procedures;

(c) to carry out programs to inform the individuals about the accessibility of polling places, and election volunteers on how best to promote the access and participation of the individuals in elections for Federal office.

(3) to provide individuals with disabilities and the other individuals described in paragraph (2) with information about the availability of accessible polling places and to training election officials, poll workers, and election volunteers on how best to promote the access and participation of the individuals in elections for Federal office.

(4) the Assistant Attorney General.

(b) REPORTS TO THE ATTORNEY GENERAL.—The Attorney General shall require each recipient of a grant under this subtitle to submit a report at such time, in such manner, and containing such information as the Attorney General considers appropriate.

(b) PAYMENTS.—The Attorney General may provide for a Federal share of greater than 80 percent of the costs for a State or locality if the Attorney General determines that such greater percentage is necessary due to the lack of resources of the State or locality.

SEC. 215. PAYMENTS; FEDERAL SHARE.

(a) GENERAL.—The Attorney General may provide for a Federal share of greater than 80 percent of the costs for a State or locality if the Attorney General determines that such greater percentage is necessary due to the lack of resources of the State or locality.

(b) PAYMENTS.—The Attorney General may provide for a Federal share of greater than 80 percent of the costs for a State or locality if the Attorney General determines that such greater percentage is necessary due to the lack of resources of the State or locality.

SEC. 216. AUDITS AND EXAMINATIONS OF STATES AND LOCALITIES.

(a) REQUIRING AUDIT.—Each recipient of a grant under this subtitle shall keep such records as the Attorney General, in consultation with the Federal Election Commission as the Attorney General shall describe.

(b) AUDITS AND EXAMINATIONS.—The Attorney General may audit or examine any recipient of a grant under this subtitle and, for the purpose of conducting an audit or examination, may have access to any record of a recipient of a grant under this subtitle that the Attorney General determines to be essential to ensure compliance with the requirements of this subtitle.

(b) RELATION TO FEDERAL ELECTION REFORM INCENTIVE GRANT PROGRAM.—The Attorney General may make retroactive payments to States or localities having an application approved under such section (a) in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters; and

(2) to make polling places, including the path of travel, entrances, exits, and voting booths, accessible to individuals with disabilities, including the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters; and

(2) to provide individuals with disabilities and the other individuals described in paragraph (2) with information about the availability of accessible polling places and to training election officials, poll workers, and election volunteers on how best to promote the access and participation of the individuals in elections for Federal office.

SEC. 217. REPORTS TO CONGRESS AND THE ATTORNEY GENERAL.

(a) REPORTS TO CONGRESS.—

(b) CONTENTS.—Each report submitted under paragraph (1) shall contain the following:

(1) A description and analysis of any activities funded by a grant awarded under this subtitle.

(b) REPORTS TO THE ATTORNEY GENERAL.—The Attorney General shall require each recipient of a grant under this subtitle to submit a report at such time, in such manner, and containing such information as the Attorney General considers appropriate.

SEC. 218. EFFECTIVE DATE.

The Attorney General shall establish the general policies and criteria for the approval of applications under section 213(a) in a manner that ensures that the Attorney General is able to approve applications not later than October 1, 2002.

Subtitle C—Federal Election Accessibility—Grant Program

SEC. 221. ESTABLISHMENT OF THE FEDERAL ELECTION ACCESSIBILITY GRANT PROGRAM.

(a) IN GENERAL.—There is established a Federal Election Accessibility Grant Program to be administered by the Attorney General, subject to the general policies and criteria for the approval of applications established under section 220 by the Architectural and Transportation Barriers Compliance Board (as established under section 502 of the Rehabilitation Act of 1973 (29 U.S.C. 792)) (in this section referred to as the “Access Board”), is authorized to make grants to States and localities to pay the costs of the activities described in section 224.

(b) ACTION THROUGH OFFICE OF JUSTICE PROGRAMS AND CIVIL RIGHTS DIVISION.—In carrying out this subtitle, the Attorney General shall act through—

(1) the Assistant Attorney General in charge of the Office of Justice Programs of the Department of Justice; and

(2) the Assistant Attorney General in charge of the Civil Rights Division of that Department.

SEC. 222. APPLICATION.

(a) IN GENERAL.—Each State or locality that desires to receive a grant under this subtitle shall submit an application to the Attorney General at such time, in such manner, and containing such information as the Attorney General shall require, consistent with the provisions of this section.

(b) CONTENTS.—Each application submitted under subsection (a) shall—

(1) describe the activities for which assistance under this section is sought;

(2) provide assurances that the State or locality will pay the non-Federal share of the costs for activities in which assistance is sought from non-Federal sources; and

(3) provide such additional assurances as the Attorney General determines to be essential to ensure compliance with the requirements of this subtitle.

(c) RELATION TO FEDERAL ELECTION REFORM INCENTIVE GRANT PROGRAM.—A State or locality desiring to make a grant under this section as part of any application submitted under section 212(a) of the Access Board.

SEC. 223. APPROVAL OF APPLICATIONS.

The Access Board shall establish general policies and criteria for the approval of applications submitted under section 222(a).

SEC. 224. AUTHORIZED ACTIVITIES.

(a) IN GENERAL.—The Attorney General shall approve a grant to a State or locality under this section only if the State or locality—

(1) makes grants to States and localities having an application approved under such section (a) in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters; and

(b) PAYMENTS.—The Attorney General may provide for a Federal share of greater than 80 percent of the costs for a State or locality if the Attorney General determines that such greater percentage is necessary due to the lack of resources of the State or locality.

SEC. 225. PAYMENTS; FEDERAL SHARE.

(a) PAYMENTS.—The Attorney General may provide for a Federal share of greater than 80 percent of the costs for a State or locality if the Attorney General determines that such greater percentage is necessary due to the lack of resources of the State or locality.

(b) PAYMENTS.—The Attorney General may provide for a Federal share of greater than 80 percent of the costs for a State or locality if the Attorney General determines that such greater percentage is necessary due to the lack of resources of the State or locality.

SEC. 226. AUDITS AND EXAMINATIONS OF STATES AND LOCALITIES.

(a) REQUIRING AUDIT.—Each recipient of a grant under this subtitle shall keep such records as the Attorney General, in consultation with the Access Board, shall prescribe.

(b) AUDITS AND EXAMINATIONS.—The Attorney General may audit or examine any recipient of a grant under this subtitle and for the purpose of conducting an audit or examination, may have access to any record of a recipient of a grant under this subtitle that the Attorney General or the Comptroller General determines to be essential to ensure compliance with the requirements of this subtitle.

(b) REPORTS TO CONGRESS.—The reports shall be submitted to Congress annually.
(1) IN GENERAL.—Not later than January 31, 2003, and each year thereafter, the Attorney General shall submit to the President and Congress a report on the grant program established under this subtitle for the preceding year.
(2) CONTENTS.—Each report submitted under paragraph (1) shall contain the following:
(A) A description and analysis of any activities funded by a grant awarded under this subtitle.
(B) Any recommendation for legislative or administrative action that the Attorney General considers appropriate.
(b) REPORTS TO THE ATTORNEY GENERAL.—The Attorney General shall require each recipient of a grant under this subtitle to submit reports to the Attorney General at such time, in such manner, and containing such information as the Attorney General considers appropriate.

SEC. 225. AUTHORIZATION OF APPROPRIATIONS.
(a) In General.—There are authorized to be appropriated $100,000,000 for fiscal year 2002 to carry out the provisions of this subtitle. Certain amounts appropriated pursuant to section 104 of TITLE II shall be appropriated $100,000,000 for fiscal year 2002 to carry out the provisions of this subtitle.
(b) Availability.—Any amounts appropriated pursuant to this section shall remain available without fiscal year limitation until expended.

SEC. 226. EFFECTIVE DATE.
The Access Board shall establish the general policies and criteria for the approval of applications under section 223 in a manner that ensures that the Attorney General is able to approve applications not later than October 1, 2002.

TITLE III—ADMINISTRATION
Subtitle A—Election Administration Commission

SEC. 301. ESTABLISHMENT OF THE ELECTION ADMINISTRATION COMMISSION.
There is established the Election Administration Commission (in this subtitle referred to as the "Commission") as an independent establishment (as defined in section 105 of title 5, United States Code).

SEC. 302. MEMBERSHIP OF THE COMMISSION.
(a) NUMBER AND APPOINTMENT.
(1) IN GENERAL.—The Commission shall consist of 6 members appointed by the President, by and with the advice and consent of the Senate.
(2) RECOMMENDATIONS.—Before the initial appointment of the members of the Commission and the appointment of any individual to fill a vacancy on the Commission, the Majority Leader of the Senate, the Speaker of the House of Representatives, the Minority Leader of the Senate, and the Majority Leader of the House of Representatives shall each submit to the President a candidate recommendation with respect to each vacancy on the Commission affiliated with the political party of the officer involved.
(b) QUALIFICATIONS.
(1) GENERAL.—Each member appointed under subsection (a) shall be appointed on the basis of—
(A) knowledge of—
(i) and experience with, election law;
(ii) and experience with, election technology;
(iii) and experience with, Federal, State, or local election administration;
(iv) the Constitution; and
(v) the history of the United States; and
(B) integrity, impartiality, and good judgment.
(2) PARTY AFFILIATION.—Not more than 2 of the 6 members appointed under subsection (a) may be affiliated with the same political party.
(3) FEDERAL OFFICERS AND EMPLOYEES.—Members appointed under subsection (a) shall be individuals who, at the time appointed to the Commission, are not elected or appointed officers or employees of the Federal Government.
(4) OTHER OFFICERS AND EMPLOYEES.—No member appointed to the Commission under subsection (a) may engage in any other business, voca-
tion, or employment while serving as a member of the Commission, shall not own, operate, or manage any business, or engage in or carry on any occupation, business, or employment that creates a conflict of interest with the duties of a member of the Commission.
(5) APPOINTMENT.—No member appointed to the Commission under subsection (a) shall serve for more than 2 years, or for a term that extends beyond the term of the member's predecessor was such member is appointed.
(6) VOTING.—No member may be appointed to a full term in place of a member whose term expires while such member is appointed.
(b) VOTING.
(1) GENERAL.—A member of the Commission may serve as the chairperson or vice chairperson of the Commission.
(2) TERM.—A member of the Commission may serve for a term of 6 years, except as provided in paragraph (2) of section 316(a).

SEC. 303. DUTIES OF THE COMMISSION.
(a) IN GENERAL.—The Commission—
(1) shall provide notices to members of the public regarding the Commission's activities and public meetings;
(2) shall have such powers and duties as the President and Congress may designate from time to time, in such manner, and containing such information as the Attorney General deems necessary or advisable.
(b) REPORTS TO THE ATTORNEY GENERAL.—The Attorney General shall require each recipient of a grant under this subtitle to submit reports to the Attorney General at such time, in such manner, and containing such information as the Attorney General considers appropriate.

SEC. 304. MEETINGS OF THE COMMISSION.
The Commission shall meet at the call of any member of the Commission, but may not meet less often than monthly.

SEC. 305. POWERS OF THE COMMISSION.
(a) HEARINGS.—The Commission, by and with the advice and consent of the Senate, may, at its discretion, or upon the written request of a majority of the members of the Commission, compel any person to appear and testify before the Commission, to produce any books, papers, records, documents, or other tangible things, which any member of the Commission deems relevant and material, and to give testimony pertinent to the hearing.
(b) GOVERNMENT INFORMATION.—The Commission shall have power to inspect the records of any Federal, State, or local election administration agency.
(c) ATTORNEY GENERAL.—The Commission shall have power to sue on its own behalf in the name of the United States, and to employ counsel for its services, for the purpose of carrying out the provisions of this title.

SEC. 306. PROCEDURE.
(a) IN GENERAL.—The Commission shall conduct its business in such manner as to facilitate public access, public comment, and public participation in the activities of the Commission.
(b) RULES.—The Commission shall adopt rules of procedure governing its business consistent with the provisions of this title.

SEC. 307. OFFICERS AND EMPLOYEES.
(a) IN GENERAL.—The Commission may appoint officers and employees of the Commission.
(b) COMPENSATION.—The Commission shall fix the compensation of officers and employees of the Commission.
days after the transition date, the Commission shall—

(I) adopt such standards or guidelines by a majority vote of the members of the Commission; or

(II) promulgate revisions to such standards or guidelines if such revisions shall take effect upon the approval of a majority of the members of the Commission.

(II) The date described this subclause is the later of—

(aa) the date described in section 101(c)(1), 102(c), or 103(c) (as applicable); or

(bb) the date that is 30 days after the tran-
sition date (as defined in section 316(a)(2)).

(B) GRANT PROGRAMS.—

(1) APPROVAL OR DENIAL.—The grants shall be ap-
poved or denied under sections 204, 213, and 223 by a majority vote of the members of the Commission not later than the date that is 30 days after the date on which the appli-
cation is submitted to the Commission under section 316(a)(2), the Director of the Office of Elec-
tion Administration of the Federal Election Com-
mission shall serve for more than 2 terms as the Executive Di-
rector and General Counsel shall be for a period of 6 years. An individual may not serve for more than 2 terms as the Executive Director or General Counsel. The ap-
pointment of an individual with respect to each term shall be approved by a majority of the members of the Commission.

(2) TERMINATION.—Notwithstanding subparagraph (C), the Executive Di-
rector and General Counsel shall continue in office until a successor is appointed under paragraph (1).

(3) COMPENSATION.—The Commission may fix the compensation of the Executive Direc-
tor, General Counsel, and other personnel without regard to chapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Salary Schedule, except that the rate of pay of the Executive Director, General Counsel, and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 313 of such title.

(c) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reim-
bursement, and such detail shall be without interruption or loss of civil service status or privilege.

(d) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Commission may procure temporary and intermittent services under section 310(b) of title 5, United States Code, for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under sec-
tion 313 of such title.

SEC. 307. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Commission such sums as may be nec-

cessary to carry out this subtitle.

Subtitle B—Transition Provisions

SEC. 311. EQUAL PROTECTION OF VOTING RIGHTS ACT OF 2001.

(a) TRANSFER OF FUNCTIONS OF FEDERAL ELECTION COMMISSION.—There are transferred to the Election Administration Commission established under section 310 all functions of the Federal Election Commission under sections 101 and under sub-
titles A and B of title II before the transition date (as defined in section 316(a)(2)).

(b) TRANSFER OF CERTAIN FUNCTIONS OF THE ATTORNEY GENERAL.—

(1) TITLE 1 FUNCTIONS.—There are trans-
ferred to the Election Administration Com-
mission established under section 310 all func-
tions of the Assistant Attorney General in charge of the Civil Rights Division of the Department of Justice under sections 102 and 103 before the transition date (as defined in section 316(a)(2)).
SEC. 315. COVERAGE OF ELECTION ADMINISTRATION COMMISSION UNDER CERTAIN LAWS AND PROGRAMS.

(a) Treatment of Commission Personnel Under Certain Civil Service Laws.—

(1) COVERAGE UNDER HATCH ACT.—Section 7323(b)(2)(B)(i) of title 5, United States Code, is amended by inserting "or the Election Administration Commission" after "Commission".

(2) EXCLUSION FROM SENIOR EXECUTIVE SERVICE.—Section 3353(a)(1)(C) of title 5, United States Code, is amended by inserting "or the Election Administration Commission" after "Commission".


SEC. 316. EFFECTIVE DATE; TRANSITION.

(a) EFFECTIVE DATE.—

(A) the date that is 1 year after the date of enactment of this Act;

(B) in the case of an amendment made by section 315(b) of this Act, the date on which all of the members of the Election Administration Commission have been appointed.

(b) TRANSITION.—With the consent of the entity involved, the Election Administration Commission is authorized to utilize the services of such public employees, and other personnel of the entities from which functions have been transferred to the Commission under this title or the amendments made by this title, during any such period of time as may reasonably be needed to facilitate the orderly transfer of such functions.

TITLE IV—MISCELLANEOUS

SEC. 401. CRIMINAL PENALTIES.

(a) PENALTY FOR IMPROPER VOTING OF A FAIR ELECTION.—Any individual who gives false information in registering or voting in violation of section 1(c) of the National Voting Rights Act of 1990 (42 U.S.C. 1973tt) or conspires with another to violate such section, shall be fined or imprisoned, or both, in accordance with such section.

(b) False Information in Registering and Voting.—Any individual who commits fraud or makes a false statement with respect to the naturalization, citizenry, or alien registry, or votes in violation of section 1015 of title 18, United States Code, shall be fined or imprisoned, or both, in accordance with such section.

SEC. 402. RELATIONSHIP TO OTHER LAWS.

(a) IN GENERAL.—Except as otherwise provided in this Act, nothing in this Act may be construed to authorize or require conduct prohibited by any other law, or supersede, restrict, or limit such laws:


(2) The Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.).

(3) The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.).


(b) NO EFFECT ON PRECLEARANCE OR OTHER REQUIREMENTS OF THE VOTING RIGHTS ACT.

The approval by the Attorney General of a State’s application for a grant under title II, or any other action taken by the Attorney General or a State under such title, shall not be considered to have any effect on requirements for preclearance under section 5 of the Voting Rights Act of 1965 (42 U.S.C. 1973c) or any other requirements of such Act.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, December 19, 2001, immediately following the 1:15 p.m. cloture vote, to conduct a markup on the nominations of Ms. Vickers B. Meadows, of Virginia, to be an Assistant Secretary of Housing and Urban Development; and Ms. Diane L. Tomb, of Virginia, to be an Assistant Secretary of Housing and Urban Development.

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

COMMITTEE ON FINANCE

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, December 19, 2001, at 10 a.m. to consider the nomination of Edward Kingman, Jr. to be Assistant Secretary for Management Budget and Chief Financial Officer, U.S. Department of Treasury.

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

EXECUTIVE SESSION

TREATY WITH RUSSIA ON MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session.

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

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to consider the following nominations:

Calendar Nos. 583, 662, and the Air Force and Army promotions on the Secretary’s desk; that the nominations be confirmed, the motions to reconsider be laid upon the table, any statements thereon be printed in the RECORD, the President be immediately notified of the Senate’s action, and the Senate return to legislative session.
CONGRESSIONAL RECORD — SENATE

December 19, 2001

AUTHORIZING CERTAIN EMPLOYEES OF THE SENATE TO BE PLACED IN A LEAVE WITHOUT PAY STATUS

MR. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 193 submitted earlier today by Senators Daschle and Lott.

THE PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 193) authorizing certain employees of the Senate who perform service in the uniformed services to be placed in a leave without pay status, and for other purposes.

There being no objection, the Senate proceeded to consider the resolution.

MR. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements thereon be printed in the Record.

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

The resolution (S. Res. 193) was agreed to.

(Resolution is printed in today's Record under "Submitted Resolutions.")

MEASURE READ THE FIRST TIME—H.R. 3343

MR. REID. Mr. President, I understand that H.R. 3343, which was just received from the House, is at the desk, and I now ask for its first reading.

THE PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:


MR. REID. Mr. President, I now ask for its second reading, and object to my own request on behalf of a number of my colleagues.

THE PRESIDING OFFICER. The bill will remain at the desk.

ORDERS FOR THURSDAY, DECEMBER 20, 2001

MR. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it recess until 9:30 a.m., Thursday, December 20; that immediately following the prayer and Pledge, the Senate begin consideration of the Labor-HHS appropriations conference report.

THE PRESIDING OFFICER. Without objection, it is so ordered.
IN RECOGNITION OF BOWIE HIGH SCHOOL

HON. STENY H. HOYER
OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 18, 2001

Mr. HOYER. Mr. Speaker, I rise today to give recognition to the football team of Bowie High School for winning the Maryland State Football Championship. An estimated ten thousand fans were in attendance at Byrd Stadium on the Campus of the University of Maryland to witness Bowie High School’s first ever division 4A football championship.

On December 1st, Bowie completed their season with a 23–6 victory over rival and previously unbeaten Eleanor Roosevelt High School. The game was the first All-Pennsylvania George’s County title game since 1983, and the first time Bowie High School has played for the championship since 1987. The victory capped an outstanding season for Coach Scott Chadwick and his Bulldogs.

The championship culminated an incredible revival of the football program. When athletic director Bob Estes was hired two years ago, the football program had not had a winning record since 1988. The team had a 38–61 record from 1989 to 1997, including six years with less than four wins. Since Head Coach Chadwick took over the team four years ago, they have increased their win total each year, and now have a championship trophy.

Bowie High School’s first championship is especially gratifying for the fans that have been vocally and passionately supporting the team throughout the year. Many parents of the team have been actively involved in the school’s pep rallies and have stuck with the team throughout some tough years.

I applaud the efforts of the team members, their coaching staff, their fans, the school system and the Bowie community for a winning season and for being the Maryland State Football Champions.

Mr. Speaker, and colleagues, please join me in wishing the Bowie High School football team continued success and congratulating them on their outstanding achievement.

STUDENT VISAS

HON. GEORGE MILLER
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 18, 2001

Mr. GEORGE MILLER of California. Mr. Speaker, I rise in support of the International Student Responsibility Act, which I am introducing today.

Each year, over 500,000 international students enter the United States to study at our colleges, universities, and trade schools. The vast majority of these students contributes to the intellectual achievements of our universities, promotes understanding across cultures, and acquires an appreciation for the American values of freedom and democracy.

I am troubled, however, that the poor administration of the student visa program has become a threat to national security. At least one of the September 11th hijackers entered the country on a student visa and one of the 1993 World Trade Center bombers. Last year, a congressional commission on terrorism concluded that national security requires tighter monitoring of the status of foreign students.

On October 31, 2001, two subcommittees of the Committee on Education and the Workforce held a hearing on the student visa program. We discovered some gaping loopholes. For example, all the information in student visa applications is reported by the international student. There is no due diligence requirement from home countries to ensure that this information is accurate and that the student is trustworthy.

Second, the State Department does not notify the college when a visa is granted, nor does the Immigration and Naturalization Service promptly notify when the student enters the country. The last contact the college had with the student may have been granting admission. If the student enters the country but doesn’t show up on campus, neither the college nor the INS may know anything went wrong for a year or longer.

Third, the INS is lagging behind schedule implementing the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, which requires data collection on international students’ enrollment status and current address. Without that database, the INS does not know when an international student graduates or drops out. Nor has the INS established a database to track foreign visitors’ entry and exit from the country, so the INS does not know how many students stay in the country after completing their studies.

I would like to include for the record a recent editorial from the Contra Costa Times, which draws sound, sensible conclusions on this issue. As the editorial notes, “One of the easiest, albeit illegal, ways to get into the United States is the student visa who enters this country well past the visas’ expiration dates with impunity. This situation must not continue for students or anyone else who received a visa to come to the United States. That does not mean this country has to close its doors to foreign students or other wishing to work in or visit the United States. It certainly does not mean the United States should place a six-month moratorium on all student visas, as Sen. Dianne Feinstein has proposed. It does mean the Immigration and Naturalization Service is going to have to do a far better job of controlling visas and keeping track of everyone with a visa who enters this country.”

Those who are here past the expiration dates on their visas should be deported. However, it also should not be such an onerous burden for visa holders, particularly students, to get their visas properly renewed before they expire as long as the government continues full-time studies in this country and is law-abiding.

With America’s heightened awareness of the need for secure borders and internal security, we no longer can afford to ignore student visa requirements. Like many Americans, I value the attendance of international students at our colleges and universities, but we should make sure they follow the rules. The databases mandated by the 1996 law, but not yet implemented, are a good place to start. The International Student Responsibility Act gives the INS additional resources to implement them as quickly as possible. It also authorizes funding to ensure that the databases are not a paper exercise, but are used aggressively as the basis for investigations and, if appropriate, deportations.

The Act also adds new procedures to address current law’s shortcomings. It requires the INS to notify colleges with 10 days when their students enter the country, and requires colleges to promptly notify the INS if any of their students fail to enroll. It creates an incentive for international students to comply with the law by withholding their transcripts and diplomas until they return home or extend their stay in the U.S. legally.

Finally, the best protection against potential terrorists is to prevent them from entering the U.S. at all. The Act requires the Department of State to ask international students’ home countries whether the students are known criminals or terrorists before granting the visas. It also requires heightened scrutiny of students from countries that are state sponsors of terrorism.

We must strive to keep America as open as possible to foreign students, but also to encourage our own citizens and stay here in definitely through student visas. The visas are issued for full-time students for a specified time. Yet students often stay in the country well past the visas’ expiration dates with impunity. This situation must not continue for students or anyone else who received a visa to come to the United States. That does not mean this country has to close its doors to foreign students or other wishing to work in or visit the United States. It certainly does not mean the United States should place a six-month moratorium on all student visas, as Sen. Dianne Feinstein has proposed. It does mean the Immigration and Naturalization Service is going to have to do a far better job of controlling visas and keeping track of everyone with a visa who enters this country.

Of particular concern are students from countries with a record of harboring terrorists who are seeking visas. The list of such countries is short, but includes several nations in the Middle East, where much of the world’s international terrorism is bred.

It is critical that those seeking visas from such nations receive extensive background checks before they enter the United States. Some may see this as racial profiling. It is actually national profiling, and it is necessary for national security. Public security. Background checks need not prevent the United States from accepting large numbers of foreign students, even from countries where terrorism is a problem.
It simply means that the United States must enforce its visa laws to reduce the chance of terrorism and to get a better grip on controlling its borders.

To accomplish this goal in a humane manner, the INS is going to have to increase its work force so that those wishing to spend extended periods of time in the United States are immediately processed, and those unable to return visas for legitimate purposes and are deported when they violate the terms of their visas.

TRIBUTE TO MS. MELINDA DAY
HON. JOHN J. DUNCAN, JR.
OF TENNESSEE
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 18, 2001

Mr. DUNCAN. Mr. Speaker, I rise today to congratulate Ms. Melinda Day of Lenoir City, Tennessee, in my District. She was recently chosen as Tennessee Teacher of the Year 2002. Ms. Day teaches fifth grade at Lenoir City Elementary School.

This honor is well deserved for Ms. Day, who has been teaching for six years. Even when she was a child, Ms. Day would practice teaching to people, her students. In her classroom, she teaches with enthusiasm and a real love for educating children. Ms. Day has traveled to Japan on two occasions to teach as part of the Fulbright Memorial Fund Teacher Program and the Fulbright Master Fund Teacher Program.

This Nation would be a much better place and our students would be better educated if there were more people and teachers like Melinda Day.

Mr. Speaker, I would like to congratulate Ms. Day on a job well done. She serves as an inspiration for educators all over the Country. I have included an article from the Knoxville News-Sentinel that highlights the accomplishments of Ms. Day that I would like to call to the attention of my fellow Members and other readers of the RECORD.

[From the Knoxville (TN) News-Sentinel, Nov. 19, 2001]

TENNESSEE’S TOP TEACHER
MELINDA K. DAY IS NOW VYING FOR NATIONAL HONOR
(By Jennifer Lawson)

Lenoir City Elementary School fifth-grader Alexis Lawson thinks she knows why her teacher, Miss Day, was chosen the Tennessee Teacher of the Year 2002.

“She’s a good teacher because she listens to people,” Alexis said as she led a visitor to Melinda K. Day’s classroom.

Day was recently chosen to represent Tennessee in the competition for National Teacher of the Year, which will culminate next April in a ceremony at the White House.

At 28, Day has been teaching for six years officially, but she started teaching at age 6 when she set up a classroom complete with a row of antique desks in her parents’ basement or in the back of the family horse trailer.

“Every day after school I would rush home to ‘teach’ what I learned that day and model my teacher’s actions in my play classroom,” Day wrote in her state competition essay. “This love of learning and teaching has always been an integral part of me. My mom and dad instilled the value of education in me at a very early age.”

It only takes a few minutes spent in Day’s classroom to feel the enthusiasm and energy she spreads to her students. Her classroom is decorated with fish and palm trees, and a tank of goldfish sits on one counter. She loves things to feel and through her firsthand, Chris Webster, she’s become a fan of Jimmy Buffett and his ocean-inspired music.

“Your life is so precious you can’t be replaced by anyone,” is written across the top of the blackboard.

Her age belies her experience, which includes summers teaching in Japan and Wales as well as bachelor and education specialist’s degrees from the University of Tennessee. She also traveled to Japan to teach as part of the Fulbright Memorial Fund Teacher Program in 1998 and again last year as a recipient of the Fulbright Master Teacher Program.

She said spending time in Japan and not speaking the language made her understand the frustration Spanish speaking children feel when they come to Lenoir City Elementary. Over the past few years, the school has taught a growing population of Mexican immigrants.

“She has served as an inspiration to more experienced teachers and helped to change the attitudes of some teachers with less enthusiasm,” wrote Lenoir City Schools Superintendent Wayne Miller in a letter supporting Day’s nomination. “Another point which makes Ms. Day an exemplary teacher...

The Alabama native, who grew up in Lenoir City, Iowa and South Carolina, said she’s like her father who “has to have change constantly.” She channels that need for change into her teaching.

“Teaching to her is 24-7,” said Lenoir Elementary Principal Patricia Jones. “She’s got a unique quality about her that creates an environment for the children where they feel safe to learn.”

Day credits three elementary teachers for cultivating her natural love of teaching: Melanie Amburn and Donna Langley (now Zoo) of Eaton Elementary School in Loudon County and Julita Pratt, who teaches in Marion, Iowa. More than the subject matter she learned, she remembers how the teachers made her feel about learning and her potential.

“Not only did these teachers set high expectations for students (to) learn the basic skills, but (they) also wanted each child to gain confidence and develop a sense of humor to enjoy life,” she wrote in her essay. “The small acts of kindness exhibited by these teachers still make me realize the importance of personally knowing all of my students and learning what encouragement they need to make them feel better about themselves each day.”

Her toughest decision after winning the $3,500 prize accompanied by a crystal award and a certificate signed by Gov. Don Sundquist, was deciding whom to take to Washington with her—her mother, her father or her fiancé.

“I’m taking my mom with me,” Day said. “She’s a ‘Republican. When I told her, she jumped up and down like a little girl.”

COMMENDING THE WORK OF THE UNITED STATES COAST GUARD’S MARINE SAFETY OFFICE OF HUNTINGTON, WEST VIRGINIA
HON. NICK J. RAHALL II
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 18, 2001

Mr. RAHALL. Mr. Speaker, the events of September 11th demanded a great deal from all those involved in ensuring the safety and security of our Nation. Countless individuals and organizations were called upon to aid our country in this time of need, and many answered this call with a great amount of effort and dedication to the American cause.

I would like to take this opportunity to commend the United States Coast Guard’s Marine Safety Office of Huntington, West Virginia, the recent recipients of the Commandant’s Quality Award for 2001. This honor rewards the leadership, strategic planning, customer focus, information and analysis, human resource focus, process management and business results produced by individual U.S. Coast Guard offices.

In addition, the Huntington office was specifically recognized for their development of efficient business practices after the tragedy our Nation suffered on September 11th. Despite the fact this office is one of the smallest of the 45 marine safety offices nationwide, their newly developed risk assessment plan was praised in Washington for their invaluable contributions to the Coast Guard as a whole in this area.

I would also like to recognize the achievements of United States Coast Guard Auxiliary member James Perry of Huntington, WV. As a communications director for a local office, he was singled out for improving that particular office’s pager, cell phone and voice mail systems, all of which have proven to be crucial for operations in the post-September 11th era.

The article in the Herald Dispatch is included on this hero.
measure our use of personnel, money and assets. You have no idea what your plan is for doing us back in Washington.”

Patton compared the accomplishments of the local unit—one of the smallest of 15 marine safety offices nationwide—to the heroes of the outmanned and outnumbered crew of the “tiny, dinky” revenue cutter Eagle, which was destroyed in Long Island Sound in October 1814 in an encounter with the British brig Dispatch. The crew dragged their few weapons up a bluff and continued the battle, using log books for cartridges and returning the enemy’s small shells that had landed in the Eagle’s hull.

Cmdr. Lincoln Stroh, commanding officer of the local unit, also honored U.S. Coast Guard Auxiliary member James Perry of Huntington, the local office’s communications officer, for improving its pager, cell phone and voice mail systems.

Stroh also praised Perry for working extra hours to help the office meet increased port safety and security responsibilities following the terrorist attacks.

PAYING TRIBUTE TO GAYLE POTTER’S EIGHTH GRADE CLASS AT DURAND MIDDLE SCHOOL

HON. MIKE ROGERS OF MICHIGAN IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 18, 2001

Mr. ROGERS of Michigan. Mr. Speaker, I rise today to pay tribute to a group of eighth grade students from Durand Middle School in Durand, Michigan. These students along with their teacher, Gayle Potter, have taken the initiative to send to my office their own ideas for strengthening our resolve as Americans. It is also clear, through these students’ great example, that our nation’s greatest resource, our youth, is as strong, brave, and as bright as they have ever been.

Mr. Speaker, this group of students truly exemplifies the spirit of all Americans at this time in our history. They have set a wonderful example that every American can follow. I ask that my colleagues join with me in saluting their devotion to our country and its continued prosperity.

WISHING WELL TO MR. NORMAN BRINKER

HON. EDDIE BERNICE JOHNSON OF TEXAS IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 18, 2001

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise to salute a great Dallas-Fort Worth resident. Mr. Norman Brinker is a trailblazer and trendsetter. He has been a pioneer in business and a great friend to our community.

There is perhaps no more amazing restaurateur than Mr. Brinker. He revolutionized the combination of good food, reasonable cost and great customer service through his Steak and Ale restaurant chain. He built the chain to 100 units before The Pillsbury Company, of which Mr. Brinker later became Chairman, bought it.

As Chairman of The Pillsbury Company, he oversaw the world’s second largest restaurant organization, presiding over sales of $4 billion. Never one to rest on his laurels, Mr. Brinker later went on to buy his own restaurant chains, including the Dallas based chain Chili’s. Under his leadership, the 23 operating units of Chili’s became Brinker International, a world restaurant power with hundreds of operating units and over $2 billion in sales. Brinker International now owns Chili’s, On the Border, Chili’s Grill and Bar, Texas de Brazil, Macaroni Grill, On the Border Mexican Grill and Cantina, The Keg and Cozy’s, Corner Bakery, Big Bowl and Eatz’s restaurant chains.

Brinker International is an extraordinarily important corporate citizen of the Dallas-Fort Worth area, but just as important is Mr. Brinker’s leadership in the industry and society. The leaders of Outback Steakhouse, Houston’s, Red Lobster and Boston Market all spent time under Mr. Brinker’s tutelage. In addition, he has been a trendsetter in philanthropy, encouraging entrepreneurs to pair their financial donations with donations of time, and helping to start the Susan G. Komen Breast Cancer Foundation with his wife Nancy.

Mr. Speaker, Norman Brinker has relinquished his position as Chairman of Brinker International and is engaged in a new challenge—defeating his own cancer ailment. As he approaches this new challenge with the same zeal as the other challenges in his life, Dallas-Fort Worth looks forward to his leadership for years to come. I ask that the Congress and the country join the citizens of Dallas-Fort Worth in wishing him well.

ECONOMIC STIMULUS BILL

HON. RODNEY P. FRELINGHUYSEN OF NEW JERSEY IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 18, 2001

Mr. FRELINGHUYSEN. Mr. Speaker, weeks ago the House acted on President Bush’s request for an economic stimulus package. We knew then what has now been confirmed—America is in a recession. And, here in New Jersey, the economic slowdown has been especially acute as many New Jersey residents lost their jobs, many as a result of the tragic events of September 11, and others because our economic slowdown began well before September. First and foremost, we need to help the victims and families of the terrorist attacks and the many workers who have lost their jobs. And, with the $40 billion in emergency assistance already approved by Congress, President Bush and his Administration are doing just that. Under the emergency federal assistance provided to our state, workers who have lost their jobs as a result of the attacks are eligible for unemployment and health insurance for up to 26 weeks—that’s through at least March of next year. And these benefits have been extended to the self-employed and others who are not otherwise eligible for this assistance.

After addressing these immediate, emergency needs, the House acted quickly to take another step to get our economy moving again. Those steps focused on helping to restore consumer confidence and encouraging private sector investment and expansion to help re-place lost jobs and to add more, new jobs. The House has acted on just such a plan. My colleagues in the other body must act now on an economic security bill to help our economy, and those who have lost their jobs.

While most Americans heard recent news reports that said our nation is now “officially” in a recession, I had been hearing that in The Wall Street Journal, CNN, the newspaper or “Breaking News” on CNN for far too many New Jerseyans to realize that these are hard times in America. Even before September 11 changed our lives forever, layoffs at some of New Jersey’s largest, most established companies, like Lucent Technologies, Honeywell, and AT&T were occurring by the hundreds. Alarming, 27,000 jobs were lost in the first nine months of this year in New Jersey. Our state’s unemployment rate rose to 4.8 percent in October, up from 4.5 percent in September.

It’s time for the other body to act and I call on the other body to reject their plans to expand federal programs and increase federal spending beyond our budget agreement with the Administration. More government spending, to my mind, will not serve to stimulate our economy.

Let’s face it, the only answer for job loss is to create new jobs. And, with the exception of the newly federalized baggage screeners, the Federal Government does not create jobs or economic activity. In fact, the more we “grow” government, the more dollars we take out of the private sector, away from the taxpayer and out of our economy. That is why the House version of the economic stimulus provides rapid tax relief to businesses, large and small, to continue to invest, to purchase equipment, expand production and promote job hiring. While some have criticized the House bill as a corporate welfare, we need companies to stop layoffs and hire again! Our proposal is critical to the success of New Jersey business. According to the New Jersey Business and Industry Association, even before the September 11 terror attacks, New Jersey employers as a group had lost their confidence in our state. Two-thirds of companies participating in the Association’s 2002 Business Outlook Survey said their industries were already in a recession or heading into one at the time of the attacks. We’ve got to turn that thinking around and provide the incentives to New Jersey’s companies to start growing their businesses again.

The House bill also returns more tax dollars back to working Americans by accelerating the tax rate cuts we passed earlier this year and by including tax rebate checks for those individuals who didn’t receive them in the first round. Returning these dollars will give people more dollars to spend and invest. These actions—as opposed to more government spending and more government programs—will better address the underlying weaknesses in our economy, namely consumer confidence, consumer spending, and the need for renewed and sustained business investment and expansion.

And, early next year, when existing unemployment and health benefits may be depleted, I am confident that we will continue to help those who need it most. In fact the House economic security package includes a proposal that provides $3 billion in surplus Federal unemployment funds to the states. This translates into approximately $368 million that will be immediately available for
New Jersey to pay for more or to expand regular unemployment benefits. This is real Federal assistance to lend a helping hand to New Yorkers who are hurting the most.

Prompt Senate action will help get our fellow Americans back in the workforce, not still standing in the unemployment line next Spring. While not every provision of the House bill is perfect, our economic security package is a better starting point than the legislative paralysis in the other body! To the other body, I say, get your job done, and let’s get America back to work.

CONGRATULATING MITCHELL LOUIS MANSOUR ON HIS RETIREMENT FROM THE GROCERY BUSINESS

HON. NICK J. RAHALL II
OF WEST VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 18, 2001

Mr. RAHALL. Mr. Speaker, I rise today to pay tribute to Michael Louis “Mitch” Mansour, of Huntington, WV, who, after half a century in the grocery business, retired on November 4, 2001.

For thirty-eight years Mitch owned and operated “Mansour’s Market,” a family neighborhood grocery market that survived the intense competition brought about by “superstores” and continues to thrive today.

Mitch Mansour’s entrepreneurial career began almost from birth. The son of Lebanese immigrants, Mitch was born in 1930 next door to his father’s modest grocery store. Even before adolescence Mitch worked alongside his father, Elia, cultivating customer relationships and a solid work ethic. Mitch eventually took over this small store in 1954 after returning home from service during the Korean War.

In 1963, Mitch and his bride, Melanie, began “Mansour’s Market,” which has served as a source of quality foods and employment for hundreds of residents from the local community. From loyal employees that have built careers in catering, meat cutting, grocery management, and customer relations to summer and part-time employees who have pursued professions in law and medicine, “Mansour’s” has been a solid and reassuring pillar in the Huntington community.

An innovator in customer service, Mitch would not just point the customer to the desired aisle, but walk them to the display and personally present the product choices. In the 1960’s, “Mansour’s” began their grocery home delivery service, which continues to be a valuable service today, especially for elderly and disabled residents. If a customer cannot make it to “Mansour’s,” “Mansour’s” comes to them.

In today’s transient world it’s rare to find someone who spends their life so closely entwined in their community. Michael Mansour and “Mansour’s Market” has been an important part of the Huntington community and will continue to be for a long time.

I ask that my colleagues join me in offering sincere congratulations to Mitch on the event of his retirement and best wishes for the future.

PRESIDENT BUSH’S WITHDRAWAL FROM THE ABM TREATY

HON. BOB SCHAFFER
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 18, 2001

Mr. SCHAFFER. Mr. Speaker, President Bush’s decision to withdraw from the 1972 Anti-Ballistic Missile (ABM) deserves the applause of every American. For too many years our country has been left undefended from the threat of a ballistic missile attack because of the ABM Treaty. Even Soviet Premier Kossygin supported a ballistic missile defense when he remarked, “Defense is moral, aggression is immoral.”

We need to defend our country from ballistic missile attack. Withdrawal from the ABM Treaty with its special prohibition against space-based defenses is a major step toward that goal. The terrorist attacks of September 11 should have taught us that we should not let our guard down.

We need to fund our ballistic missile defense programs, especially for space-based defense, taking advantage of the benefits of an orbital defense with its global coverage, multiple opportunities for intercepting a ballistic missile, and boost phase interception capability.

Our lack of a space-based ballistic missile defense reflects a lack of political will to build such a defense. The ABM Treaty limited the United States to an inferior defense using ground-based interceptors. The technology for building a space-based ballistic missile defense has been available for years, even decades, but not the funding.

We need to fully fund our ballistic missile defense programs, particularly for space. This will require an increase in spending. This increase is justified. Our lack of ballistic missile defense is not justified. Freedom has a price. The ballistic missile threat is increasing, whether seen in North Korea’s missile program, or China shifting its road-mobile DF–31 ICBM and other missiles.

Increased funding, for example, is justified for the Space Based Laser. Instead of being funded annually at between $50 and $150 million, the Space Based Laser should be funded an order of magnitude greater at $500–$1500 million. This will enable the Space Based Laser to be tested and deployed well before 2010, instead of after 2010 as currently scheduled.

Lack of funding, not technology, keeps us from building Space Based Lasers. In 1995, three major aerospace contractors wrote the Chairman of the Senate Armed Services Committee, Senator Thomas, pointing out how funding of about $1.5 billion over four years could result in a test launch of a Space Based Laser. The Space Based Laser, moreover, with its boost phase interception capability and global coverage, will provide a more effective defense compared to the Mid Course Phase ground-based interceptor currently under development.

We need a robust ballistic missile defense encompassing a variety of technologies and layers. A defense made up of several layers will more easily defend against counter-measures such as China’s plan to attack U.S. radar and communication nodes, or Russia’s use of ballistic missiles as platforms for launching hypersonic scramjets that travel in the upper atmosphere.

Funding is needed to re-start the Brilliant Pebbles space-based interceptor program that was successfully ground-tested under the elder Bush’s administration. Additional spending for research and development into high-energy laser technologies is called for. Nor should high-energy particle beams be neglected, which showed promise as in the 1989 BEAR experiment. Particle beams as well as lasers can provide effective mid-course phase discrimination of decoys from warheads.

With defense spending at one of its lowest levels since before Pearl Harbor, the political will is now needed to ask for an increase in funding for a space-based ballistic missile defense. Do we need to wait for another September 11 using ballistic missiles before we defend our country?

TRIBUTE TO THE ART STUDENTS AT CLEVELAND HIGH SCHOOL

HON. JOHN J. DUNCAN, JR.
OF TENNESSEE
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 18, 2001

Mr. DUNCAN. Mr. Speaker, the events of September 11th of this year had a great impact on our Country. While the devastating terrorist attacks have caused us great sorrow for the loss of lives, Americans have pulled together like never before.

Those who carried out the attacks thought that they would destroy the American Spirit, but I can tell they did exactly the opposite.

People have come together to show their support for those lost in New York, the Pentagon and Pennsylvania. Recently, art students at Cleveland High School showed their support by creating a mural that depicts the events of September 11th and our resolve to never let this happen again.

This piece of work has been talked and written about in local newspapers and television. Cleveland High School Art Teacher, Martha Kidwell, created a collage of images from magazines and newspapers which were used as a base for this mural.

The mural measures 13 by 6 feet. This piece of art shows the attacks on America, but it also portrays the heroic firefighters, a determined President Bush, the Statue of Liberty, the American Flag and the Bald Eagle.

This work of art was created by 22 high school students who have shown their patriotism and care for their fellow Americans.

Mr. Speaker, I believe that Martha Kidwell and her students should be commended for their hard work and determination to show their fellow citizens that we will overcome terrorism.

This mural will serve as an inspiration to anyone who sees it. It is currently on display in Southeast Tennessee, and I encourage anyone traveling through this part of the Country to stop by and see this mural entitled, “We Will Never Forget”.

E2326 CONGRESSIONAL RECORD — Extensions of Remarks December 19, 2001
Mr. RANGEL. Mr. Speaker, I rise today in support of H.R. 2069 the Global Access to HIV/AIDS Prevention, Awareness, Education, and Treatment Act of 2001. The HIV/AIDS pandemic threatens the stability of the modern world, as we know it in both developed and developing countries. I would first like to thank Chairman Hyde for introducing this important legislation. I also would like to thank Congresswoman BARBARA Lee for her tireless work in the area of AIDS and her role as a driving force behind her colleagues to combat this horrendous disease.

The devastation of the HIV/AIDS disease does not discriminate, and impacts the lives of us all. Recent reports from the United Nations state that more than 58 million people globally have been infected with HIV/AIDS. This horrendous disease has negatively impacted the economies of Africa, the Caribbean, Asia, and Eastern Europe.

This legislation takes a comprehensive approach to combating HIV/AIDS by providing funding for the prevention, education, testing, treatment, and care of individuals with HIV/AIDS. I support and applaud the substantial increase in funding that H.R. 2069 provides to fight HIV/AIDS around the world. I am happy to see that this bill authorizes $485 million in bilateral funding, $50 million for treatment, and $750 million for multilateral funding for fiscal year 2002. I hope that this contribution by the U.S. Congress to combating this dreaded disease will set the stage for others to join us in our efforts.

These are important reforms that will re-place three and a half decades of increased education spending that have simply not produced the results Americans deserve. As President Bush rightly put it, “dollars alone do not always make a difference.” Today’s victory ensures that no child will be left behind. In fact, following the enactment of our reform bill, immediate new options will be available to students in thousands of failing public schools across the United States.

A Department of Education analysis finds that students at nearly 3,000 underperforming public schools may be eligible for immediate, new options to achieve a better education in a more suitable learning environment. Mr. Speaker, today I urge my colleagues in the other body to pass H.R. 1 so that we can get it to President’s desk and signed into law before the end of the year.

For years, we have been providing critical funds for the education of our children. Now we are taking an extra step to ensure those dollars produce results.

HONORING NASA ADMINISTRATOR DANIEL GOLDIN

HON. EDDIE BERNICE JOHNSON
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 18, 2001

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today on behalf of the Congressional Black Caucus to recognize NASA’s longest-serving Administrator, Mr. Daniel S. Goldin, who during his nearly decade-long ten-ure, starting in 1992, demonstrated a commitment to the educational excellence of minori-ties in the areas of science, mathematics, en-gineering and research. He has demonstrated his commitment to educational excellence for all Americans through NASA’s Office of Equal Opportunity Programs’, Minority University Research and Education Division. His efforts helped the Agency to focus on establishing Historically Black Colleges and Universities (HBCUS) and Other Minority Universities (OMUS) as model institutions of teaching, learning, research and service, effectively educating diverse popu-lations for NASA and the nation.

Under his exceptional leadership, NASA’s HBCU and Hispanic Education Programs re-ceived Presidential citations as models for the federal sector, and the pre-college Science Engineering Mathematics Aerospace Academy (SEMAA) Program, begun in 1993 under the auspices of former Congressman Louis Stokes, has been replicated to more than 17 sites nationwide.

Mr. Goldin also established several pro-grams that were aimed at increasing the num-ber of minority students in the areas of science, engineering, mathematics, and re-search. Those programs include: the Model of Institutions for Excellence (MIE), which up-grades the quality of science, engineering and mathematics education; the Network Re-sources and Training Site (NRTS), which pro-vides state-of-the-art computer and information technology to minority institutions; and Project ACCESS (Achieving Competence in Com-puters, Engineering, Space Science), which provides a NASA-wide intern program for col-lege students with targeted disabilities.

Administrator Goldin encouraged enhanced NASA-related research by faculty at minority institutions through the Faculty Awards Re-search Program. He also provided sustained funding to 14-multiproject University Re-search Centers (URCS) at minority institutions, and he facilitated the integration of HBCUS and OMUS into conventional mainstream re-search programs at NASA.

As led by Administrator Goldin, NASA and the Congressional Black Caucus partnered successfully to expand educational opportuni-ties for minorities in science, mathematics and engineering to increase the presence of mi-norities in research and technology-related fields.

In addition to initiating the “faster, better, cheaper” approach that enabled NASA to de-liver programs of high value to the American public without sacrificing safety, his aggressive management reforms helped to reduce a 40 billion dollar reduction from prior budget plans. He reduced NASA’s workforce by about a third while reducing the Headquarters’ work-force by more than half, without resorting to forced layoffs—all of this with a 40% gain in productivity.

Mr. Goldin implemented a more balanced aeronautics and space program by reducing human space flight from 48% of the Agency’s total budget to 38%.

He also played a pivotal role in redesigning the International Space Station and in 1995, he personally visited more than 200 members on Capitol Hill to win support for Space Sta-
Defense Business named Mr. Goldin as one of the world’s most influential defense-industry leaders saying “he has tightened the workforce, introduced a stunning array of new missions, including information-gathering journeys to the Moon and Mars, and became the major player in the embryonic International Space Station.”

He has also been named as one of the 100 most influential men and women in Government by the National Journal, which observed that “most space watchers say that Dan Goldin is a brilliant visionary who brought NASA back from the brink of a black hole.”

Once again, the members of the Congressional Black Caucus, recognize the enduring contributions of Administrator Daniel S. Goldin and appreciate his dedication to the improvement of science, engineering, and mathematics education and research, among minority students in the United States.

TRIBUTE TO JAMES D. RUTH

HON. GARY G. MILLER
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 18, 2001

Mr. GARY MILLER of California. Mr. Speaker, it is with great pleasure that I rise to honor James D. Ruth, who is retiring after 22 years of exemplary service to the City of Anaheim and 45 years in public service.

Mr. Ruth’s impressive resume includes numerous noteworthy accomplishments. Under his tenure as city manager, Anaheim became internationally recognized as a hub for entertainment and for its world class convention center. His crowning achievement was the role he played in negotiations for the construction of the 19,500-seat Arrowhead Pond arena, which affectionately has been called “the house that Ruth built,” and his work with the Walt Disney Company to bring the Mighty Ducks of the National Hockey League to the Pond.

Mr. Ruth was very instrumental in the $118 million renovation of Edison Field, and thereby the retention of the Anaheim Angels and Major League Baseball in Orange County. He negotiated with the Walt Disney Company to develop in Anaheim their new theme park, California Adventure, at cost of $1.4 billion. In conjunction with the park expansion, the city initiated and began the implementation of a $510 million improvement program to the Anaheim Resort Area and a $1.9 billion renovation of the Santa Ana (I-5) Freeway. Revitalization projects provided low income housing in the Jeffrey-Lynne neighborhood west of Disneyland, a $58.2 million Community Center, and a much needed Senior Center.

Mr. Ruth’s vision, outstanding business and governmental acumen, strong leadership skills and dedication to public service have earned the admiration and respect of those who have had the privilege of working with him. I would like to congratulate him on these outstanding accomplishments and sincerely thank him for his exemplary record of service to the City of Anaheim.

DEFENDING AMERICA FROM BALLISTIC MISSILE ATTACKS

HON. BOB SCHAFFER
OF COLORADO

IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 18, 2001

Mr. SCHAFFER. Mr. Speaker, we need to defend our country from ballistic missile attack. President Bush has taken a major step toward that goal by withdrawing from the 1972 ABM Treaty. President Bush has our sincere thanks and congratulations for removing the United States from a treaty that inhibited our defense and was repeatedly violated by Russia.

We need to act decisively to build a ballistic missile defense. The fact that our country is undefended from ballistic missiles is a reflection of our lack of political will to build a defense. The technology for a ballistic missile defense is available, and has been for years and even decades, as noted by the Director of the Strategic Defense Initiative Organization under President George H.W. Bush’s administration.

I strongly urge the President to fully fund a robust ballistic missile defense program encompassing a variety of technologies and defenses. A robust defense made up of several layers will more effectively protect our forces against countermeasures such as those planned by China to attack U.S. radar and communication nodes, or by Russia to use ballistic missiles for launching hypersonic scramjets.

Full funding for a robust ballistic missile defense will call for increases in spending. This spending is justified. Our lack of ballistic missile defense is not justified. Freedom has a price, including a strong defense, and the ballistic missile threat is increasing, whether measured by North Korea’s ballistic missile program, or China’s buildup involving its road-mobile DF-31 ICBM.

Funding, for example, needs to be increased for the Space Based Laser program. Instead of being funded annually at between $50–150 million, the Space Based Laser should be funded at a magnitude greater at $500–1500 million. This increase in funding will enable the Space Based Laser to be deployed and deployment begin sooner than after 2010 as currently scheduled.

Lack of funding, not technology, keeps us from building a constellation of Space Based Lasers. In 1995, three major aerospace contractors wrote to the Chairman of the Senate Armed Services Committee, Strom Thurmond, on the Space Based Laser, pointing out how additional funding of approximately $1.5 billion over four years could result in a test launch of a Space Based Laser.

While this estimate for testing the Space Based Laser in space was prepared nearly seven years ago, it clearly illustrates how the level of funding for the Space Based Laser should be on a billion-dollar level rather than $50–150 million. (The Space Based Laser, with its boost phase interception capability and global coverage, will provide a more effective defense compared to the Mid Course Phase ground-based interceptor currently under development.)

Additional money for research and development into other high-energy laser technologies is called for. In October 2001 key defense scientists recommended a substantial cash infusion into laser technology. Over and above funding for the Space Based Laser, additional funding is needed for research into high-energy lasers. These lasers could include chemical gas lasers such as the DF laser (the Space Based Laser uses an HF chemical reaction gas laser for excimer and free-electron lasers), or even solid-state lasers. Nor should high-energy particle beam be neglected, which showed promise in the 1989 BEAR experiment. (Particle beams as well as lasers can provide effective mid-course phase discrimination of decoys from warheads.) This research into lasers and particle beams would be invaluable, and result in commercial applications. Funding, similar to the Strategic Defense Initiative, should be on a billion-dollar level.

In addition, funding is needed to re-start the Brilliant Pebbles space-based interceptor program that was successfully ground-tested under President George H.W. Bush’s administration, and successfully flight-tested in the Clementine lunar mission. Annual funding for this program should be expected at around $500–1500 million to deploy a constellation of at least a thousand interceptors. Brilliant Pebbles can provide a boost phase interception capability, as well as mid-course phase interception. This space-based defense is not far off into the future, but was approved to enter its acquisition phase under the Bush Senior administration in 1992. To supplement the mid-course interception capability of Brilliant Pebbles, funding for the SBIRS-low constellation of missile launch detection and tracking satellites should be approved.

The funding increases needed for ballistic missile defense are in line with any other major arms acquisition program. But the political will is now needed to ask for this funding. It is worth noting that current U.S. defense spending is at one of its lowest levels since before Pearl Harbor.

I urgently request that President Bush prepare a ballistic missile defense budget that will enable the United States to exploit its technology in high-energy lasers and other high-to-kill interceptors. Much of this technology should be deployed in orbit where it can provide global coverage, multiple opportunities for interception, and a boost phase interception capability.

TRIBUTE TO THE DOMINICAN AMERICAN NATIONAL ROUNDTABLE

HON. CHARLES B. RANGEL
OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 18, 2001

Mr. RANGEL. Mr. Speaker, Representatives of the community with a common heritage from the Dominican Republic gathered December 7–9, 2001 for the fourth annual conference of the Dominican American National Roundtable. Each year, this group comes together to reflect on the past year, discuss areas of need within the community, and plan for the upcoming year. This year’s conference was especially meaningful in light of the recent tragedies affecting the Dominican American community and I extend my most sincere congratulations to the DANR and its president Adriano Espallat for hosting such a successful weekend here in Washington DC.
Already struggling to overcome the devastating effects of September 11 attacks on the World Trade Center and Pentagon, the crash of American Airlines Flight #587 has impacted our Nation’s Dominican community deeply. Almost all 260 persons aboard the flight were of Dominican ancestry and, as was pointed out during the conference, it seems as if every person of Dominican heritage in the United States has been personally touched by this tragedy. During the opening session Moises Perez, Executive Director of Alianza Dominicana a social service community based non-profit agency located in northern Manhattan illustrated this with this with a story of personal quest to find one person who did not know someone aboard the plane. He has yet to find one person.

Our ability to gather and reflect on these recent occurrences was essential in providing a discourse for this community to begin to make sense of these horrific events. It also provided a forum to discuss the next forward step. As the Dominican community continues to mourn the loss of so many loved ones, we must support it in its work to address the items that impact the community.

This year’s conference celebrated the opening of the DANR’s Washington DC office. The DANR seeks to bring the voices of all people of Dominican origin who lived in the United States together and provide a forum for analyses, planning, and action to advance the primary interests of the community. The office will serve as the coordinating center for the Dominican American’s agenda, ensuring that their voice is heard at the national level and their issues are addressed in the legislative arena. Representing the largest Dominican community in the United States, I am strongly supportive of the opening of this office and I pledge my support to this community as it continues to grow in strength and size in the United States.

This year’s theme, “Empowerment through Education” demonstrates the importance of education to the future of this community. Like many Americans, education is high on the list of critical priorities for the Dominican American community and the Dominican American population is plagued by sky rocketing dropout rates, poorly funded and dilapidated schools, educators ill-prepared to face the challenges of migratory communities and bilingual education, and a lack from or familiar with the community.

I commend the DANR’s commitment to its youth. In addition to the participation of so many key leaders within the community, the presence of a large number of young people was particularly heart-warming and telling of the potential for this community to succeed if it is given the opportunity to participate in the framing and addressing of the issues and challenges which face it. From high school to graduate school, these students represented the future leaders of the Dominican American community and their dedication to their roots in the Dominican Republic and United States is evident. Too often our children are forced to shed and hide the heritage that defines them. Our culture is not a curse; it is a blessing, and we must never let our youth forget that where we come from is essential in determining who we will be.

I would like to thank all those whose hard work made the weekend possible, especially the DANR President Adriano Espailt. I would also like to extend my appreciation to the DANR Board of Directors including Alejandra Castillo, Raysea Castillo, Miguel De Jesus, Ana Garcia, Epifanio Gil, Josefina Infante, Rafael Latingua, Mania Luna, Manuel Matos, Rafael Morel, Barbara Perez, Moises Perez, Felipe Rodriguez, Ydanis Rodriguez, Elvis Ruiz, Luis Salcedo, Yolanda Sanjuan, and the DANR staff consisting of Jose Bello, Rademes Pegohero, Victor F. Capellan, Ninoska Uribe, Roberto Alvarez, and Margarita Cepeda. I look forward to continuing our work to support and advancing the Dominican American community.

PAYING TRIBUTE TO SOUTHEAST ELEMENTARY SCHOOL

HON. MIKE ROGERS
OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2001

Mr. ROGERS of Michigan. Mr. Speaker, I rise today to pay tribute to Southeast Elementary School for earning the Golden Apple Award for educational excellence.

The annual Golden Apple Award is awarded by Governor John Engler for improved scores in the 4th and 5th grades on the Michigan Education Assessment Program, which test the sections of math, science, reading, and writing. Schools must attain a 60-point increase over three year period to receive the honor.

Last year 54 percent of the students successfully passed the reading portion of the MEAP test compared to 77.3 this year. Also, 74 percent of the students passed the math portion last year compared to 90.7 this year. The advances by Southeast Elementary School were a result of aggressively employing strategies to help students who placed in the bottom 20–30 percent for the MEAP. Southeast employed dozens of teachers, tutors, and volunteers in a 6–8 week program last winter. The program students focused on reading, writing, math, and science on a daily basis. Further, the school utilized a full-time literacy leader to concentrate on English skills and an educator to concentrate in math. Both programs were centering with small groups or individuals to help the students improve in the areas in which they were lacking in.

Therefore Mr. Speaker, I respectfully ask my colleagues to join me in paying tribute to Southeast Elementary School for earning the Golden Apple Award. I salute their commitment to teaching our nations future leaders and commend each educators commitment to teaching these important skills.

TRIBUTE TO THE HOUSE OFFICE OF EMPLOYEE ASSISTANCE

HON. ROBERT W. NEY
OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2001

Mr. NEY. Mr. Speaker, I would like to acknowledge that the House Office of Employee Assistance has been recognized with the EAP Digest/Employee Assistance Professionals Association Quality Award for EAP Excellence for 2001.

The House of Representatives, for the last fourteen years, has been privileged to have a high-performing team in its Office of Employee Assistance. Those of us who have worked with these individuals have often experienced their high level of service and passion for their work. Now, the entire nation will know too, as Senator Pat Roberts of the U.S. House of Representatives has been recognized with the EAP Digest/Employee Assistance Professionals Association Quality Award for EAP Excellence for 2001.

The award states, “Evaluation and quality improvement has always been a key component of the U.S. House of Representatives program. Whether through client satisfaction surveys, peer reviews or more innovative techniques such as customer interviews and the system-wide evaluation, all modes of evaluation came to the same finding: The Office of Employee Assistance demonstrates exemplary continuous improvement efforts that enhanced the quality of EAP services.”

The House team of Bern Beidel, Liz McBride, Debbie Frank, Kristin Welsh-Simpson, and Patty Prince should feel proud of its accomplishments and for this recognition that is well deserved.

It’s also appropriate to pay tribute to a number of former House Members and employees who laid the groundwork for this program. First, former Clerk of the House, Donnald K. Anderson, whose initiative and vision were instrumental in the House instituting an employee assistance service. Second, thanks go out to the initial Members of Congress who were critical to winning the endorsement of the elected Members—former Speaker Tom Foley, former Minority Leader Tom Michel, former Members Bill Emerson, Rod Chandler, Ben Jones, Mary Rose Oskar, and current Senator Pat Roberts.

The combined work of these professionals has yielded an exemplary level of support for House employees through a program that is now recognized as among the best in its field. Congratulations to the Office of Employee Assistance team, and keep up the outstanding work!
Congressional Record — Extensions of Remarks
December 19, 2001

women speak for peace resolution

HON. EDDIE BERNICE JOHNSON
of Texas
in the house of representatives
Tuesday, December 18, 2001

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, the September 11th attack on the people and institutions of America has eliminated any illusion that we are safe from the violence and discord which seem to plague the rest of the world.

Currently, the United Nations has peace keeping missions in every corner of the world including the Golan Heights; Lebanon; Iraq; Kuwait; Angola; the Western Sahara; Kosovo; Cyprus; Georgia; Tajikistan; Sierra Leone; East Timor; Congo and Ethiopia/Eritrea and has established war crimes tribunals in Yugoslavia and Rwanda. Our unfortunate global picture of war, ethnic conflict, civil war and terrorism serves as a strong indication of the need to establish and maintain a dialogue leading to a blueprint to establish lasting peace in war-torn and strife ridden areas of the world. Seventeen years of research have shown that while women are not usually combatants in these hostilities, women and children tend to disproportionately form the ranks of the displaced and victimized.

Today, I will introduce a resolution encouraging worldwide efforts seeking the greater involvement of women to challenge the belief that violence is an acceptable tool in resolving conflicts. While every member of a community should take affirmative steps to ameliorate violence, the role of women in these efforts are often undervalued. My resolution will encourage women of every race, class and economic circumstance to work together to form coalitions and strengthen communities to work toward international peace-building efforts and will encourage governmental leaders to seek the participation of women at all levels of peace-building and peace-keeping efforts.

My resolution encourages the use of the week following Mother’s Day to hold forums, conferences, and other activities dedicated to examining the need for peace and the role of women in establishing and maintaining peace-building efforts. I am asking each Member of this House to join me in my efforts to raise the volume of women’s voices and encourage non-violent solutions to domestic, national and international disputes, by co-sponsoring this legislation.

tribute to reiko kawakami

HON. ROBERT T. MATSUI
of California
in the house of representatives
Tuesday, December 18, 2001

Mr. MATSUI. Mr. Speaker, I rise in tribute to Reiko Kawakami, my dear friend and a most cooperative and dependable staff member for the last twenty-three years. As her friends and family gather to celebrate Reiko’s wonderful career, I ask all of my colleagues to join me in saluting one of Sacramento’s finest citizens.

The youngest child of George and Ann Kashiwada, Reiko was born in Sacramento on July 8th, 1941. As a youngster in midtown Sacramento, where her parents owned a neighborhood market, Reiko demonstrated her trademark responsibility at a very early age. Reiko and her sister, Sumie, took on the task of making sure that things were in order at home. Reiko would often prepare meals and perform various household chores when her parents were busy tending to the family business.

When World War II broke out, Reiko and her family were sent away to the Tule Lake Internment Camp. During the internment, Reiko first demonstrated her gregarious nature and agreeable personality by socializing and playing with the other children in the camp. In the years since the internment, Reiko has remained open to share her experience with others. Reiko has been a clear and thoughtful voice in educating the people of Sacramento about the Japanese American internment experience.

After the internment and a two-year stay in Denver, Colorado, Reiko and her family returned to Sacramento in 1948. It was during my early years at William Land Park Elementary School that I began my lifelong friendship with Reiko. While at Mrs. Wendt’s School, Reiko caught the eye of Hachi Kawakami. Although a school boundary change forced Reiko to finish her senior year at Sacramento High School, Reiko and Hachi’s romance continued and they were soon married after Reiko’s graduation from high school in 1958.

For the next two decades, Reiko devoted her energy to raising her five wonderful children; Deann, Cynthia, Mark, Susan, and John. While most people would rest on their laurels and look for less demanding pursuits after raising five children, Reiko decided that she was ready to embrace another challenge by starting a career. After serving as a tireless volunteer on my first congressional campaign, Reiko took on the position as my first district Staff Assistant.

Many things have changed about our world since Reiko first assumed the position of Staff Assistant in my district office in January of 1979. We have seen five different occupants of the White House, the fall of the former Soviet Union, and the rise of the Internet superhighway. But, one thing has always remained constant in my office over the past twenty-three years; Reiko has been a stalwart part of ensuring that business in my office is handled professionally and in the proper manner. Reiko has truly been the epitome of a leader through example to her peers from Sacramento to Washington, DC over the years. For that, I will always be grateful for her twenty-three years of unparalleled service and lifelong friendship.

Although Reiko’s professional career may be coming to an end, she certainly has much to look forward to in her retirement years. In addition to her five children and their spouses, Reiko can look forward to taking an active role in the lives of her lovely grandchildren; Nicole, Rachelle, Jordan, Dylan, Brett, and Taylor. Reiko and Hachi can also look forward to pursuing their dream to travel to fun and exciting places in their leisure time.

Mr. Speaker, as Ms. Reiko Kawakami’s friends and family gather to celebrate and honor her illustrious twenty-three-year career I am honored to pay tribute to one of my dearest friends. Her contributions to my office and
Mr. WALDEN of Oregon. Mr. Speaker, I rise today to pay tribute to a member of my Washington, DC staff for his tireless efforts on behalf of the good people of Oregon’s 2nd Congressional District. Cameron Ballantyne will conclude his internship this week to pursue a degree at my alma mater, the University of Oregon. I wish him well in this endeavor and know that he will excel in his pursuit of a career in the field of journalism.

Cameron comes from a fine Oregon family. I know and admire his parents, Kent and Mary Ballantyne of Lake Oswego, Oregon, and count myself fortunate to call them my friends. I have not been surprised to find that in Cameron’s case, the apple does not fall far from the tree.

Following his graduation from high school, Cameron’s academic pursuits led him to the Rexburg, Idaho, campus of Brigham Young University. After an exemplary academic performance there, Cameron embarked on a two-year mission in the service of his church in Moscow, Russia, where he became fluent in the Russian language. His strong sense of duty and idealism was further demonstrated when he returned to Oregon to work for the American Red Cross Blood Service. Cameron continued his record of civic service in September by moving to the nation’s capital to serve as an intern in my congressional office.

During his stay in Washington, DC, Cameron experienced much more than the typical intern. He joined my staff only one week before the tragic events of September 11th and from his vantage point in Washington witnessed the best and worst of humanity. Cameron was undeterred by the attacks and continued to perform every task he was given with diligence and attention to detail. His efforts were instrumental in responding to the immediate challenges facing my staff, providing much needed help during our temporary displacement from the Longworth Building. Cameron’s faithful service gave me full confidence to trust him with important work in a number of subject areas, including press relations.

Cameron’s departure will not go unnoticed in my office, especially among my staff, who relied upon his assistance on a daily basis. I know I speak for them all in testifying to the competence and professionalism Cameron exhibited in carrying out his duties, attributes that will serve him well in any career he chooses. I am confident that Cameron will always approach life with the same enthusiasm he brought with him to work every day. I am sorry to see him leave, but wish him the best life has to offer. Cameron, good luck, Go Ducks, and thank you for a job well done.
Dubbed simply as the irrepressible Mr. Ralph, he involved himself in virtually creating the esthetic appearance of those who came to his beauty salon to design a better look of themselves and thus achieve a more confident self-esteem.

Out of his hard work and diligence, coupled with his business acumen and personal warmth, his fame as Miami’s hairstylist par excellence emerged. Under the aegis of his salon, Hairstyles by Mr. Ralph, he became the legendary cosmologist whose advice on the challenges of beauty culture and intricacies of hair styling was far and wide.

His tremendous entrepreneurship ultimately propelled him to his engagement with the well-being of Miami’s innercity residents. In 1983 he was appointed President of the Allaparta Merchants Association where he superbly managed the development and construction of an affordable housing initiative toward the retaining of beauty products and the consolidation of a series of pharmaceutical operations. While he exercised optimum vigilance over the business aspects of the Association, he became the outstanding voice of the overall amelioration of the residents in the innercity.

Sensitized by the awesome hurdles which poor families have to contend with in getting affordable housing and access much-needed capital, Mr. Ralph Packingham became the Executive Director of the Word of Life Community Development Corporation under the auspices of the Word of Life Missionary Baptist Church. At the most recent gathering, in Liberty City tendered to acknowledge his superlative steward and consummate activism. He is a decent and caring man who thoroughly understands the innercity leader.

Ever since I have known this quintessential trailblazer who leads by the forte of his exemplary sacrifices, Mr. Ralph has always been at the forefront of ensuring equality of opportunity in our community. Countless others have been touched by his unflinching advocacy for those who could least fend for themselves. Though currently ailing and confined to a wheelchair, this 72-year old dynamic personality goes about his leadership role over the faith-based Word of Life CDC in reaching out to and representing them in their genuine hope and optimism.

Buoyed by his sterling Faith in a providential God, he has been and continues to be our community’s superlative steward and consummate activist. He is a decent and caring man who understands the accoutrements of power and leadership by exercising them alongside the mandate of his conviction and the wisdom of his conscience. The uniqueness of his modus operandi genuinely personifies his credo that “you gotta do a lot of praying and a little politicking” to ameliorate the lives of others.

Mr. Ralph Packingham epitomizes a refreshing advocate whose unflinching compassion and resilient spirit appeal to our noblest character. Indeed, I feel so privileged but deeply humbled to represent him in the hallowed halls of Congress.

CONGRATULATING STEPHEN JOHNSON AND DENNIS PARKER ON THEIR ESSAYS ABOUT “WHAT MAKES AMERICA GREAT”

HON. MARCY KAPTR
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 18, 2001

Mr. KAPTR. Mr. Speaker, each year Crestwood Elementary School in Swanton, Ohio spends Veterans’ Day honoring local veterans. It is an insightful and moving day-long series of events in which both the children and adults fully participate. The 2001 observance featured two essays describing “What Makes America Great” which I would like to enter into the RECORD. The first is by 6th grader Stephen Johnson and the second by 6th grader Dennis Parker.

Three things that make America great are: freedom, the land and its climate, and the people. First of all freedom makes America great because we can choose our government. For example we can elect candidates for president, vice president, mayor, trustee, secretary, and various other offices within our community’s government system. We have the freedom to go where we want, and how we’re going to get there. We also have freedom to buy, and derive what we want. For example, we can buy airplane tickets, car houses, and many other things. We are even allowed to choose what we want to do with our lives. For example we could be a doctor, nurse, dentist, president, vice president, and many different jobs within our country.

Secondly America’s land and its climate make America an abundant and bountiful country to live in. The land provides us with minerals, food, water, shelter, wildlife, and the clothes such as cotton. The climate provides the country with a climate of darkness, warmth, coldness, and the four seasons. The climate has caused America to form oceans, mountains, valleys, plateaus, and hills. The chemical resources for concrete, lumber, paper, and oil, for cars and other automobiles, water for drinking, and land for farming.

Thirdly the people make America great because history and events are based on people. The people are faithful, and loyal to their country. There are many different kinds of people living in America, and the events are based on people because there was the Boston Tea Party, World War I, World War II, and there was the tragedy that happened in 9/11. The people are faithful, and loyal to their country by recycling, burning waste, not polluting the air, and many other things to help our environment. There are many different kinds of people living in America because in America you are free to pick your job, your house, and many other things that make America a great place to live in.

Here is the second essay:

If you want to know what makes America great, then take a look around you. I think people took America for granted until the terrorists’ acts on September 11, 2001. In a heartbeat, innocent lives were destroyed. Instead of television heroes like Batman and Superman, they became firefighters, police, andlicemen, and just ordinary people like moms and dads, every day Americans just like you and me.

Our country’s freedom was taken for granted by Americans that was won by our veterans and forefathers. We fought in wars to end injustices, communism, and nationalism. Now, we are trying to stop terrorists, and our country is under attack.

People show their love and patriotism for our country by flying flags, giving blood, money and food to people in need. They don’t care about how much money we have or our skin color. They just want to help out. That is why America is the best country in the world.

If you want to know what freedom is, then look around you. We have freedom of speech, religion, and education. We can go to school, speak, and pray without being punished. We aren’t told what job to have, where to live, and what to do. We have many laws, but they are not to punish us, they are to protect us. America is great because we can vote for whoever we want in a secret ballot. We are allowed to choose our president, governor, or mayor without being punished.

So basically, America is great because and so are its people. They want to help America and make it even more united. Our veterans played a very important part in American history because they helped us gain freedom.

So remember every time you say the Pledge of Allegiance, or sing the national anthem, be proud, and think of our real heroes. They gave their lives so we are free because we are United. God Bless America!

HONORING THE DEARBORN/DEARBORN HEIGHTS CHAPTER OF THE LEAGUE OF WOMEN VOTERS ON THE OCCASION OF THEIR 50TH ANNIVERSARY

HON. JOHN D. DINGELL
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 18, 2001

Mr. DINGELL. Mr. Speaker, I am pleased to rise today to pay tribute to the Dearborn/Dearborn Heights Chapter of the League of Women Voters on their 50th Anniversary. Recognized by the National League of Women Voters on December 19, 1951, the Dearborn/ Dearborn Heights Chapter has fulfilled and continues to fulfill it’s primary goal of encouraging the informed and active participation of citizens in government, working to increase understanding of major public issues and influencing public policy through education and advocacy.

The Dearborn/Dearborn Heights Chapter has provided numerous services to the community since their inception in 1951. In 1952, they provided election-day childcare in 63 precincts, allowing parents to vote. They helped establish the Northwestern Child Guidance Clinic in 1963. Throughout the years, they have worked with ABC News on election-day exit polling. These fine women have helped pass library proposals and establish a diversity committee which works to engage local students in community discussions. Mr. Speaker, these women have served their community well.

Though they are a non-partisan group, the Dearborn/Dearborn Heights Chapter of the League of Women’s Voters is extremely political, focusing their efforts on child health and...
Mr. Speaker, fairness and equity should be the watchword when it comes to the treatment of our federal workforce—the hundreds of thousands of men and women who dedicate their lives to service to this nation and our people. With the changes proposed in the legislation, I introduce today, federal employees will be able to start to take advantage of the full value generated over the deferred period from investing what was deposited into the trust fund on their behalf. They will be protected from inflation and their annuity will be earned money and having parents decide locally how their money should be spent on education.

The RETIREMENT of TOM MILLER, PRINCIPAL OF ST. JOSEPH HIGH SCHOOL IN ST. JOSEPH, MICHIGAN

HON. FRED UPTON OF MICHIGAN IN THE HOUSE OF REPRESENTATIVES Tuesday, December 18, 2001

Mr. UPTON. Mr. Speaker, I rise tonight to offer heartfelt congratulations to Tom Miller. Throughout his career, Tom Miller has consistently demonstrated a commitment to the educational development of the future leaders of our society. His professional life has consisted of numerous positions of leadership at various schools in Southwest Michigan, including his current post as principal of St. Joseph High School, which he has served for over 23 years. Tom’s dedication to the enhancement of the educational experience of young people is a truly noble quality, and one that will be sorely missed. Additionally, Tom’s involvement in the athletic arena of the school system has earned him a place in the Battle Creek St. Philip High School Athletic Hall of Fame. Tom spent numerous years involved in student athletics, his basketball teams enjoying a host of victories during his tenure. I would like to wish the best of luck to Tom in his retirement, which will allow him to spend the coming years with his family, including his wife Mary Lou and all of his loved ones.

The CONFERENCE REPORT on H.R. 1, NO CHILD LEFT BEHIND ACT OF 2001 SPEECH OF HON. PHILIP M. CRANE OF ILLINOIS IN THE HOUSE OF REPRESENTATIVES Thursday, December 13, 2001

Mr. CRANE. Mr. Speaker, I want to praise President Bush for putting forth an education plan that offered children in failing schools a chance to get a better education. It is too bad that Democrats and supporters of the failing status quo were allowed to gut the legislation. H.R. 1, at the Committee level to remove any chance for failing schools to successfully improve their performance or to let parents have the option to move their children to better schools.

I believe that control of education should be retained at the local level. Last year, Illinois high school students led the nation in Advanced Placement scores. With a few exceptions, we have good schools in the 8th District, and I don’t want to force parents, school boards, and teachers into a one-size fits all approach that might work in New York City or Atlanta but not in Barrington or Wauconda.

One of the reasons I supported broad-based tax relief, including marriage tax penalty and doubling the child tax credit, is because it lets 70,000 married couples and families with 125,000 children in the 8th District of Illinois keep $162 million per year in their pockets. That is $162 million per year that families could spend in our district on education if they chose to do so.

Former President Ronald Reagan, in a March 12, 1983 radio address to the nation on education, said “Better education doesn’t mean a bigger Department of Education. In fact, that Department should be abolished. Instead, we must do a better job teaching the basics, insisting on discipline and results, encouraging competition and, above all, remembering that education does not begin with Washington officials or even State and local officials. It begins in the home, where it is the right and responsibility of every American.”

When we send a dollar to the federal government from Illinois, we only get 75 cents back. In my district, we send more than $2 to Washington and only get $1 back. With a return like this, it is easy to see why some taxpayers keep the hard-earned money and having parents decide locally how their money should be spent on education.

Federal education funding is at an all-time high, and H.R. 1 increases it by a huge amount. Yet, student achievement continues to lag. Most Republicans in Congress want to give local schools more freedom to use new models to solve old problems while maintaining high accountability standards. I am saddened that H.R. 1 does not accomplish this worthy goal.

One concept that has strong support from parents is President Bush’s proposal to improve public education by testing children in reading and math in grades three through eight once each year. Under President Bush’s plan, schools would be held accountable for either improving scores or losing their federal money, which accounts for seven cents of every education dollar.

I fully support this provision and am gratified it has been included in the conference report before us today. In fact, during debate on H.R. 1 in May of this year, I voted against the amendment co-sponsored by Congressmen PETER HOEKSTRA and BARNEY FRANK to remove President Bush’s test requirement from the bill. The tough new testing regimen designed to identify failing public schools—an idea at the heart of President Bush’s education plan—survived when the amendment failed. But the rest of the President’s plan to give local schools more control to improve the changes necessary to improve and to give parents the option to move their children to a better private school were stripped out of the bill.

For the reasons I have outlined, I have decided to vote against H.R. 1. Again, I want to praise President Bush for his leadership in proposing creative solutions to improving the education of our children. I encourage him to continue to move the federal government out of the way and to give schools more flexibility and parents more choices for their children.
TRIBUTE TO THE STUDENTS AND STAFF OF BECKEMEYER GRADE SCHOOL, HILLSBORO, ILLINOIS

HON. JOHN SHIMKUS
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 18, 2001

Mr. SHIMKUS. Mr. Speaker, I rise today to pay tribute to the students and staff of Beckemeyer Grade School in Hillsboro, Illi- nois, and the heartwarming project they under- took to bring comfort to the victims of the re- cent tragedies.

The attacks of September 11th were a hor- rible shock to everyone in the United States, but to none were they more devastating than to the victims and their families. American hearts went out to those who would now have to struggle on without the light and laughter of their loved ones who had died. The outpouring of support for these families was enormous, like a bright light of kindness that shone out through the darkness of the disaster. Money, well-wishes and prayers poured in from all across the nation.

Mr. Speaker, the students and staff of Beckemeyer Grade School were part of that outpouring. They purchased several thousand small, glass figurines, called Comfort Angels. These beautiful angels were meant to bring hope and well-wishes to all who viewed them. The people of Hillsboro, lead by their coordi- nator Pamela Hopper, then set an ambitious goal: to distribute an angel to the families of every victim of the tragedy.

They have come astonishingly close to that goal—thousands of Comfort Angels have been distributed to families all over the world. They have found their way to embassies, fire sta- tions, Congressional offices, and homes in New York and Washington. Two thousand of them were distributed by the Salvation Army alone, at the Memorial for the Pentagon on October 11th. And the results have been equally amazing. Letters have poured into Hillsboro, filled with thanks and touching sto- ries.

Mr. Speaker, I am convinced that the terror- ists of September wished to divide and demo- nize our country. Instead, in many ways they have energized us and brought us closer to- gether. The amazing success of the people of Beckemeyer Grade School is a wonderful ex- ample of this—their faith and hard work has allowed them to make a difference in many lives, and they deserve my thanks and the thanks of these chambers.

COMMENDING THE CANADIAN PACIFIC RAILWAY HOLIDAY TRAIN

HON. JERROLD NADLER
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 18, 2001

Mr. NADLER. Mr. Speaker, this year, the Canadian Pacific Railway Holiday Train emb- arked on its third annual “journey of good- will” to collect food throughout Canada and the United States for those most in need. The two powerful engines were loaded with 18 tons of food, and have raised more than $500,000 to combat hunger. On December 4th, one of the three trains traveling throughout the United

States and Canada embarked on its journey from the Fresh Pond Junction Rail Yard in Queens, New York. There, the Canadian Pac- ific Railway hosted a special ceremony hon- oring and remembering the heroes of Sep- tember 11th.

I would like to sincerely thank the Canadian Pacific Railway for having one of their beau- tifully decorated trains originate in New York City. This was a tribute to the men and women who lost their lives in the September 11th tragedy, as well as a tribute to their fami- lies. The victims’ families were invited to the ceremony, and were given to all of the families of the firefighters and police officers who were killed. In addition, Canadian Pacific Railway donated $100,000 to the NYSE Fund for Fallen Heroes. This kindness and generosity is just the most recent example of Canadian Pacific Railway’s long standing commitment to the people of New York.

I commend the Canadian Pacific Railway on their benevolent gestures towards the city of New York, and thank them for not only sup- porting the United States and our families in this time of tragedy, but also for continuing their plight to feed the hungry.

IN HONOR OF MARY LOU WEISS UPON HER RETIREMENT FROM HERMOSA BEACH SCHOOL BOARD

HON. JANE HARMAN
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 18, 2001

Ms. HARMAN. Mr. Speaker, I rise today to honor a good friend, Mary Lou Weiss, who re- tires this month from the Hermosa Beach Uni- fied School District Board of Trustees, on which she has served as Trustee for 16 years, including 6 tours as President.

In her capacity as a School Board Trustee, Mary Lou has been a strong advocate for Hermosa Beach children, helping to ensure they receive the best educational opportuni- ties. Because of her knowledge and expertise, I asked her to serve on my Education Advi- sory Committee.

A long time resident of Hermosa Beach, Mary Lou has contributed to the community in so many other ways as well. She has served as an advisory member for the Hermosa Beach Chamber of Commerce, coached AYSO boys soccer, and served on the advisory board for the Hermosa Beach Education Foundation. For her active contributions, she was named 1998 Hermosa Beach Woman of the Year.

Of special interest, she has managed sev- eral local farmers’ markets, making sure the vendors get the space they need and that the markets run smoothly. I have taken advantage of these markets many times—during my cam- paigns, the farmers’ markets have always been a great way to reach a lot of people, and as a member of Congress, my staff and I often bring our office resources to the commu- nity by setting up our own booth. Mary Lou not only accommodates these important visits for me, but she is always thoughtful enough to provide flowers and to remember that I like Diet Coke.

Mary Lou also is a tremendous resource to my staff, always available to answer questions about policy, politics, or which vendor has the best produce. My staff members over the years consider Mary Lou as an additional “mother.”

This year, Mary Lou chose not to run for an- other term as a School Board Trustee in order to apply her years of experience to a run for Hermosa Beach City Council. Although she was not successful in this endeavor, she once again demonstrated her leadership and com- mitment to the community through the classy way she ran her campaign. I will miss Mary Lou from the School Board, but I know we will continue to work together to ensure that we do the best we can for the children of our community. I join the citizens of Hermosa Beach in wishing Mary Lou and her family well in their future endeavors.

DO REGISTRATION REQUIREMENTS THwart RELIGIOUS FREEDOM?

HON. CHRISTOPHER H. SMITH
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 18, 2001

Mr. SMITH of New Jersey. Mr. Speaker, the “Helsinki” Commission on Security and Co- operation in Europe recently convened a brief- ing which examined the policies of various governments which require registration of reli- gious groups and the effect of such policies on the freedom of religious belief and practice. There was evidence that such requirements can be, and often are, a threat to religious freedom among countries in the Organization for Security and Cooperation in Europe (OSCE).

As Co-Chairman of the Helsinki Commissi- on, mandated to monitor and encourage compliance with the Helsinki Final Act and other OSCE commitments, I have become alarmed over the past decade by the creation of new laws and regulations in some OSCE countries that serve as a roadblock to the free exercise of religious belief. These actions have not been limited to emerging democ- racies, but include Western European coun- tries such as Austria.

Many of these laws are crafted with the in- tent to repress religious communities deemed nefarious and dangerous to public safety. One cannot deny that certain groups have hidden behind the veil of religion in perpetrating mon- strous and perfidious acts. The September 11th tragedies have been a grim reminder of that. Yet, while history does hold examples of religion employed as a tool for evil, these are exceptions and not the rule. In our own coun- try, during the Civil Rights Movement, religious communities were the driving force in the ef- fort to overturn the immoral “separate but equal” laws and provide legal protections. If strict religious registration laws had existed in this country, government officials could have clamped down on this just movement, possibly delaying long overdue reform.

While OSCE commitments do not forbid basic registration of religious groups, govern- ments often use the pretext of “state security” to quell groups espousing views contrary to the ruling powers’ party line.

Registration laws are often designed on the premise that minority faiths are inimical to gov- ernment goals. Despite more strenu- ous provisions cite crimes committed by indi- viduals in justifying stringent registration re- quirements against religious groups, ignoring
the fact that criminal laws should be adequate to combat criminal activity. In other situations, some governments have crafted special church-state agreements, or concordats, which exclusively give one religious group powers and rights not available to other communities. By creating two-tiered hierarchies, governments can run the risk of dispersing privileges and authority in an inequitable fashion, ensuring that other religious groups will never exist on a level playing field, if at all. In a worst case scenario, by officially recognizing “traditional” or “historic” communities, governments can reflect an ambivalence towards minority religious groups. Such ambivalence can, in turn, create an atmosphere in which hostility or violence is perpetrated with impunity. The persistent brutality against Jehovah’s Witnesses and evangelical groups in Georgia is an example of State authorities’ failure to bring to justice the perpetrators of such violence.

Mr. Speaker, religious registration laws do not operate in a vacuum; other rights, such as freedom of association or freedom of speech, are often enveloped by these provisions. Clamping down on a group’s ability to exist not only contravenes numerous, long-standing OSCE commitments, but can effectively remove from society forces that operate for the general welfare. The recent liquidation of the Salvation Army in Moscow is a lucent example. What is the situation? The people who are among the beneficiaries who now benefit from the Salvation Army’s ministries of mercy.

Each OSCE participating State has committed to full compliance with the provisions enumerated in the various Helsinki documents. The Bush Administration’s commitment to religious freedom has been clearly articulated. In a March 9, 2001 letter, Dr. Conodelezza Rice, National Security Advisor, wrote: “President Bush is deeply committed to promoting the right of individuals around the world to practice freely their religious beliefs.” She also expressed her concern about religious discrimination. In a separate letter on March 30th of this year, Vice President Dick Cheney echoed this commitment when he referred to the promotion of religious freedom as “a defining purpose of the American presidency.” He went on to declare the Bush Administration’s commitment “to advancing the right of individuals around the world to practice freely their religious beliefs.”

Since the war on terrorism was declared, the President has made clear the distinction between acts of terrorism and religious practice. In his address to the country, Mr. Bush stated: “The enemy of America is not our many Muslim friends. . . . Our enemy is a radical network of terrorists and every government that supports them.”

“The terrorists are traitors to their own faith, trying, in effect, to hijack Islam itself.” Accordingly, I believe this administration will not stray from supporting religious freedom during this challenging time.

Out of concern about recent developments and trends in the OSCE region, the Helsinki Commission conducted this briefing to discuss registration roadblocks affecting religious freedom. I was pleased by the panel of experts and practitioners assembled who were kind enough to travel from Europe to share their thoughts. Among the experts, including Dr. Sonja van Bijnerveld, a professor of law in The Netherlands and current Co-Chair of the OSCE Advisory Panel of Experts on Freedom of Religion or Belief, Dr. Gerhard Robbers, a member of the OSCE Advisory Panel of Experts and professor of law in Germany; Mr. Vassilios Tsirbas, interim executive director and senior legal counsel for the European Centre for Law and Justice in Strasbourg; and Col. Kenneth Baillie, commanding officer for the Salvation Army Europe.

Dr. van Bijnerveld made the point that the “assessment of registration from the point of view of religious liberty depends entirely on the function that registration fulfills in the legal system, and the consequences that are attached to registration.”

She concluded: “A requirement of registration of religious groups as a pre-condition for the lawful exercise of religious freedom is worse in the light of international human rights standards. [Needing the government’s permission for a person to exercise his religion in community with others is, indeed, problematic in the light of internationally acknowledged religious liberty standards. Religious liberty should not be made dependent on a prior government clearance. This touches the very essence of religious freedom.”

Mr. Robbers noted that registration of religious communities is often a requirement but “it need not be a roadblock to religious freedom. In fact, it can free the way to more positive religious freedom if correctly performed.”

He further stated, “The right to religious activity in Russia, as of February 2001, is a free over-ride of registration procedures must meet certain standards. Registration must be based on equal treatment of all religious communities. . . . [and the process of registration must follow due process of law].”

He further noted that “religious activity in Russia and the exercise of religion is possible even without being registered as religious community.” He made clear that the minimum number of members required for registration need not be too many and there should be no minimum period of existence before registration is allowed.

The third panelist, Mr. Tsirbas, opined, “Within this proliferation of the field of human rights, the Helsinki Final Act is a more than promising note. The commitment to respect human rights and fundamental freedoms, including freedom of thought, conscience, religion or belief for all, without distinction as to race, sex, language or religion, basically summarizes the . . . protection of international and domestic legal documents. Religious liberty stands out as one of those sine qua non conditions for an atmosphere of respect for the rights of individuals or whole communities.” Mr. Tsirbas also stated, “If the protection of the individual is considered the cornerstone of our modern legal system, religious freedom and its community must be possible even without being registered as religious community. . . .”

Lastly, Col. Kenneth Baillie, spokesman for the Salvation Army in Eastern Europe, outlined the experience of registering his organization in Moscow. “In Russia, as of February this year, we are registered nationwide as a centralized religious organization, [however] the city of Moscow is another story. We have been registered as a religious group in Moscow since 1992. In response to the 1997 law, like everyone else, we applied for re-registra-

...
out of elementary school because of the perceived lack of value in educating young women in that society. Often sneaking to school and borrowing school books, she eventually taught herself how to read, while never receiving a formal education. She continues to be an avid reader of novels and biographies and reads the Greek newspapers daily.

After World War II, Yia Yia came to America with her husband and worked as a seamstress while he worked at a dry cleaning and tailor shop. Achieving an education was stressed in the household and their goal was always to be able to provide their children the opportunity to receive a quality education. Throughout the years, with the money they saved, this goal was accomplished as Yia Yia’s children and four grandchildren have all received a higher education.

Having endured World War I, the flu epidemic of 1918, the economic depression of the 1930’s, German occupation during World War II, and the Greek Civil War, the only heartache Argylo Laos holds is over never having received a formal education. However, assisting today’s students in overcoming the financial obstacles to higher education is a selfless way to give to others the opportunity she never had and therefore a fitting tribute to the much beloved matriarch of the Laos family.

INTRODUCING THE RETIREMENT ACCOUNT PROTECTION ACT OF 2001

HON. KEN BENTSEN
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 18, 2001

Mr. BENTSEN. Mr. Speaker, I am introducing legislation to address one troubling issue raised in the wake of the Enron Corporation’s sudden stunning demise—the lockdown of Enron employee 401(k) accounts. The Retirement Account Protection Act of 2001 (RAPA) will bar employers from unilaterally and arbitrarily freezing sales of company stock by an employee from their 401(k) pension plans or other Employee Stock Ownership Plans (ESOPs).

Mr. Speaker, while we accept that lockouts are often ordered in the routine course of plan management by a business, the simple fact is that they unfairly tie the hands of employees. The sudden collapse of the Enron Corporation illustrates how the impact of a lockdown can damage the retirement security of employees. As part of a routine switch of administrators for its employees, Enron froze employee retirement accounts, packed with its stock, right as shares plummeted in late October and early November. When all was said and done, Enron Corporation’s 401(k) plan lost about $1 billion in value. Enron employees assert that during the lockout, they could only watch in horror as the value of their company stock fell from $30.72 at the close of trading on October 16 to $11.69 on November 19. The anxiety about their jobs was compounded by their inability to protect their retirement savings from decimation.

Under RAPA, employers would no longer have the unfettered discretion to undertake such actions. While there is nothing that the Congress can do to guarantee against downturns in the value of company stock, we can ensure that employees retain the same right that any investor has to take whatever actions they deem necessary to protect their retirement savings, including selling company stock.

RECOGNITION OF MRS. CORA HIDALGO HOLLAND’S DEATH

HON. HILDA L. SOLIS
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 18, 2001

Ms. SOLIS. Mr. Speaker, I rise to recognize Mrs. Cora Hidalgo Holland, my dear friend Michael Aldaco’s aunt, who was a victim of the terrorist attacks on September 11, 2001.

Mrs. Hidalgo Holland led an exemplary life that touched many people’s lives. She exercised a subtle kind of leadership and made numerous contributions to her community. Throughout her life of service she became a role model and intellectual in her community, helping young, severely “at-risk” mothers, Spanish-speaking teenagers, who were largely on their own. Mrs. Hidalgo Holland taught them the basics of parenting and basics of child-rearing and about nutrition, hygiene, and intellectual development. She also volunteered at a center that collected and provided free groceries to needy families.

Mrs. Hidalgo Holland played an integral role in her family. She showed her unbounded love to those dearest to her because family was of utmost importance to her. Thus, she contributed greatly to their development and happiness. She will be missed by those who loved her dearly for the many blessings she brought. Although her death brought much pain, it served to bring her family closer and to realize the fragility of life and the importance of voicing our love for those we love.

I am saddened by the loss of such a fine member of our community. I extend my sincerest condolence to Mrs. Hidalgo Holland’s family, as we all mourn the loss of a role model and a exceptional person.

EXPRESSING THANKS TO THE GOVERNMENT PRINTING OFFICE

HON. STENY H. HOYER
OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES
Wednesday, December 19, 2001

Mr. HOYER. Mr. Speaker, with my strong support the House recently approved resolutions expressing gratitude to the General Accounting Office for accommodating the House during the recent closure of the House office buildings, and honoring the Capitol Police for their commitment to security at the Capitol in the aftermath of the September 11th attacks. I wish to bring to the House’s attention yet another legislative-branch agency that has gone the extra mile to support the Congress in this period of crisis: the Government Printing Office.

We would be remiss in overlooking the GPO’s many contributions of the last three months. When the presence of anthrax necessitated the closure of House and Senate office buildings in October and November, GPO was ready to lend a hand. GPO provided conference room and office space for personnel from the Office of the Clerk of the House and the Senate’s Office of Legislative Counsel to continue their important operations. For the Capitol Police, GPO made available the loading docks in its North Capitol Street warehouse for use in screening deliveries to Capitol Hill. Each day, up to 70 trucks destined for the Capitol complex pass through this operation, and it has been an enormous help to us.

GPO has provided other help since September 11. For example, when the Equal Employment Opportunity Commission’s regional office was destroyed by the collapse of the World Trade Center complex, GPO established a secure, password-protected area on their web site, so displaced EEOC employees
could log-on from home or other places and resume the Commission’s work. Personnel from GPO’s Inspector General office even helped with recovery efforts at the Pentagon and in New York.

While GPO has provided support in these extraordinary ways, it has also carried on its routine but essential work in printing and information dissemination under the leadership of Public Printer Michael F. DiMario. GPO’s printing operation recently earned accolades as the “Number One In-Plant in the Nation” from In-Plant Graphics magazine, a printing-industry journal, for the fourth consecutive year.

Mr. Speaker, the past three months have been unlike any in recent memory. People are working hard the world over to see that such a period never recurs, and to rid the world of terrorism once and for all. We are reminded that at times we must meet extraordinary challenges in extraordinary ways in order to fulfill our responsibilities. As a citizen, and as a Representative in Congress, I find it tremendously gratifying to know that we have in the GPO the creativity, the capability, and the willingness to keep the wheels of our democracy turning on behalf of the American people. I thank the dedicated employees of the GPO for doing their part of a job well done.
HIGHLIGHTS

The House agreed to the conference report on H.R. 3061, Labor, HHS, Education Appropriations.

The House agreed to the conference report on H.R. 2506, Foreign Operations Appropriations.

Senate

Chamber Action

Routine Proceedings, pages S13647–S13772

Measures Introduced: Twelve bills and one resolution were introduced, as follows: S. 1848–1859, and S. Res. 193.

Measures Reported:
S. 415, to amend title 49, United States Code, to require that air carriers meet public convenience and necessity requirements by ensuring competitive access by commercial air carriers to major cities, with an amendment in the nature of a substitute. (S. Rept. No. 107–130)

Measures Passed:

Authorizing Senate Leave Without Pay Status:
Senate agreed to S. Res. 193, authorizing certain employees of the Senate who perform service in the uniformed services to be placed in a leave without pay status.

Federal Farm Bill:
Senate continued consideration of S. 1731, 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, taking action on the following amendments proposed there-to:

Rejected:
Hutchinson Amendment No. 2678 (to Amendment No. 2471), in the nature of a substitute. (By 59 yeas to 38 nays (Vote No. 376), Senate tabled the amendment).

Pending:
Daschle (for Harkin) Amendment No. 2471, in the nature of a substitute.

Wellstone Amendment No. 2602 (to Amendment No. 2471), to insert in the environmental quality in-

Treaties Approved: The following treaty having passed through its various parliamentary stages, up to and including the presentation of the resolution of ratification, upon division, two-thirds of the Senators present and having voted in the affirmative, the resolution of ratification was agreed to:

Treaty with Russia on Mutual Legal Assistance in Criminal Matters, with three conditions (Treaty Doc. 106–22).

Messages From the President: Senate received the following message from the President of the United States:

Transmitting, pursuant to law, a report on Aeronautics and Space Activities for Fiscal Year 2000; to the Commerce, Science, and Transportation. (PM–62)

Nominations Confirmed: Senate confirmed the following nominations:
2 Air Force nominations in the rank of general.
1 Army nomination in the rank of general.
Routine lists in the Air Force, Army.

Nominations Received: Senate received the following nominations:
John M. Rogers, of Kentucky, to be United States Circuit Judge for the Sixth Circuit.
Timothy C. Stanceu, of Virginia, to be a Judge of the United States Court of International Trade.

Messages From the House:
NOMINATIONS
Committee on Banking, Housing, and Urban Affairs: Committee ordered favorably reported the nominations of Vickers B. Meadows, of Virginia, to be Assistant Secretary for Administration, and Diane Leneghan Tomb, of Virginia, to be Assistant Secretary for Public Affairs, both of the Department of Housing and Urban Development.

Committee on Commerce, Science, and Transportation: Committee ordered favorably reported the nominations of Emil H. Frankel, of Connecticut, to be an Assistant Secretary of Transportation, Jeffrey Shane, of the District of Columbia, to be Associate Deputy Secretary of Transportation, and Sean O’Keefe, of New York, to be Administrator of the National Aeronautics and Space Administration.

Committee on Finance: Committee concluded hearings on the nomination of Edward Kingman, Jr., of Maryland, to be Assistant Secretary for Management and Budget, and Chief Financial Officer, Department of the Treasury, after the nominee testified and answered questions in his own behalf.
House of Representatives

Chamber Action

Reports Filed: Reports were filed today as follows:

Conference report on H.R. 2506, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002 (H. Rept. 107–345);


H. Res. 320, providing for consideration of H.R. 3529, to provide tax incentives for economic recovery and assistance to displaced workers (H. Rept. 107–348);

H. Res. 321, waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (H. Rept. 107–349); and


Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative Isakson to act as Speaker pro tempore for today. Page H10357

Member Sworn—Second District of South Carolina: Representative-elect Joe Wilson of South Carolina presented himself in the well of the House and was administered the Oath of Office by the Speaker. (See next issue.)

Enrollment Correction: The House agreed to the Senate amendment to H. Con. Res. 289, directing the Clerk of the House of Representatives to make technical corrections in the enrollment of the bill H.R. 1, to close the achievement gap with accountability, flexibility, and choice, so that no child is left behind. (See next issue.)

Labor, HHS, Education Appropriations Conference Report: The House agreed to the conference report on 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, by a yea-and-nay vote of 393 yeas to 30 nays, Roll No. 504. (See next issue.)

The conference report was considered pursuant to a unanimous consent order of the House of Dec. 18. (See next issue.)

Foreign Operations Appropriations: The House agreed to the conference report on H.R. 2506, making appropriations for foreign operations, export financing and related programs for the fiscal year ending September 30, 2002, by a yea-and-nay vote of 356 yeas to 66 nays, Roll No. 505. (See next issue.)

Earlier, agreed by unanimous consent that it be in order at any time on Wednesday, December 19, 2001 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. (See next issue.)

Order of Business—Suspensions: Pursuant to the notice requirements of H. Res. 314, Representative Boehner announced that the following measures will be considered under suspension of the rules on Wednesday, December 19, 2001: H.R. 2336, authority to redact financial disclosure statements of judicial employees and judicial officers; H.R. 3525, Border Security of the United States, and H.R. 3423, Eligibility of Reservists and their Dependents for Burial in Arlington National Cemetery. Subsequently, Representative Kolbe announced that the following measures will also be considered: H.R. 2561, Living American Hero Appreciation Act; and H.R. 2751, General Shelton Congressional Gold Medal Act. Representative Kolbe further announced that H.R. 3487, Nurse Reinvestment Act; H.R. 3504, Qualified Organ Procurement Organizations; and H. Con. Res. 292, Year of the Rose will be considered pursuant to H. Res. 314. (See next issue.)

Motion to Discharge Committee: Representative Kucinich filed a motion to discharge the Committee on Rules from consideration of H. Res. 304, providing for consideration of H.R. 808, to provide certain safeguards with respect to the domestic steel industry. (See next issue.)

Suspensions: The House agreed to suspend the rules and pass the following measures:

Terrorist Bombings Convention Implementation: H.R. 3275, amended, to implement the International Convention for the Suppression of Terrorist Bombings to strengthen criminal laws relating to attacks on places of public use, to implement the International Convention of the Suppression of the Financing of Terrorism, to combat terrorism and defend the Nation against terrorist acts (agreed to by
a yea-and-nay vote of 381 yeas to 36 nays, Roll No. 501);  

District of Columbia Family Court Act: Agreed to the Senate amendment to H.R. 2657, to amend title 11, District of Columbia Code, to redesignate the Family Division of the Superior Court of the District of Columbia as the Family Court of the Superior Court, to recruit and retain trained and experienced judges to serve in the Family Court, to promote consistency and efficiency in the assignment of judges to the Family Court and in the consideration of actions and proceedings in the Family Court (agreed to by a recorded vote of 418 ayes to 1 noes, Roll No. 502) clearing the measure for the President;  

District of Columbia Police Coordination Act: Agreed to the Senate amendment to H.R. 2199, to amend the National Capital Revitalization and Self-Government Improvement Act of 1997 to permit any Federal law enforcement agency to enter into a cooperative agreement with the Metropolitan Police Department of the District of Columbia to assist the Department in carrying out crime prevention and law enforcement activities in the District of Columbia if deemed appropriate by the Chief of the Department and the United States Attorney for the District of Columbia (agreed to by a recorded vote of 420 ayes with none voting “no”, Roll No. 420)—clearing the measure for the President;  

Endorsing Observer Status for Taiwan at World Health Assembly: H.R. 2739, to amend Public Law 107–10 to require a United States plan to endorse and obtain observer status for Taiwan at the annual summit of the World Health Assembly in May 2002 in Geneva, Switzerland. Agreed to amend the title so as to read: A bill to amend Public Law 107–10 to authorize a United States plan to endorse and obtain observer status for Taiwan at the annual summit of the World Health Assembly in May 2002 in Geneva, Switzerland;  

Border Security of the United States: H.R. 3525, amended, to enhance the border security of the United States. The Clerk was authorized to make corrections and conforming changes in the engrossment of the bill; and  

General Shelton Congressional Gold Medal Act: H.R. 2751, amended, to authorize the President to award a gold medal on behalf of the Congress to General Henry H. Shelton and to provide for the production of bronze duplicates of such medal for sale to the public. The Clerk was authorized to make corrections and conforming changes in the engrossment of the bill.  

Suspensions—Proceedings Postponed: The House completed debate on the following motions to suspend the rules upon which further proceedings were postponed:  

Honoring Dr. James Harvey Early in the Williamsburg, Kentucky Post Office Building: S. 1714, to provide for the installation of a plaque to honor Dr. James Harvey Early in the Williamsburg, Kentucky Post Office Building;  

Major Lyn McIntosh Post Office Building, Valdosta, Georgia: H.R. 1432, to designate the facility of the United States Postal Service located at 3698 Inner Perimeter Road in Valdosta, Georgia, as the “Major Lyn McIntosh Post Office Building”;  


Commending the Crew of the USS Enterprise Battle Group: H. Con. Res. 279, recognizing the service of the crew members of the USS Enterprise Battle Group during its extended deployment for the war effort in Afghanistan;  

Coast Guard Authorization Act for FY 2002: H.R. 3507, to authorize appropriations for the Coast Guard for fiscal year 2002;  


Redacting Financial Disclosure Statements: Agreeing to the Senate amendments to H.R. 2336, to make permanent the authority to redact financial disclosure statements of judicial employees and judicial officers;  

Eligibility of Reservists and their Dependents for Burial in Arlington National Cemetery: H R. 3423, amended, to amend title 38, United States Code, to enact into law eligibility of certain veterans
and their dependents for burial in Arlington National Cemetery;

Living American Hero Appreciation Act: H.R. 2561, amended, to increase the rate of special pension for recipients of the medal of honor, to authorize those recipients to be furnished an additional medal for display purposes, and to increase the criminal penalties associated with misuse or fraud relating to the medal of honor;

Qualified Organ Procurement Organizations: H.R. 3504, to amend the Public Health Service Act with respect to qualified organ procurement organizations;

Nurse Reinvestment Act: H.R. 3487, to amend the Public Health Service Act with respect to health professions programs regarding the field of nursing; and

Year of the Rose: H. Con. Res. 292, supporting the goals of the Year of the Rose;

President’s Message—Nation’s Achievements in Aeronautics and Space During FY 2000: Read a message from the President wherein he transmitted a report on the Nation’s achievements in aeronautics and space during fiscal year 2000—referred to the Committee on Science.

Economic Security and Worker Assistance Act: The House began consideration of H.R. 3529, to provide tax incentives for economic recovery and assistance to displaced workers.

Agreed to H. Res. 320, the rule that provided for consideration of the bill by a yea-and-nay vote of 219 yea to 198 nays, Roll No. 507. Earlier, agreed to H. Res. 319, waiving a requirement of clause 6(a) of rule XIII with respect to consideration of a special rule providing for the consideration or disposition of a bill to provide tax incentives for economic recovery by a yea-and-nay vote of 214 yea to 206 nays, Roll No. 506.

Recess: The House recessed at 8:12 p.m. and reconvened at 9:30 p.m.

Senate Message: Messages received from the Senate will appear in the next issue.

Referrals: S.J. Res. 13, was referred to the Committee on the Judiciary, S. Con. Res. 80, was referred to the Committee on Transportation and Infrastructure; and S.J. Res. 8, was held at the desk.

Quorum Calls—Votes: Five yea-and-nay votes and two recorded votes developed during the proceedings of the House today and will appear in the next issue. There were no quorum calls.

Adjournment: The House met at 10 a.m. and is still in session.

Committee Meetings

ELECTRIC COMMUNICATIONS NETWORKS IN THE WAKE OF SEPTEMBER 11
Committee on Energy and Commerce, Subcommittee on Commerce, Trade, and Consumer Protection held a hearing entitled “Electronic Communications Networks in the Wake of September 11th.” Testimony was heard from public witnesses.

OVERSIGHT
Committee on the Judiciary, Subcommittee on Commercial and Administrative Law held an oversight hearing on the Alabama-Coosa-Tallapoosa River Basin Compact and the Apalachicola-Chattahoochee and Flint River Basin Compact. Testimony was heard from Lindsay Thomas, Federal Commissioner, Alabama-Coosa-Tallapoosa/Apalachicola-Chattahoochee-Flint River Basin Commissions; and public witnesses.

OVERSIGHT
Committee on the Judiciary: Subcommittee on Immigration and Claims held an oversight hearing on the Release Policies of the Immigration and Naturalization Service and the Executive Office for Immigration Review. Testimony was heard from the following officials of the INS, Department of Justice: Joseph R. Greene, Acting Deputy Executive Associate Commissioner, Field Operations; and Edward McElroy, District Director, New York District Office; and public witnesses.

ECONOMIC SECURITY AND WORKER ASSISTANCE ACT
Committee on Rules: Granted, by voice vote, a closed rule on H.R. 3529, to provide tax incentives for economic recovery and assistance to displaced workers, providing two hours of debate in the House equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. The rule waives all points of order against consideration of the bill. The rule provides one motion to recommit with or without instructions. Finally, the rule provides that the yeas and nays shall
be considered as ordered on the question of passage and that clause 5(b) of rule XXI shall not apply to the bill or amendments thereto. Testimony was heard from Chairman Thomas and Representatives Rangel, Jackson-Lee of Texas, Brown of Ohio, and Wu.

SAME DAY CONSIDERATION—CONFERENCE REPORT DOD APPROPRIATIONS

Committee on Rules: Granted, by voice vote, a rule waiving clause 5(b) of rule XXI shall not apply to the bill or amendments thereto. Testimony was heard from Chairman Thomas and Representatives Rangel, Jackson-Lee of Texas, Brown of Ohio, and Wu.

Joint Meetings

APPROPRIATIONS—FOREIGN OPERATIONS

Conferees, on Tuesday, December 18, agreed to file a conference report on the differences between the Senate and House passed versions of H.R. 2506, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002.

COMMITTEE MEETINGS FOR THURSDAY, DECEMBER 20, 2001

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Armed Services: closed business meeting to consider certain civilian and military nominations, 11:30 a.m., SR–222.

Committee on Commerce, Science, and Transportation: to hold hearings on the nomination of John Magaw, of Maryland, to be Under Secretary of Transportation for Security, 9:30 a.m., SR–253.

House

No Committee meetings are scheduled.
Congressional Record

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Next Meeting of the Senate
9:30 a.m., Thursday, December 20

Senate Chamber

Program for Thursday: Senate will consider the conference report on H.R. 3061, Labor/HHS/Education Appropriations Act, with a vote to occur thereon.

Next Meeting of the HOUSE OF REPRESENTATIVES
10 a.m., Thursday, December 20

House Chamber

Program for Thursday: Consideration of Conference report on H.R. 3338, DOD Appropriations (subject to a rule).

Extensions of Remarks, as inserted in this issue

HOUSE

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Frelinghuysen, Rodney P., N.J., E2325, E2327
Harman, Jane, Calif., E2334
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Kanjorski, Paul E., Pa., E2331
Kaptur, Marcy, Ohio, E2332
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Meek, Carrie P., Fla., E2331
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Walden, Greg, Ore., E2331

(House proceedings for today will be continued in the next issue of the Record.)