TEXT OF AMENDMENTS

SA 3580. Mr. CLELAND submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes, which was ordered to lie on the table; as follows:

On page 94, line 16, after the semicolon insert the following: "$15,870,000 shall be made available to the Federal Law Enforcement Training Center for additional instructors, facilities, and equipment required to train new law enforcement staffing required following the September 11, 2001, terrorist attacks, in particular for basic training for the new Transportation Security Administration.".

SA 3581. Ms. LANDRIEU (for herself, Mr. BREAUX, and Mr. HARKIN) submitted an amendment intended to be proposed by her to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes, which was ordered to lie on the table; as follows:

On page 78, line 22, strike "$72,000,000" and insert "$69,463,000".

(1) FINDINGS.—Congress finds the following:

(a) FINDINGS; PURPOSE.—

(1) FINDINGS.—Congress finds the following:

(i) to each of American Samoa, Guam, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands may not be less than the greater of—

(I) $210,000; or

(II) (except in a fiscal year for which the amount appropriated under section 129 is less than the amount so appropriated for the preceding fiscal year) the allotment received by such State under this section for the preceding fiscal year; and

(ii) to any State not described in clause (i) may not be less than the greater of—

(I) $400,000; or

(II) (except in a fiscal year for which the amount appropriated under section 129 is less than the amount so appropriated for the preceding fiscal year) the allotment received by such State under this section for the preceding fiscal year.

(b) The amendments made by subsection (a) take effect on October 1, 2002.

SA 3582. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 77, line 12 and 13, insert the following:

SEC. 103. SUDEN OAK DEATH SYNDROME.

The Secretary of Agriculture shall use $5,000,000 of funds of the Commodity Credit Corporation to arrest, control, eradicate, and prevent the spread of sudden oak death syndrome, of which—

(1) $1,500,000 shall be provided to the Animal and Plant Health Inspection Service; and

(2) $1,500,000 shall be provided to the Forest Service; and

(3) $1,500,000 shall be provided to the Cooperative State Research, Education, and Extension Service.
SA 3584. Ms. STABENOW (for herself and Mr. LEVIN) submitted an amendment intended to be proposed by her to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 101, after line 23, insert the following:

SEC. 1008. Using up to $300,000 of the amount appropriated for fiscal year 2002 for the Department of Transportation for the Coast Guard for acquisition, construction, and improvements by title I of Public Law 107-87 (115 Stat. 836), the Secretary of Transportation for the City of Escanaba, Michigan, for the costs incurred by the City for the repair of the North wall of the municipal dock, Escanaba, Michigan, a facility used by the Coast Guard.

SA 3585. Ms. STABENOW (for herself and Mr. LEVIN) submitted an amendment intended to be proposed by her to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 8, line 18, after “That” insert “the amount,” after “that amount,” insert “$200,000,000 is,” and after “is” insert “to be issued to the Secretary of Education for the purposes of this section.”

SA 3586. Mr. BOND submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 70, between lines 19 and 20, insert the following:

STATE WILDLIFE GRANTS

Of the amounts made available for “United States Fish and Wildlife Service, State Wildlife Grants” under title VIII of the Department of the Interior and Related Agencies Appropriations Act, 2001 (114 Stat. 1025), $2,000,000 is rescinded.

SA 3587. Mr. BOND (for himself and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 48, line 19, strike “$10,000,000” and insert “$22,200,000.”

On page 49, beginning on line 4, strike “floodin” and all that follows through the end of line 6 and insert “floodin in eastern Kentucky, Illinois, Missouri, southwest central and southern West Virginia: Provided, That the $22,200,000 is designated by Congress as an emergency requirement pursuant to section 253(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.”

SA 3588. Mr. NICKLES submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

SA 3589. Mr. KOHL submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

In chapter 10 of title I under the heading “TRANSPORTATION SECURITY ADMINISTRATION”, insert before the period the following:

Provided further. That no amount appropriated by this heading shall be used for prescribing regulations to implement the aviation security program for charter air carriers required by section 132(a) of the Aviation and Transportation Security Act (Public Law 107-71; 115 Stat. 635; 49 U.S.C. 40403 note) unless such regulations include pre-boarding screening requirements (including a search of passengers and their accessible baggage) for aircraft with a maximum certificated take off weight of 12,500 pounds or more.

SA 3590. Mr. HOLINGS (for himself, Mr. BREAX and Mr. LOTT) submitted an amendment intended to be proposed by them to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. 1. CONTAMINATED SEAFOOD.

(a) In General.—Section 801 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381) is amended by—

(1) redesignating subsections (b) through (g) as subsections (c) through (h), respectively; and

(2) inserting after subsection (a) the following:

(b) CONTAMINATED SEAFOOD.—

(1) REFUSAL OF ENTRY.—The Secretary of Health and Human Services shall issue an order refusing admission into the United States of all imports of seafood originating from a country or exporter, the Secretary determines, on the basis of evidence that the Secretary finds reliable and applicable, that shipments of such seafood are likely to contain animal drugs listed in section 353(a)(1) of title 21, Code of Federal Regulations. Such evidence may include—

(A) the detection of such animal drugs by the Secretary

(B) the detection of such animal drugs by an entity commissioned to carry out examinations and investigations under section 702(a) of this Act (21 U.S.C. 372(a))

(C) findings from an inspection team formed under paragraph (4); or

(D) the detection of such animal drugs by an importing country or exporter.

(2) ALLOWANCE OF INDIVIDUAL SHIPMENTS FROM EXPORTING COUNTRY OR EXPORTER.— Notwithstanding an order under paragraph (1) with respect to a shipment of seafood originating in a country or exporter, the Secretary may permit individual shipments of such animal drugs in shipments of seafood that originate from such country or exporter.

SEC. 2. REQUIREMENT FOR CERTIFICATION FROM EXPORTING COUNTRY OR EXPORTER.

A certification of origin from the Secretary of Agriculture certifies that the seafood that the Secretary determines, on the basis of evidence that the Secretary finds reliable and applicable, does not contain animal drugs listed in section 353(a)(1) of title 21, Code of Federal Regulations; or
“(B) the Secretary, or an entity commissioned to carry out examinations and investigations under section 702(a) of this Act (21 U.S.C. 372(a)), has inspected the shipment and has determined that the shipment does not contain such a drug.

“(3) CANCELLATION OF ORDER. — The Secretary may cancel an order under paragraph (1) with respect to a shipment of seafood exported from a country or exporter —

“(A) if an inspection team formed under paragraph (4) has determined that the prohibitions under paragraph (2) no longer apply because the inspector no longer considers such seafood sold for use, or being used in, food-producing animals in the country in which the seafood originated; or

“(B) if all shipments into the United States under paragraph (2) of seafood originating in that country or from that exporter more than 1 year before the date on which the Secretary issued the order have been found, under the procedures described in paragraph (2), not to contain such a drug.

“(4) INSPECTION TEAM. — The Secretary may send 1 or more inspectors to a country or exporter from which seafood exported to the United States originates to assess whether any such drug is sold for use, or is being used in, food-producing animals in that country.

The inspection team shall prepare a report for the Secretary with its findings. The Secretary shall cause the report to be published in the Federal Register.

“(5) CURRENCY LAW. — Within 90 days after the date of enactment of the 2002 Supplemental Appropriations Act for Further Recovery From and Response To Terrorist Attacks on the United States, the Secretary shall publish in the Federal Register a list of laboratories certified by the Secretary for purposes of paragraph (2)(A). The Secretary shall update the list, and publish the updated list, no less frequently than annually.

“(b) CONFORMING AMENDMENTS. — Section 801 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381), as amended by subsection (a), is amended by—

“(1) striking subsection (b) in subsection (a) and inserting “subsection (c)’’;

“(2) striking “paragraph (d)” and inserting “subsection (d)”;

“(3) striking “subsection (e)” in subsection (g)(1) and inserting “subsection (d)”;

“(4) striking “section 801(a)” in subsection (h)(1)(A)(i) and inserting “subsection (a)” of this section’’;

“(5) striking “section 801(a)” in subsection (h)(1)(A)(ii) and inserting “subsection (a) of this section’’; and

“(6) striking “section 801(d)(1)” in subsection (h)(1)(A)(iii) and inserting “subsection (d)(1)” of this section’’.

SEC. 3591. Mr. BIDEN (for himself, Mr. CARPER, Mr. TORRCELLI, and Mr. CORZINE) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end of chapter 3 of title 1, add the following:

SEC. 307. The Secretary of the Army shall obligate and expend the $2,000,000 appropriated for the Army by Public Law 107-117 for procurement of the 260th Mobile Artillery Unit for non-Russian heavy artillery under Activity 1, instead under Activity 2, Production Base Support Industrial Facilities, for the purpose of preserving a commercially owned and operated capability of producing defense grade nitrocellulose at the rate of at least 10,000,000 pounds per year in order to meet the commercial manufacturing capability for munitions precursor supplies for the High Zone Modular Artillery Charge system and to preserve competition in that manufacturing capability.

SEC. 3592. Mr. BAYH (for himself, Ms. MIKULSKI, and Mr. SARBANES) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

In chapter 3 of title 1, insert after the matter following the heading “RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE” the following:

OTHER DEPARTMENT OF DEFENSE PROGRAMS

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, ARMY

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for research and development of other chemical warfare materials that are not in the chemical weapon stockpile, $100,000,000, of which $100,000,000 shall be available for accelerated neutralization of chemical weapons: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SEC. 3593. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 58, line 10, after “Israel” insert the following: “— which may be transferred to, and merged with, funds appropriated by this Act under the heading “Nonproliferation, Anti-Terrorism, Demining, and Related Programs” for nonproliferation and non-light anti-terrorism assistance in accordance with the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961.”

SEC. 3594. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 94, line 19, after “Commerce” insert “Provided further, That the Under Secretary for Transportation Security shall report to the Committee on Appropriations of each House (1) the amount of funds dedicated to improving public transportation security, (2) the number of full-time Transportation Security Administration personnel engaged in improving public transportation security, (3) a plan for improving the security of our Nation’s public transportation systems, and (4) recommendations of any policy changes required to ensure Transportation Security Administration personnel’s and the Federal Transit Administration’s effectiveness in improving public transportation security, (4) a plan for improving the security of our nation’s public transportation systems’’.

SEC. 3595. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table, as follows:

On page 94, line 19, after “Commerce” insert “Provided further, That not later than 30 days after the date of enactment of this Act, the Under Secretary for Transportation Security shall report to the Committee on Appropriations of each House (1) the amount of Transportation Security Administration funds dedicated to improving public transportation security, (2) the number of full-time Transportation Security Administration personnel engaged in improving public transportation security, (3) a plan for improving the security of our Nation’s public transportation systems.”

SEC. 3596. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table, as follows:

On page 97, after line 6 insert the following new proviso:

OTHER DEPARTMENT OF DEFENSE PROGRAMS:

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, ARMY

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for research and development of other chemical warfare materials that are not in the chemical weapon stockpile, $100,000,000, of which $100,000,000 shall be available for accelerated neutralization of chemical weapons: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SEC. 3597. Mr. WARNER (for himself, Mr. HELMS, Mr. MILLER, Mr. HATCH, Mr. KYL, Mr. BROWNBACK, Mr. ALLEN, Mr. ENSIGN, Mr. HUCHINSON, Mr. CRAIG, Mr. SHELBY, Mr. HAGEL, Mr. CRAPO, and Mr. FRIST) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table, as follows:

On page 116, after line 24, add the following:

FINDINGS

This title may be cited as the “American Servicemembers’ Protection Act of 2002”.

TITLE III—AMERICAN SERVICE-MEMBERS’ PROTECTION ACT

SEC. 3001. SHORT TITLE. — This title may be cited as the “American Servicemembers’ Protection Act of 2002”.

SEC. 3002. FINDINGS. —

Congresses makes the following findings:

(1) On July 17, 1998, the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, meeting in Rome, Italy, adopted the “Rome Statute of the International Criminal Court”. The vote on whether to proceed with the statute was 120 in favor to 7 against, with 21 countries abstaining. The United States voted against final adoption of the Rome Statute.

(2) As of April 30, 2002, the United States had signed the Rome Statute and 30 had ratified it. Pursuant to Article 126 of the Rome Statute, the statute will enter into force on the date of deposit by the 60th party of its instrument of ratification, acceptance, approval or accession. The 60th country deposited its instrument of ratification, acceptance, approval or accession on the first day of the month after the 60th day following the date on which the 60th country deposited an instrument ratifying the statute. The statute will enter into force on the date of deposit by the 60th party of its instrument of ratification, acceptance, approval or accession. The 60th country deposited its instrument of ratification, acceptance, approval or accession on the first day of the month after the 60th day following the date on which the 60th country deposited an instrument ratifying the statute.
(3) Since adoption of the Rome Statute, a Preparatory Commission for the International Criminal Court has met regularly to draft documents to implement the Rome Statute, including Rules of Procedure and Evidence, Elements of Crimes, and a definition of the Crime of Aggression.

(4) During testimony before the Congress following adoption of the Rome Statute, the lead United States negotiator, Ambassador David Scheffer stated that the United States could not sign the Rome Statute because the negotiators had undertaken negotiating objectives that the United States had not been able to achieve.

As a result, he stated: "We are left with consequences that do not serve the cause of international justice".

(5) Ambassador Scheffer went on to tell the Congress that: "Multinational peacekeeping forces operating in a country that has joined the treaty can be exposed to the Court’s jurisdiction even if the country of the individual peacekeeper has not joined the treaty. Thus, the treaty purports to establish an arrangement whereby United States armed forces operating overseas could be conceivably prosecuted by the international court even if the United States has not agreed to be bound by the treaty. Not only is this contrary to the fundamental purpose of treaty law, it could inhibit the ability of the United States to use its military to meet alliance obligations and participate in international operations including humanitarian interventions to save civilian lives. Other contributors to peacekeeping operations will be similarly exposed.

(6) Notwithstanding these concerns, President Clinton directed that the United States sign the Rome Statute on December 31, 2000. In a statement issued that day, he stated that in view of the unremediated deficiencies of the Rome Statute, "I will not, and do not recommend that my successor submit the Treaty to the Senate for advice and consent until our fundamental concerns are satisfied."

(7) Any American prosecuted by the International Criminal Court, under the Rome Statute, be denied procedural protections to which all Americans are entitled under the Bill of Rights to the United States Constitution, such as the right to trial by jury.

(8) Members of the Armed Forces of the United States should be free from the risk of prosecution on behalf of the International Criminal Court, especially when they are stationed or deployed around the world to protect the vital national interests of the United States. The United States Government has an obligation to protect the members of its Armed Forces, to the maximum extent possible, against criminal prosecutions carried out by the International Criminal Court.

(9) In addition to exposing members of the Armed Forces of the United States to the risk of international criminal prosecution, the Statute poses a risk to the President and other senior elected and appointed officials of the United States Government may be prosecuted by the International Criminal Court, particularly if the Preparatory Commission agrees on a definition of the Crime of Aggression.

(10) Any agreement within the Preparatory Commission on a definition of the Crime of Aggression would be aggregative of the United Nations Security Council under Article 39 of the charter of the United Nations to "determine the existence of any . . . act or omission which, if committed in the territory of a United Nations Member State, would constitute a threat to international peace and security, breach of the peace, or act of aggression." The President therefore finds that the treaty is aggregative of the charter of the United Nations and undermine deterrence.

(11) It is a fundamental principle of international law that the United States has accepted in its treaties with other parties only and that it does not create obligations for nonparties without their consent to be bound. The United States is not a party to the Rome Statute and therefore is not bound by any of its terms. The United States will not recognize the jurisdiction of the International Criminal Court over United States nationals.

SEC. 2003. WAIVER AND TERMINATION OF PROHIBITIONS OF THIS TITLE.

(a) AUTHORITY TO INITIALLY WAIVE SECTIONS 3005 AND 3007. — The President is authorized to waive the prohibitions and requirements of sections 3005 and 3007 for a single period of 1 year. A waiver under this subsection may be issued only if the President determines and reports to the appropriate congressional committees that the International Criminal Court has entered into a binding agreement that—

(1) prohibits the International Criminal Court from exercising jurisdiction over the following persons with respect to actions undertaken by them in an official capacity: (i) covered United States persons; (ii) covered allied persons; and (iii) individuals who were covered United States persons or covered allied persons, and (B) ensures that no person described in subparagraph (A) will be arrested, detained, prosecuted, or imprisoned by or on behalf of the International Criminal Court.

(b) AUTHORITY TO EXTEND WAIVER OF SECTIONS 3005 AND 3007. — The President is authorized to extend the prohibitions and requirements of sections 3005 and 3007 for successive periods of 1 year each upon the expiration of a previous waiver pursuant to subsection (a) or this subsection. A waiver under this subsection may be issued only if the President determines and reports to the appropriate congressional committees that the International Criminal Court has entered into a binding agreement that—

(1) notifies the appropriate congressional committees of the intention to exercise such authority; and

(2) determines and reports to the appropriate congressional committees that the International Criminal Court has entered into a binding agreement that—

(A) prohibits the International Criminal Court from exercising jurisdiction over the following persons with respect to actions undertaken by them in an official capacity: (i) covered United States persons; (ii) covered allied persons; and (iii) individuals who were covered United States persons or covered allied persons, and (B) ensures that no person described in subparagraph (A) will be arrested, detained, prosecuted, or imprisoned by or on behalf of the International Criminal Court.

(c) WAIVER OF STATUTORY PROHIBITIONS AND REQUIREMENTS OF THIS TITLE. — The President is authorized to waive the prohibitions and requirements of sections 3004 and 3006 to the degree such prohibitions and requirements would prevent United States cooperation with an investigation or prosecution of a named individual by the International Criminal Court. A waiver under this subsection may be issued only if the President at least 15 days in advance of exercising such authority—

(1) notifies the appropriate congressional committees of the intention to exercise such authority, and

(2) determines and reports to the appropriate congressional committees that—

(A) a waiver pursuant to subsection (a) or (b) of the prohibitions and requirements of sections 3005 and 3007 is in effect;

(B) there is reason to believe that the named individual committed the crime or crimes that are the subject of the International Criminal Court’s investigation or prosecution;

(C) it is in the national interest of the United States for the International Criminal Court’s investigation or prosecution of the named individual to proceed; and

(D) in investigating and presenting evidence to the International Criminal Court, none of the following persons will be investigated, arrested, detained, prosecuted, or imprisoned: (i) covered United States persons or covered allied persons; and (ii) Covered allied persons.

(d) TERMINATION OF WAIVER PURSUANT TO SECTION 3007. — Any waiver or waivers exercised pursuant to subsection (a) of the prohibitions and requirements of sections 3004 and 3006 shall terminate at any time that a waiver pursuant to subsection (a) or (b) of the prohibitions and requirements of sections 3005 and 3007 expires and is not extended pursuant to subsection (b).

(e) TERMINATION OF PROHIBITIONS OF THIS TITLE. — The prohibitions and requirements of sections 3004, 3005, 3006, and 3007 shall cease to apply, and the authority of section 3008 shall terminate, if the United States becomes a party to the International Criminal Court pursuant to a treaty made under article II, section 2 of the Constitution of the United States.

SEC. 3004. PROHIBITION ON COOPERATION WITH THE INTERNATIONAL CRIMINAL COURT.

(a) APPLICATION. — The provisions of this section—

(1) apply only to cooperation with the International Criminal Court and shall not apply to cooperation with an ad hoc international criminal tribunal established by the United Nations Security Council before or after the date of the enactment of this Act to investigate and prosecute war crimes committed in a specific country or during a specific conflict; and

(2) shall not affect the jurisdiction of the International Criminal Court over joint offenses committed in the territory of a United States person or entity or the jurisdiction of the International Criminal Court in response to a request for cooperation submitted by the International Criminal Court pursuant to the Rome Statute.

(b) PROHIBITION ON RESPONDING TO REQUESTS FOR COOPERATION. — Notwithstanding section 1702 of title 28, United States Code, or any other provision of law, no United States Court, and no agency or entity of any State or local government, including any court, shall cooperate with the International Criminal Court in response to a request for cooperation submitted by the International Criminal Court pursuant to the Rome Statute.

(c) PROHIBITION ON TRANSMITTAL OF LETTERS ROGATORY FROM THE INTERNATIONAL CRIMINAL COURT.
Criminal Court.—Notwithstanding section 1781 of title 28, United States Code, or any other provision of law, no agency of the United States Government may transmit for execution, arrest, or other request for cooperation made, by the International Criminal Court to the tribunals, officer, or agency in the United States to which it is addressed.

(d) Prohibition on Extradition to the International Criminal Court.—Notwithstanding any other provision of law, no agency of the United States Government or any State or local government may extradite any person from the United States to the International Criminal Court, nor support the transfer of any United States citizen or permanent resident alien to the International Criminal Court.

(e) Provision of Support to the International Criminal Court.—Notwithstanding any other provision of law, no agency or entity of the United States Government or of any State or local government, including any court, may provide support to the International Criminal Court.

(f) Prohibition on Use of Appropriated Funds for the International Criminal Court.—Notwithstanding any other provision of law, no funds appropriated under any provision of law may be used for the purpose of assisting the investigation, arrest, detention, extradition, or prosecution of any United States citizen or permanent resident alien by the International Criminal Court.

(g) Assistance Pursuant to Mutual Legal Assistance Treaties.—The United States shall exercise its rights to limit the use of assistance provided under all treaties and executive agreements for mutual legal assistance in criminal matters, multilateral conventions with legal assistance provisions, and extradition treaties, to which the United States is a party, and in connection with the execution or issuance of any arrest or search warrant or any other process or action seeking to apprehend or take possession of any other person described in subsection (b) who is being detained or imprisoned under an order of such a court.

(h) Prohibition on Investigative Activities.—No agent of the International Criminal Court may conduct, in the United States or any territory subject to the jurisdiction of the United States, any investigation, apprehension, or prosecution in connection with the execution or issuance of any arrest or search warrant or any other process or action seeking to apprehend or take possession of any other person described in subsection (b) who is being detained or imprisoned under an order of such a court.

SEC. 3005. RESTRICTION ON UNITED STATES PARTICIPATION IN CERTAIN UNITED NATIONS PEACEKEEPING OPERATIONS.

(a) Policy.—Effective beginning on the date on which the Rome Statute enters into force pursuant to Article 126 of the Rome Statute, unless the President has submitted to the appropriate congressional committees, in accordance with subsection (c), in the case of Section 1037 of title 10, United States Code, subject to the date on which the Rome Statute enters into force pursuant to Article 126 of the Rome Statute, unless the President has submitted to the appropriate congressional committees, in accordance with subsection (c), with respect to such operation.

(b) Certification.—The certification referred to in subsection (a) shall be by the President that

(1) members of the Armed Forces of the United States are able to participate in the peacekeeping or peace enforcement operation without risk of criminal prosecution or other assertion of jurisdiction by the International Criminal Court, in the case of operation under Chapter VI of the charter of the United Nations or peace enforcement operation under Chapter VII of the charter of the United Nations, the inspection, apprehension, or prosecution of any person described in subsection (b) who is being detained or imprisoned by or on behalf of, or at the request of, the International Criminal Court.

(2) in the case of an operation under Chapter VII of the charter of the United Nations or peace enforcement operation under Chapter VI of the charter of the United Nations, the inspection, apprehension, or prosecution of any person described in subsection (b) who is being detained or imprisoned by or on behalf of, or at the request of, the International Criminal Court.

(3) the United States or any entity of the United States or any territory subject to the jurisdiction of the United States may conduct, in the United States or any territory subject to the jurisdiction of the United States, any investigation, apprehension, or prosecution in connection with the execution or issuance of any arrest or search warrant or any other process or action seeking to apprehend or take possession of any other person described in subsection (b) who is being detained or imprisoned by or on behalf of, or at the request of, the International Criminal Court.

(c) Prohibition of Military Assistance.—Subject to subsections (b) and (c), and effective 1 year after the date on which the Rome Statute enters into force pursuant to Article 126 of the Rome Statute, the President may, without prior notice to Congress, waive the prohibition of subsection (a) with respect to a particular country if he determines and reports to the appropriate congressional committees that it is important to the national interest of the United States to waive such prohibition.

(d) National Interest Waiver.—The President may, without prior notice to Congress, waive the prohibition of subsection (a) with respect to a particular country if he determines and reports to the appropriate congressional committees that it is important to the national interest of the United States to waive such prohibition.

(e) Article 98 Waiver.—The President may, without prior notice to Congress, waive the prohibition of subsection (a) with respect to a particular country if he determines and reports to the appropriate congressional committees that it is important to the national interest of the United States to waive such prohibition.

(f) Exemption.—The prohibition of subsection (a) shall not apply to the government of

(1) a NATO member country;

(2) a major non-NATO ally (including Australia, Egypt, Israel, Japan, Jordan, Argentina, the Republic of Korea, and New Zealand);

(3) Taiwan.

SEC. 3006. AUTHORITY TO FREE MEMBERS OF THE ARMED FORCES OF THE UNITED STATES AND CERTAIN OTHER PERSONS DETAINED OR IMPRISONED BY OR ON BEHALF OF THE INTERNATIONAL CRIMINAL COURT.

(a) Authority.—The President is authorized to use all means necessary and appropriate to bring about the release of any person described in subsection (b) who is being detained or imprisoned by, on behalf of, or at the request of the International Criminal Court.

(b) Persons Authorized To Be Freed.—The authority of subsection (a) shall extend to the following persons:

(1) Covered United States persons.

(2) Covered allied persons.

(3) Individuals detained or imprisoned for violations of international law committed in the course of official actions taken while the individual was a covered United States person or a covered allied person, and in the case of a covered allied person, upon the request of such government.

(c) Authorization of Legal Assistance.—When any person described in subsection (b) is arrested, detained, investigated, prosecuted, or imprisoned, or (at the request of the International Criminal Court) the President is authorized to direct any agency of the United States Government to provide

(1) legal representation and other legal assistance to that person (including, in the case of a person entitled to assistance under Title 18 of this United States Code, representation and other assistance in the manner provided in that section);

(2) exculpatory evidence on behalf of that person;

(3) defense of the interests of the United States through appearance before the International Criminal Court pursuant to Article 18 or 19 of the Rome Statute, or before the courts or tribunals of any country.

(d) Bribery and Other Inducements Not Authorized.—This section does not authorize the provision of any bribe or other such inducements to induce the release of a person described in subsection (b).

SEC. 3007. ALLIANCE COMMAND ARRANGEMENTS.—Nothing in this Act shall apply with respect to any arrangement entered into by the Department of Defense with any other country.
President should transmit to the appropriate congressional committees a report with respect to each military alliance to which the United States is party—(1) describing the degree to which members of the Armed Forces of the United States may, in the context of military operations undertaken by or pursuant to that alliance, be placed under the command or operational control of foreign military officers subject to the jurisdiction of the International Criminal Court because they are nationals of a party to the International Criminal Court; and
(2) evaluating the degree to which members of the Armed Forces of the United States may be placed under foreign command or operational control in order to reduce any risks to members of the Armed Forces of the United States engaged in military operations under the command or operational control of foreign military officers subject to the jurisdiction of the International Criminal Court.
(b) DESCRIPTION OF MEASURES TO ACHIEVE ENHANCED PROTECTION FOR MEMBERS OF THE ARMED FORCES OF THE UNITED STATES.—Not later than 1 year after the date of the enactment of this Act, the President should transmit to the appropriate congressional committees a description of modifications to command and operational control arrangements within military alliances to which the United States is a party that could be implemented in order to reduce any risks to members of the Armed Forces of the United States identified pursuant to subsection (a)(2).
(c) SUBMISSION IN CLASSIFIED FORM.—The report under subsection (a), and the description of measures under subsection (b), or appropriate parts thereof, may be submitted in classified form.
SEC. 1010. WITHHOLDINGS.
Funds withheld from the United States share of assessments to the United Nations or any other international organization owing any fiscal year pursuant to section 705 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (as enacted by section 1000(a)(7) of Public Law 106–113; 113 Stat. 1501A–460), are authorized to be transferred to the Embassy Security, Construction and Maintenance Account of the Department of State.
SEC. 1011. APPLICATION OF SECTIONS 3004 AND 3006 TO EXERCISE OF CONSTITUTIONAL POWERS.
(a) IN GENERAL.—Sections 3004 and 3006 shall not apply to any action or actions with respect to a specific matter involving the International Criminal Court taken by the President on a case-by-case basis in the exercise of the President’s authority as Commander in Chief of the Armed Forces of the United States under article II, section 2 of the United States Constitution or in the exercise of the executive power under article II, section 1 of the United States Constitution on or before July 17, 1998.
(b) NOTIFICATION TO CONGRESS.—(1) In general.—Subject to paragraph (2), not later than 15 days after the President takes or directs an action or actions described in subsection (a) that would otherwise be prohibited under section 3004 or 3006, the President shall submit a notification of such action to the appropriate congressional committees. A notification under this paragraph shall include a description of the action, a determination that the action is in the national security interest of the United States, and a justification for the action.
(2) EXCEPTION.—If the President determines that a full notification under paragraph (1) would not be consistent with the national security interest of the United States or compromise a United States law enforcement activity, not later than 15 days after the President takes or directs an action or actions referred to in paragraph (1) the President shall notify the appropriate congressional committees that an action or actions referred to in such paragraph has been taken pursuant to the power of the President. The President shall provide a full notification under paragraph (1) not later than 15 days after the President takes or directs an action or actions referred to in such paragraph has been taken pursuant to the power of the President under this paragraph no longer apply.
(c) CONSTRUCTION.—Nothing in this section shall be construed as a grant of statutory authority to the President to take any action.
SEC. 1012. NONDELEGATION.
The authorities vested in the President by sections 3003 and 3011(a) may not be delegated pursuant to section 301 of title 3, United States Code, or any other provision of law. The authority vested in the President by section 3005(c)(3) may not be delegated by the President pursuant to section 301 of title 3, United States Code, or any other provision of law to any official other than the Secretary of Defense, and if so delegated may not be subdelegated.
SEC. 1013. DEFINITIONS.
As used in this title and in section 706 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001—
(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means the congressional committees a report with respect to each military alliance to which the United States is party to the International Criminal Court because they are nationals of a party to the International Criminal Court.
(2) CLASSIFIED NATIONAL SECURITY INFORMATION.—The term “classified national security information” means information that is classified national security information.
(3) COVERED ALLIED PERSONS.—The term “covered allied persons” means military personnel, elected or appointed officials, and any other persons working on its behalf to be exempted from the jurisdiction of the International Criminal Court.
(4) COVERED UNITED STATES PERSONS.—The term “covered United States persons” means members of the Armed Forces of the United States, elected or appointed officials of the United States Government, and other persons described in paragraph (5) of this section.
(5) INTERNATIONAL CRIMINAL COURT.—The terms “extradition” and “extradite” mean the extradition of a person in accordance with the provisions of chapter 288 of title 18, United States Code, (including sections 503 and 505 thereof) and such terms include both extradition and surrender as those terms are defined in Article 76 of the Rome Statute.
(6) INTERNATIONAL CRIMINAL COURT.—The term “International Criminal Court” means the court established by the Rome Statute.
(7) MAJOR NON-NATO ALLY.—The term “major non-NATO ally” means a country that has been so designated in accordance with section 517 of the Foreign Assistance Act of 1961.
(8) PARTICIPATE IN ANY PEACEKEEPING OPERATION UNDER CHAPTER VI OF THE CHARTER OF THE UNITED NATIONS OR PEACE ENFORCEMENT OPERATION UNDER CHAPTER VII OF THE CHARTER OF THE UNITED NATIONS.—The term “participate in any peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations” means to assign members of the Armed Forces of the United States to a peacekeeping or peace enforcement operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations in which those members of the Armed Forces of the United States are subject to the command or operational control of one of the United Nations military commands not appointed in conformity with article II, section 2, clause 2 of the Constitution of the United States.
(9) PARTY TO THE INTERNATIONAL CRIMINAL COURT.—The term “party to the International Criminal Court” means a government that has deposited an instrument of ratification, acceptance, approval, or accession to the Rome Statute, and has not withdrawn from the Rome Statute pursuant to Article 127 thereof.
(10) PEACEKEEPING OPERATION UNDER CHAPTER VI OF THE CHARTER OF THE UNITED NATIONS OR PEACE ENFORCEMENT OPERATION UNDER CHAPTER VII OF THE CHARTER OF THE UNITED NATIONS.—The term “peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations” means any military operation to maintain or restore international peace and security that—(A) is authorized by the United Nations Security Council under chapter VI or VII of the charter of the United Nations; and
(B) is paid for from assessed contributions of United Nations members that are made available for peacekeeping or peace enforcement activities.
(12) SUPPORT.—The term “support” means assistance of any kind, including financial support, transfer of property or other material support, services, intelligence sharing, law enforcement cooperation, the training or detail of personnel, and the arrest or detention of individuals.
(13) UNITED STATES MILITARY ASSISTANCE.—The term “United States military assistance” means—(A) assistance provided under chapter 2 or 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.); or
(B) defense articles or defense services furnished with the financial assistance of the United States Government, including through loans and guarantees, under section 23 of the Arms Export Control Act (22 U.S.C. 277c).
SEC. 1014. REPEAL OF LIMITATION.
The Department of Defense Appropriations Act, 2002 (division A of Public Law 107–117) is amended by striking section 8173.
SA 3598. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill H.R. 4775, making supplemental appropriations for the fiscal years ending September 30, 2002, and for other purposes; which was ordered to the Senate and to lie on the table; as follows:
On page 89, between lines 3 and 4, insert the following:
SEC. 807. LOCAL EDUCATIONAL AGENCY SERVICES.
Notwithstanding section 1124(c)(2) of the Elementary and Secondary Education Act of
1965 (20 U.S.C. 6333(c)(2)), for fiscal year 2002, if the local educational agency serving New York City receives an allocation under section 1124 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333) in an amount that is greater than the amount received by the agency under section 1124 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333) for fiscal year 2001, then—

(1) the agency shall distribute any funds in excess of the amount of the fiscal year 2001 allocation on an equal per-pupil basis consistent with section 111(f)(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)); and

(2) each county in New York City shall receive an amount from the agency that is not less than the amount the county received in fiscal year 2001.

SA 3599. Mrs. CLINTON (for herself and Mr. SCHUMER) submitted an amendment intended to be proposed by her to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 7, between lines 12 and 13, insert the following:

SEC. 102. EXEMPTION OF MARKET LOSS ASSISTANCE FOR APPLES PRODUCED FROM ADMINISTRATIVE OFFSET.

Section 10105 of the Farm Security and Rural Investment Act of 2002 (Public Law 107-171) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (e) the following:

"(d) ADMINISTRATIVE OFFSET.—Payments under this section shall not be subject to administrative offset, including administrative offset under chapter 37 of title 31, United States Code."

SA 3600. Mrs. TORRICELLI (for herself and Mr. CORZINE) submitted an amendment intended to be proposed by her to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 77, line 23, insert after "security." the following: "$651,000 shall be for reimbursement of the Robert Wood Johnson Hospital, New Jersey for expenses related to the testing and treatment of United States Postal Workers who were exposed to the anthrax virus at the Hamilton Township Postal Facility in October of 2001."

SA 3601. Mr. TORRICELLI (for himself and Mr. CORZINE) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 51, between lines 14 and 15, insert the following:

INDEPENDENT AGENCY
NUCLEAR REGULATORY COMMISSION
Funds made available under the heading "NUCLEAR REGULATORY COMMISSION" under the heading "INDEPENDENT AGENCY" in chapter 5 of division B of the Department of Defense and Related Agencies Appropriations Act, 2003, and in the supplemental Appropriations Acts for the fiscal years 2004, 2005, and 2006, are transferred for the direct or indirect use or benefit of the Department of Justice; and no funds may be transferred to, or transferred for the direct or indirect use or benefit of the Department of Justice from the Independent Agency funds made available under the heading "NUCLEAR REGULATORY COMMISSION" or any other appropriation to the Independent Agency other than funds made available under the heading "NUCLEAR REGULATORY COMMISSION".

SA 3604. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 10, line 19, before the period insert the following: "President shall submit to Congress a report on the amount appropriated under this heading in Public Law 107-117, $6,400,000 shall be for infrastructure and network requirements of the Federal Bureau of Investigation Laboratory."

SA 3605. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 55, between lines 3 and 4, insert the following:

SEC. 505. That portion of the former Charleston, South Carolina, Naval Base (including all associated improvements and fixtures, which is the law enforcement training facility for the Department of Justice shall not be transferred to, or transferred for the direct or indirect use or benefit of the State of South Carolina or any locality or subdivision thereof.

SA 3606. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 1. TREATMENT OF CERTAIN COUNTIES FOR PURPOSES OF REIMBURSEMENT UNDER THE MEDICARE PROGRAM.

(a) RECLASSIFICATION OF CERTAIN PENNSYLVANIA COUNTIES.—

(1) In GENERAL.—Notwithstanding any other provision of law, subject to paragraph (3), effective for discharges occurring during the fiscal year ending September 30, 2002, payers under subsections (d) and (j) of section 1886 of the Social Security Act (42 U.S.C. 1395ww) to hospitals (including rehabilitation hospitals and rehabilitation units under such subsection (j)) in Pennsylvania Counties.

(A) In Columbia, Lackawanna, Luzerne, Wyoming, and Lycoming Counties, Pennsylvania, such counties are deemed to be located in the Harrisburg-Lebanon-Carlisle, Pennsylvania Metropolitan Statistical Area;

(B) In Mercer County, Pennsylvania, such county is deemed to be located in the Youngstown-Warren, Ohio Metropolitan Statistical Area; and

(C) In Northumberland County, Pennsylvania, such county is deemed to be located in the Allentown-Bethlehem-Easton, Pennsylvania Metropolitan Statistical Area.

(2) RULES.—The reclassifications made under paragraph (1) with respect to a subsection (d) hospital shall be treated as a decision of the Medicare Geographic Classification Review Board under paragraph (10) of section 1886(d) of the Social Security Act (42 U.S.C. 1395ww(d)).

(3) LIMITATION ON APPLICATION DURING FISCAL YEAR 2002.—With respect to fiscal year 2002, this subsection applies only to discharges occurring on and after July 1, 2002.

(b) IMPLEMENTATION OF PROVISIONS.—The Secretary of Health and Human Services shall implement the provisions of subsection (a) by program memorandum. In implementing such provisions, the Secretary shall
recalculate new standardized amounts, weighting factors, rates, and wage indices by July 1, 2002, in a manner that assures overall budget neutrality.

SA 3607. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 111, after line 2 insert the following:

STATE AND TRIBAL ASSISTANCE GRANTS.
The referenced statement of the managers on page 89, between lines 3 and 4, is thereby amended by striking everything after "$1,000,000" in reference to item 91 and inserting "to the Northern Kentucky Area Development District for Carroll County Wastewater Infrastructure Project ($500,000), City of Owenton Water Collection and Treatment System Improvements and Freshwater Intake Project ($400,000), Grant County Williamstown Lake Expansion Study ($50,000), and Pendleton County Williamstown Lake Expansion Study ($50,000)."

SA 3608. Mr. KENNEDY (for himself, Mr. SMITH of Oregon, Mrs. BOXER, Mr. DODGE, Mr. REED, Mrs. MURRAY, MURPHY, DURBIN, and Mr. REED) proposed an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; as follows:

SEC. 807. EMERGENCY SUMMER SCHOOL FUNDING.—
(a) FINDINGS; PURPOSE.—
(1) FINDINGS.—Congress finds the following:
(A) Under the amendments made by the No Child Left Behind Act of 2001, students and schools rightly are held accountable for meeting challenging State academic content and student academic achievement standards in mathematics, reading or language arts, and science.
(B) Summer programs and activities supported under the 21st Century Community Learning Centers program are critical to providing academic services and academic enrichment activities designed to help students meet local and State academic standards.
(C) Summer programs and activities supported under the 21st Century Community Learning Centers program help children and the children's families in the areas of youth development, drug and violence prevention, and character education.
(D) During the summer of 2002, school districts throughout the Nation will confront more than $150,000,000 in cuts to summer school programs, eliminating services and academic support to more than 150,000 struggling children.

(b) PURPOSE.—The purpose of this section is to provide opportunities for communities to provide summertime activities in community learning centers that—
(A) provide opportunities for academic enrichment, including providing tutorial services to help students, particularly students who attend low-performing schools, to meet State and local student academic achievement standards in core academic subjects, such as reading and mathematics; and
(B) offer students an array of additional services and activities, such as youth development activities, drug and violence prevention programs, counseling programs, art, music, and recreation programs, technology education programs, and character education programs, that are designed to reinforce and complement the regular academic programming of participating students.

(b) FUNDING FOR SUMMER SCHOOL PROGRAMS.—
(1) IN GENERAL.—That, in addition to amounts otherwise available to carry out section 4205(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7175(a)), $150,000,000 shall be available to carry out activities described in section 4205(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7175(a)) during the 2002 summer recess period.

(2) AWARDING OF GRANTS.—
(A) IN GENERAL.—Notwithstanding section 4202 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7172), the Secretary of Education shall award grants with funds made available under paragraph (1) on a competitive basis to eligible entities serving communities whose local educational agencies are not able to meet fully the communities' need for summer school programs.
(B) PRIORITY.—In awarding grants under subparagraph (A), the Secretary shall give priority to an eligible entity that is a local educational agency or who serves a community whose local educational agency—
(i) serves a community whose local educational agency—
(1) is located in or serves a community whose local educational agency—
(I) is located in or serves a community whose local educational agency—
(ii) before June 6, 2002, announced that the local educational agency was canceling or reducing summer school services in 2002 or
(iii) is located in a State whose State educational agency, before June 6, 2002, announced that the State educational agency is canceling or reducing summer funding for 2002.

(3) APPLICATION AND OBLIGATION.—
(A) APPLICATION.—
(i) In general.—Notwithstanding sections 4203 and 4204 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7173 and 7174), an eligible entity that desires a grant under this section shall submit an application to the Secretary of Education at such time and in such manner as the Secretary of Education may require.

SA 3609. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 807. TEMPORARY INCREASE OF MEDICAID FMAP.—
(1) PERMITTING MAINTENANCE OF FISCAL YEAR 2002 FMAP FOR LAST 3 CALENDAR QUARTERS OF FISCAL YEAR 2002.—Notwithstanding any other provision of law, but subject to paragraph (5), if the FMAP determined without regard to this subsection for the State for fiscal year 2002 is less than the FMAP as so determined for fiscal year 2001, the FMAP for the State for fiscal year 2001 shall be substituted for the State's FMAP for the third and fourth quarter of fiscal year 2002, but for other purposes; which was ordered to lie on the table; as follows:

SA 3612. Ms. COLLINS (for herself, Mr. NELSON of Nebraska, Mr. SMITH of Oregon, Mr. HUTCHINSON, and Mr. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 807. (a) TEMPORARY INCREASE OF MEDICAID FMAP.—
(1) PERMITTING MAINTENANCE OF FISCAL YEAR 2002 FMAP FOR LAST 3 CALENDAR QUARTERS OF FISCAL YEAR 2002.—Notwithstanding any other provision of law, but subject to paragraph (5), if the FMAP determined without regard to this subsection for the State for fiscal year 2002 is less than the FMAP as so determined for fiscal year 2001, the FMAP for the State for fiscal year 2001 shall be substituted for the State's FMAP for the third and fourth calendar quarters of fiscal year 2002, before the application of this subsection.

SEC. 807. PERMITTING MAINTENANCE OF FISCAL YEAR 2002 FMAP FOR FISCAL YEAR 2003.—Notwithstanding any other provision of law, but subject to paragraph (5), if the FMAP determined without regard to this subsection for the State for fiscal year 2003 is less than the FMAP as so determined for fiscal year 2002,
the FMAP for the State for fiscal year 2002 shall be substituted for the State’s FMAP for each calendar quarter of fiscal year 2003, before the application of this subsection.

(3) GENERAL.—SEC. 307.—Annual percentage point increase for last 2 calendar quarters of fiscal year 2002 and fiscal year 2003.—Notwithstanding any other provision of law, but subject to subparagraphs (a) and (b), for each State for the third and fourth calendar quarters of fiscal year 2002 and each calendar quarter of fiscal year 2003, the FMAP (taking into account the annual percentage point increase of paragraphs (1) and (2)) shall be increased by 1 percentage point.

(4) INCREASE IN CAP ON MEDICAID PAYMENTS TO TERRITORIES.—Notwithstanding any other provision of law, the amount otherwise determined for Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa under subsections (f) and (g) of section 1106 of the Social Security Act (42 U.S.C. 1396d(b)) shall each be increased by an amount equal to 2 percent of such amounts.

(5) SCOPE OF APPLICATION.—The increases in the FMAP under this subsection shall apply only for purposes of title XIX of the Social Security Act and shall not apply with respect to—

(A) disproportionate share hospital payments described in section 1924 of such Act (42 U.S.C. 1396a-4); or

(B) payments under titles IV and XXI of such Act (42 U.S.C. 601 et seq., and 1315) is no more restrictive than the eligibility under such plan (or waiver) as in effect on January 1, 2002.

(B) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) shall be construed as affecting a State’s flexibility with respect to benefits offered under the State medical program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) (including any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315) if no more restrictive than the eligibility under such plan (or waiver) as in effect on January 1, 2002.

(B) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) shall be construed as affecting a State’s flexibility with respect to benefits offered under the State medical program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) (including any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)).

(7) DEFINITIONS.—In this subsection:

(A) FMAP.—The term “FMAP” means the Federal medical assistance percentage, as defined in section 1905(b) of the Social Security Act (42 U.S.C. 1396a).

(B) STATE.—The term “State” has the meaning given such term for purposes of title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(8) REPEAL.—Effective as of October 1, 2003, this subsection is repealed.

(9) ADDITIONAL TEMPORARY STATE FISCAL RELIEF.—

(a) IN GENERAL.—For the purpose of providing additional relief allotments to States under this section, there are hereby appropriated, out of any funds in the Treasury not otherwise appropriated, $14,430,280,000. Such funds shall be available for obligation by the State through June 30, 2004, and for expenditure by the State through September 30, 2004. This section constitutes budget authority and is subject to the terms and conditions of this section.

(b) PAYMENT TO STATES.—For purposes of this section, the term “State” means the State, the District of Columbia, and the territories contained in the list under subsection (b).

(c) USE OF FUNDS.—Funds appropriated under this section shall be allotted by the Secretary among the States in accordance with the following table:

<table>
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<tr>
<th>State</th>
<th>Allotment (in dollars)</th>
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<tbody>
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<td>Vermont</td>
<td>$113,545,000</td>
</tr>
<tr>
<td>Virgin Islands</td>
<td>$188,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>$36,699,000</td>
</tr>
<tr>
<td>Washington</td>
<td>$46,000,000</td>
</tr>
<tr>
<td>West Virginia</td>
<td>$27,260,000</td>
</tr>
<tr>
<td>Wisconsin</td>
<td>$68,664,000</td>
</tr>
<tr>
<td>Wyoming</td>
<td>$5,123,000</td>
</tr>
</tbody>
</table>

Total: $14,430,280,000

SA 3614. Mr. WYDEN (for himself, Mr. SMITH of Oregon, and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 71, at the end of line 23, strike the closing period and insert the following:

"Provided, That the Secretary of Agriculture shall draft and submit to Congress legislation implementing the agreement recently reached between the interested parties, including the Department of Justice and the Department of Agriculture, regarding management of the Black Hills National Forest which shall include provisions for protection of resources and communities from fire."

SA 3615. Mr. DASHIEL submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 71, after line 12, insert the following:

"Provided, That the Secretary of Agriculture shall draft and submit to Congress legislation implementing the agreement recently reached between the interested parties, including the Department of Justice and the Department of Agriculture, regarding management of the Black Hills National Forest which shall include provisions for protection of resources and communities from fire."

SA 3616. Mr. BYRD submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 7, after line 12, insert the following:

"SEC. 3. SENSE OF THE SENATE ON COMPENSATION TO PRODUCERS OF POULTRY AFFECTED BY INFLUENZA.

It is the Sense of the Senate that the Secretary of Agriculture act expeditiously to..."
provide compensation through the Commodity Credit Corporation to producers of poultry that have been affected by outbreaks of avian influenza in Virginia, West Virginia, and other states that have resulted in the destruction of poultry flocks in order to contain this disease.

SA 3617. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 111, line 5, strike “$100,000,000” and insert “$102,500,000, of which $2,500,000 shall be made available for infrastructure security improvements to be carried out by the Providence Water Supply Board in Providence, Rhode Island”.

SA 3618. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

For an additional amount for infrastructure security improvements to be carried out by the Providence Water Supply Board in Providence, Rhode Island, $2,500,000.

SA 3619. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 77, line 14, strike “$315,333,000” and insert “$318,333,000, of which $3,000,000 shall be available for the redesign and expansion of the emergency department at Rhode Island Hospital in Providence, Rhode Island”.

SA 3620. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

In chapter 3 of title I under the heading “RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY”, insert before “That of the funds appropriated by this paragraph, $5,000,000 shall be available for a high speed vessel demonstration project to test American-made vessels as part of the Joint Venture HSV—XI experimentation series of the Naval Warfare Development Command: Provided further,” .

SA 3621. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 89, between lines 3 and 4, insert the following:

SEC. 8. PEDIATRIC LABELING.

No funds made available under this Act or any other Act for fiscal year 2003 shall be used to suspend implementation of sections 201.23, 314.55, 601.27, and 601.37 of title 21, Code of Federal Regula-

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September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 48, line 19, strike "$10,000,000" and all that follows through line 6 on page 49 and insert in lieu thereof the following: "$22,200,000, to remain available until expended: Provided, That using funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers is directed to repair, restore and clean-up Corp’s projects and facilities and dredge navigation channels, restore and clean out area streams, provide emergency streambank protection, restore and provide public infrastructure (including sewer and water facilities), document flood impacts and undertake other flood recovery efforts deemed necessary and advisable by the Chief of Engineers due to the May 2002 flooding in eastern Kentucky, Illinois, Missouri, southwestern Virginia, and southern West Virginia; Provided, That the $22,200,000 is designated by the Congress as an Emergency requirement under section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A))."

SA 3627. Mr. BYRD (for himself and Mr. STEVENS) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

On page 48, line 19, strike "$10,000,000" and insert in lieu thereof "$32,000,000". On page 48, line 20, insert "as of the May 2002". On page 49, line 5, strike "and" and insert in lieu thereof ",,". On page 49, line 6, before the "",", insert ",", Western Illinois, Eastern Missouri, and the Upper Peninsula of Michigan."

SA 3628. Mr. BAUCUS (for himself, Mr. BURNS, and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 48, between lines 8 and 9, insert the following:

**TITLE—EMERGENCY AGRICULTURAL ASSISTANCE**

**Subtitle A—Assistance**

**SEC. 01. INCOME LOSS ASSISTANCE.**

(a) MANDATORY FUNDING.—The Secretary of Agriculture (referred to in this subtitle as the “Secretary”) shall use $1,800,000,000 of the funds of the Commodity Credit Corporation to make emergency financial assistance available to producers on a farm that have incurred qualifying income losses in calendar year 2001, including losses due to army worms.

(b) ADMINISTRATION.—The Secretary shall make assistance available under this section in the same manner as provided under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106-387; 114 Stat. 1549A-51).

**SEC. 02. LIVESTOCK ASSISTANCE PROGRAM.**

(a) MANDATORY FUNDING.—The Secretary shall use $500,000,000 of the funds of the Commodity Credit Corporation to make and administer payments for livestock losses to producers for 2001 losses in a county that has received an emergency designation by the President or the Secretary after January 1, 2001, of which $12,000,000 shall be made available for the American Indian livestock program under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106-387; 114 Stat. 1549A-51).

(b) ADMINISTRATION.—The Secretary shall make assistance available under this section in the same manner as provided under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106-387; 114 Stat. 1549A-51).

**SEC. 03. COMMODITY CREDIT CORPORATION.**

The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this subtitle.

**SEC. 04. ADMINISTRATIVE EXPENSES.**

(a) IN GENERAL.—In addition to funds otherwise available, not later than 30 days after the date of enactment of this Act, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Agriculture to pay the salaries and expenses of the Department of Agriculture in carrying out this subtitle $50,000,000, to remain available until expended.

(b) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under subsection (a), without further appropriation.

**SEC. 05. REGULATIONS.**

(a) IN GENERAL.—The Secretary may promulgate such regulations as are necessary to implement this subtitle.

(b) PROCEDURE.—The promulgation of the regulations and administration of this subtitle shall be subject to the requirements of paragraph (1), the notice and comment provisions of section 553 of the United States Code.

(c) CONGRESSIONAL REVIEW.—In carrying out this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

**Subtitle B—Offsets**

**SEC. 11. REVISION OF TAX RULES ON EXPATRIATION.**

(a) IN GENERAL.—Subpart A of part II of subchapter N of chapter 1 is amended by inserting after section 877 the following new section:

**SEC. 877A. TAX RESPONSIBILITIES OF EXPATRIATION.**

(a) GENERAL RULES.—For purposes of this subtitle—

(1) MARK TO MARKET.—Except as provided in subsection (f), all property of a covered expatriate to which this section applies shall be treated as sold on the day before the expatriation date for its fair market value.

(2) RECOGNITION OF GAIN OR LOSS.—In the case of any taxable disposition, (A) notwithstanding any other provision of this title, any gain arising from such sale shall be taken into account for the taxable year of the sale, and (B) any loss arising from such sale shall be taken into account for the taxable year of the sale to the extent provided by this title, except that section 1011 shall not apply to any such loss.

(b) PROPER ADJUSTMENT.—The Secretary shall be in the amount of any gain or loss subsequently realized on any stock or security to be treated under this section, the allowance made under the preceding sentence.

(c) EXCLUSION FOR CERTAIN GAIN.—The amount which would (but for this paragraph) be includible in the gross income of an individual by reason of this section shall be reduced (but not below zero) by $600,000. For purposes of this paragraph, allocable expenses (as defined in section 877A(a)(2), inserted in lieu thereof) shall be treated in the same manner as an amount required to be includible in gross income.

(4) COST-OF-LIVING-ADJUSTMENT.—

(a) IN GENERAL.—In the case of an expatriation date occurring in any calendar year after 2002, the $600,000 amount under paragraph (3) shall be increased by an amount equal to—

(1) such dollar amount, multiplied by

(ii) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year, determined by substituting ‘‘calendar year 1991’’ for ‘‘calendar year 1992’’ in subparagraph (B) thereof.

(b) ROUNING RULES.—If any amount after adjustment under subparagraph (A) is not a multiple of $1,000, such amount shall be rounded to the next lower multiple of $1,000.

(b) ELECTION TO DEFER TAX.—(1) IN GENERAL.—If the taxpayer elects the application of this subsection with respect to any property treated as sold by reason of subsection (a), the payment of the additional tax attributable to such property shall be postponed until the due date of the return for the taxable year in which such property is disposed of (or, in the case of property disposed of in a transaction in which gain is not recognized in whole or in part, until such other date as the Secretary may prescribe).

(2) DETERMINATION OF TAX WITH RESPECT TO PROPERTY.—For purposes of paragraph (1), the additional tax attributable to any property shall be determined as if it were a sale at the same ratio to the additional tax imposed by this chapter for the taxable year solely by reason of subsection (a) as the gain taken into account under subsection (a) with respect to such property bears to the total gain taken into account under subsection (a) with respect to all property to which subsection (a) applies.

(3) TERMINATION OF POSTPONEMENT.—No tax may be postponed under this subsection later than the due date for the return of tax imposed by this chapter for the taxable year which includes the date of death of the expatriate (or, if earlier, the time that the security provided with respect to the property fails to meet the requirements of paragraph (4), unless the taxpayer corrects such failure within the time specified by the Secretary).

(4) SECURITY.—(A) IN GENERAL.—No election may be made under paragraph (1) with respect to any property unless adequate security is provided to the Secretary with respect to such property, which bears to the total gain taken into account under subsection (a) with respect to all property to which subsection (a) applies, the same ratio as the deferred tax amount under paragraph (2)(A) for the property.

(B) ADEQUATE SECURITY.—For purposes of subparagraph (A), security with respect to any property shall be treated as adequate security if—

(i) it is a bond in an amount equal to the deferred tax amount under paragraph (2)(A) for the property, or

(ii) the taxpayer otherwise establishes to the satisfaction of the Secretary that the security is adequate.
(5) WAIVER OF CERTAIN RIGHTS.—No election may be made under paragraph (1) unless the taxpayer consents to the waiver of any right under any treaty of the United States which is applicable to the collection of any tax imposed by reason of this section.

(6) Elections.—An election under paragraph (1) shall only apply to property described in the election and, once made, is irrevocable. An election may be made under paragraph (1) with respect to a trust or estate to which gain is required to be recognized under subsection (f)(1).

(7) INTEREST.—For purposes of section 897(e)

(A) the last date for the payment of tax shall be determined without regard to the election under this subsection, and

(B) the trust interest shall be applied by substituting '5 percentage points' for '3 percentage points' in subparagraph (B) thereof.

(c) COVERED EXPATRIATE.—For purposes of this section—

(A) In general.—Except as provided in paragraph (2), the term 'covered expatriate' means an expatriate.

(B) Exception.—An individual shall not be treated as a covered expatriate if—

(i) the individual—

(A) became at birth a citizen of the United States and a citizen of another country and, of the expatriation date, continues to be a citizen of, and is taxed as a resident of, such other country,

(B) has not been a resident of the United States (as defined in section 7701(b)(1)(A)(ii)) during the 5 taxable years ending within the taxable year during which the expatriation date occurs, or

(ii) the individual's relinquishment of United States citizenship occurs before such individual attains age 18, and

(iii) the individual has been a resident of the United States (as so defined) for not more than 5 taxable years before the date of relinquishment.

(d) SECTION NOT TO APPLY TO certain property.—This section shall not apply to the following:

(1) UNITED STATES REAL PROPERTY INTERESTS.—Any United States real property interest (as defined in section 897(c)(1)), other than stock of a United States real property holding corporation which does not, on the day before the expiration date, meet the requirements of section 897(c)(2).

(2) INTEREST IN CERTAIN RETIREMENT PLANS.—

(A) In general.—Any interest in a qualified retirement plan (as defined in section 497(c)(4)), other than any interest attributable to contributions which are in excess of any limitation or which violate any condition for tax-favored treatment.

(B) DEFINITIONS.—For purposes of this section—

(i) EXPATRIATE.—The term 'expatriate' means—

(A) any United States citizen who relinquishes citizenship, and

(B) any long-term resident of the United States who—

(i) is entitled to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)), or

(ii) commences to be treated as a resident of a foreign country under the provisions of a tax treaty between the United States and the foreign country and who does not waive the benefits of such treaty applicable to residents of the foreign country.

(ii) EXPATRIATION DATE.—The term 'expatriation date' means—

(A) the date an individual relinquishes United States citizenship, or

(B) in the case of a long-term resident of the United States, the date of the event described in clause (i) or (ii) of paragraph (1)(B).

(3) RELINQUISHMENT OF CITIZENSHIP.—A citizen of the United States shall not be treated as relinquishing United States citizenship on the earliest of—

(A) the date the individual renounces such individual's United States nationality before a diplomatic or consular officer of the United States pursuant to paragraph (5) of section 340(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(5)),

(B) the date the individual furnishes to the United States Department of State a signed statement of voluntary relinquishment of United States nationality confirming the performance of an act of expatriation specified in paragraph (1), (2), (3), or (4) of section 340(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(1)-(4)),

(C) the date the States Department of State issues to the individual a certificate of loss of nationality, or

(D) the date a court of the United States cancels a naturalized citizen's certificate of naturalization.

Subparagraph (A) or (B) shall not apply to any individual unless the renunciation or voluntary relinquishment is subsequently approved by the issuance to the individual of a certificate of loss of nationality by the United States Department of State.

(4) LONG-TERM RESIDENT.—The term 'long-term resident' has the meaning given to such term by section 877(e)(2).

(5) SPECIAL RULES APPLICABLE TO BENEFICIARIES' INTERESTS IN TRUST.—

(A) IN GENERAL.—Any interest in a qualified trust described in subparagraph (B) shall not apply to any trust or estate to which gain is required to be recognized under section 6621 for underrations of tax for such periods, except that section 6621(a)(2) shall be applied by substituting '5 percentage points' for '3 percentage points' in subparagraph (B) thereof.

(B) AMOUNT OF TAX.—The amount of tax under subparagraph (A)(ii) shall be equal to the lesser of—

(i) the highest rate of tax imposed by section 1 for the taxable year in which the distribution or disposition occurred, or

(ii) the balance in the deferred tax account immediately before the distribution determined without regard to any increases under subparagraph (C)(ii) after the 30th day preceding the distribution.

(C) DEFERRED TAX ACCOUNT.—For purposes of subparagraph (B)(ii)

(i) OPENING BALANCE.—The opening balance in a deferred tax account with respect to any trust interest is an amount equal to the tax which would have been imposed on the allocable expatriation gain with respect to such trust interest (including any income, gain, or loss of the individual arising from a treaty right with respect to such trust interest) (i) if a tax imposed by subparagraph (A)(ii) shall be reduced by—

(A) the amount of taxes imposed by subparagraph (A)(ii) which were the date of such cessation, disposition, or death, whichever is applicable, or

(B)unes the date before the expiration date, multiplied by the amount of the distribution, or

(ii) the balance of the deferred tax account immediately before the distribution determined without regard to any increases under subparagraph (C)(ii) after the 30th day preceding the distribution.

(D) ELECTIONS—An election under paragraph (1) shall only apply to property described in the election and, once made, is irrevocable. An election may be made under paragraph (1) with respect to a trust or estate to which gain is required to be recognized under section 6621 for underrations of tax for such periods, except that section 6621(a)(2) shall be applied by substituting '5 percentage points' for '3 percentage points' in subparagraph (B) thereof.

(iii) INCREASE FOR INTEREST.—The balance in the deferred tax account shall be increased by the amount of interest determined (on the balance in the account at the time the interest accrues) for periods after the 30th day preceding the expiration date, by the amount of taxes imposed by or under section 6621 for underrations of tax for such periods, except that section 6621(a)(2) shall be applied by substituting '5 percentage points' for '3 percentage points' in subparagraph (B) thereof.

(6) ELECTIONS.—An election under paragraph (1) shall only apply to property described in the election and, once made, is irrevocable. An election may be made under paragraph (1) with respect to a trust or estate to which gain is required to be recognized under section 6621 for underrations of tax for such periods, except that section 6621(a)(2) shall be applied by substituting '5 percentage points' for '3 percentage points' in subparagraph (B) thereof.

(ii) EXCEPTION WHERE FAILURE TO WAIVE
amount of such tax and any other benefi-
ciary of the trust shall be entitled to re-
cover from the covered expatriate or the es-
tate the amount of such tax imposed on the
other. The refund shall be

"(G) DEFINITIONS AND SPECIAL RULE.—For
purposes of this paragraph—

"(i) QUALIFIED TRUST.—The term ‘quali-
fied trust’ means any trust which is described in
section 7701(a)(30)(E).

"(ii) VESTED INTEREST.—The term ‘vested
interest’ means any interest which, as of the
day before the expatriation date, is vested in
the beneficiary.

"(iii) NONVESTED INTEREST.—The term
‘nonvested interest’ means, with respect to any
interest in a trust which is not a vested interest. Such interest
shall be determined by assuming the max-
imum exercise of discretion in favor of the
beneficiary and the occurrence of all contin-
gencies in favor of the beneficiary.

"(iv) ADJUSTMENTS.—The Secretary may
provide for such adjustments to the bases
of assets in a trust or a deferred tax account,
and the timing of such adjustments, in order
to ensure that gain is taxed only once.

"(J) DETERMINATION OF BENEFICIARIES’
INTERESTS.—

"(A) DETERMINATIONS UNDER PARAGRAPH
(1).—For purposes of paragraph (1), a bene-

}&n
"(II) may...
SEC. 12. REVIEW OF STATE AGENCY BLOODNESS AND DISABILITY DETERMINATIONS.

Section 1033 of the Social Security Act (42 U.S.C. 1393b) is amended by adding at the end the following:

"(e)(1) The Commissioner of Social Security shall review, by State agencies pursuant to subsection (a) in connection with applications for benefits under this title on the basis of blindness or disability, that individuals who have attained 18 years of age are blind or disabled as of a specified onset date. The Commissioner of Social Security shall review such a determination before a reetermination is taken to implement the determination.

(2)(A) In carrying out paragraph (1), the Commissioner of Social Security shall review—

"(i) at least 25 percent of all determinations referred to in paragraph (1) that are made in fiscal year 2003, and

"(ii) at least 50 percent of all such determinations that are made in fiscal year 2004 or thereafter.

"(B) In carrying out subparagraph (A), the Commissioner of Social Security shall, to the extent feasible, select for review the determinations which the Commissioner of Social Security identifies as being the most likely to be incorrect.

SA 3629. Ms. LANDRIEU (for herself and Mr. BREAUX) submitted an amendment intended to be proposed by her to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 46, between lines 16 and 17, insert the following:

CONSTRUCTION, GENERAL

For an additional amount for "Construction, General", $15,408,000, which shall be used to carry out flood control projects in southeast Louisiana: Provided, That the entire amount made available under this heading is designated by Congress as an emergency requirement under section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)).

SA 3630. Ms. LANDRIEU (for herself and Mr. BREAUX) submitted an amendment intended to be proposed by her to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 49, between lines 18 and 19, insert the following:

For an additional amount for "Operation and Maintenance, General", $14,000,000, which shall be used to carry out flood control projects in the Mississippi River, Baton Rouge to the Gulf of Mexico, Louisiana: Provided, That the $14,000,000 is designated by Congress as an emergency requirement under section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)).

SA 3631. Mr. KYL (for himself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 26, between lines 4 and 5, insert the following:

SEC. 210. (a) Subject to subsection (b), the Attorney General shall, out of appropriations available to the Department of Justice made in Public Law 107-77, transfer to, and merge with, the Immigration and Naturalization Service entitled "Salaries and Expenses" the following amounts for the following purposes:

1. $4,900,000 is to be used to pay for all Border Patrol agents who have completed at least one year’s service and are receiving an annual rate of basic pay for positions at GS-9 of the General Schedule under section 5332 of title 5, United States Code, from the annual rate of basic pay payable for positions at GS-9 of the General Schedule under such section before September 30, 2002; and

2. $3,800,000 is to cover an increase in pay for all immigration inspectors who have completed at least one year’s service and are receiving an annual rate of basic pay for positions at GS-9 of the General Schedule under section 5332 of title 5, United States Code, from the annual rate of basic pay payable for positions at GS-9 of the General Schedule under such section before September 30, 2002; and

(b) Funds transferred under subsection (a) shall be available for obligation and expenditure only in accordance with the procedures and notification requirements set forth in section 605 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2002 (Public Law 107-77).

(c) Not later than September 30, 2002, the Justice Management Division of the Department of Justice shall submit a report to the Committees of Congress of the Senate and the House of Representatives describing the progress made in the development of the Chimera system.

(d) No funds available to the Immigration and Naturalization Service for technology activities in the fiscal year 2003 may be obligated or expended unless the program manager of the Chimera system approves the obligation or expenditure of those funds and so reports to the Attorney General.

SA 3632. Mr. KYL (for himself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 14, line 19, before the period insert the following: "Provided, That of the amount appropriated under this heading, $500,000 shall be for the Center for Identification Technology Research at the West Virginia University for the purpose of developing interoperability standards and an application profile for technology neutral, portable, and data independent biometrics, in accordance with section 403(c)(2) of the USA PATRIOT Act (Public Law 107-56) and sections 201(c)(5) and 202(a)(4)(B) and title III of the Enhanced Border Security and Visa Reform Act (Public Law 107-173), and the amendments made by those provisions".

SA 3633. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 20, beginning with line 18, strike through line 2 on page 21.

SA 3634. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 25, beginning with line 12, strike through line 4 on page 26.

SA 3635. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 25, strike lines 1 through 11.

SA 3636. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 25, strike lines 1 through 11.

SA 3637. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 25, strike line 1 through 11.

SA 3638. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 25, begin with line 12, strike through line 4 on page 26.

SA 3639. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 25, begin with line 22, strike through line 4 on page 26.

SA 3640. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 27, begin with line 15 strike through line 10 on page 28.
On page 114, beginning with line 24, strike through line 8 on page 116.

SA 3642. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 71, beginning in line 6, strike "cities," and insert "cit-..." lines 1 through 16.

SA 3645. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

SA 3646. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

SA 3647. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

SA 3648. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

SA 3649. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

SA 3650. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

SA 3651. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

SA 3652. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

SA 3653. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

SA 3654. Mr. SESSIONS (for himself and Mr. HUTCHINSON) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

SA 3655. Mr. NICKLES submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

SA 3656. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 605. Of the amounts appropriated to the President for the United States Agency for International Development (USAID), $300,000 shall be made available to the Ocean Freight Reimbursement Program (as determined by the Secretary of Transportation) for emergency repairs (as determined by the Secretary of Transportation) for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 88, line 12, strike "$123,500,000," and insert "$360,000,000,."
Mr. KOHL submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 7 after line 12, insert the following:

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(Sec. 116. (b)(7)(D)(IV) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)(7)(D)(IV)) is amended by striking "subsection," and inserting in lieu thereof the following: "subsection, or to otherwise carry out the purposes of this subsection.").
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Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 27, line 18, after "Provided, That", insert "of the amount available under this paragraph, $2,200,000 shall be made available for the Army National Guard for information operations, information assurance operations, and training for such operations: Provided, further, That.").

Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On pages 86 and 87, strike sections 801 and 802.

Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On pages 114 through 116, strike section 1203.

Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

Amend Title II by adding a new section as follows:

```
Sec. 806. None of the funds provided by this Act may be used to enforce the amendments made by section 166 of the Community Renewal Tax Relief Act of 2000 on the State of Alaska, including the imposition of any penalties.
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Mr. STEVENS submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 806 and inserting in lieu thereof the following new section:

```
Sec. 806. None of the funds provided by this Act may be used to enforce the amendments made by section 166 of the Community Renewal Tax Relief Act of 2000 on the State of Alaska, including the imposition of any penalties.
```

Mr. STEVENS submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 89, at the end of line 3, add a new section as follows:

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Sec. 806. None of the funds provided by this Act may be used to enforce the amendments made by section 166 of the Community Renewal Tax Relief Act of 2000 on the State of Alaska, including the imposition of any penalties.
```

Mr. STEVENS submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

Amend Title II by adding a new section as follows:

```
Sec. 806. None of the funds provided by this Act may be used to enforce the amendments made by section 166 of the Community Renewal Tax Relief Act of 2000 on the State of Alaska, including the imposition of any penalties.
```

Mr. STEVENS submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

Amend Title II by adding a new section as follows:

```
Sec. 806. None of the funds provided by this Act may be used to enforce the amendments made by section 166 of the Community Renewal Tax Relief Act of 2000 on the State of Alaska, including the imposition of any penalties.
```

Mr. STEVENS submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

Amend Title II by adding a new section as follows:

```
Sec. 806. None of the funds provided by this Act may be used to enforce the amendments made by section 166 of the Community Renewal Tax Relief Act of 2000 on the State of Alaska, including the imposition of any penalties.
```

Mr. STEVENS submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

Amend Title II by adding a new section as follows:

```
Sec. 806. None of the funds provided by this Act may be used to enforce the amendments made by section 166 of the Community Renewal Tax Relief Act of 2000 on the State of Alaska, including the imposition of any penalties.
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Mr. STEVENS submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

Amend Title II by adding a new section as follows:

```
Sec. 806. None of the funds provided by this Act may be used to enforce the amendments made by section 166 of the Community Renewal Tax Relief Act of 2000 on the State of Alaska, including the imposition of any penalties.
```

Mr. STEVENS submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

Amend Title II by adding a new section as follows:

```
Sec. 806. None of the funds provided by this Act may be used to enforce the amendments made by section 166 of the Community Renewal Tax Relief Act of 2000 on the State of Alaska, including the imposition of any penalties.
```

Mr. STEVENS submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

Amend Title II by adding a new section as follows:

```
Sec. 806. None of the funds provided by this Act may be used to enforce the amendments made by section 166 of the Community Renewal Tax Relief Act of 2000 on the State of Alaska, including the imposition of any penalties.
```

Mr. STEVENS submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

Amend Title II by adding a new section as follows:

```
Sec. 806. None of the funds provided by this Act may be used to enforce the amendments made by section 166 of the Community Renewal Tax Relief Act of 2000 on the State of Alaska, including the imposition of any penalties.
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Mr. STEVENS submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

Amend Title II by adding a new section as follows:

```
Sec. 806. None of the funds provided by this Act may be used to enforce the amendments made by section 166 of the Community Renewal Tax Relief Act of 2000 on the State of Alaska, including the imposition of any penalties.
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Mr. STEVENS (for himself and Mr. CAMPBELL) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the bill, add the following:

SEC. 80. Of the amount appropriated in Public Law 107–77 under the heading "DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT", $4,000,000 shall be available only for environmental cleanup activities as the Jeep Demolition Area on the Former Lowry Bombing and Gunny Range, Aurora, Colorado.

SA 3669. Mr. KERRY (for himself and Mr. CLELAND) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the bill, add the following:

SEC. 210. Amounts appropriated by title V of Public Law 107–77 under the heading "NATIONAL VETERANS BUSINESS DEVELOPMENT CORPORATION" (115 Stat. 786) shall remain available until expended.

SA 3670. Mr. REID (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 11. HOOVER DAM BYPASS BRIDGE.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of Transportation shall enter into an agreement with the State of Nevada, the State of Arizona, the United States, and to provide funding for construction of a Hoover Dam bypass bridge under the Federal lands highways program under chapter 2 of title 23, United States Code.

(b) METHODS OF FUNDING.—The agreement entered into under subsection (a) shall provide for funding in accordance with—

(1) title 23, United States Code (including subchapter II of chapter 1 of that title); and


SA 3671. Mr. REID (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 10, line 7, strike "$30,000,000" and add the following: "$30,000,000", to be derived from amounts made available for this purpose in Public Law 107–77 and Public Law 107–117, respectively.

SA 3672. Mr. CLELAND submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

In chapter 5 of title I under the heading "DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT", strike "$40,000,000: Provided," and insert "$67,000,000: Provided, that of the funds appropriated by this paragraph $47,000,000 shall be available for activities at the Savannah River Site, Aiken, South Carolina: Provided further:"

SA 3673. Mr. REID (for himself and Mr. GREGG) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At an appropriate place, insert the following:

SEC. 1. ELECTRONIC PERSONAL ASSISTIVE MOBILITY DEVICES.

(a) MANDATORY FUNDING. The Secretary of Agriculture shall use $100,000,000 of funds of the Commodity Credit Corporation to make income loss assistance available to producers of labrusca grapes on a farm that have incurred qualifying income losses in calendar years 2001 and 2002.

(b) ADMINISTRATION. The Secretary shall make assistance available under this section in the same manner as provided under section 815 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387; 114 Stat. 1549A–55), including using the same loss thresholds for producers in States and the same economic loss percentage as were used in administering that section.

(c) USE OF FUNDS FOR CASH PAYMENTS. The Secretary may use funds made available under subsection (b) to make direct payments consistent with this section, cash payments not for crop disasters, but for income loss to carry out the purposes of this section.

SA 3676. Mr. LEAHY (for himself and Mr. MCCONNELL) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 67, line 19, strike "established" and insert in lieu thereof "committed to support".

SA 3677. Mr. LEAHY (for himself and Mr. MCCONNELL) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 67, line 17, strike "inaugurated" and insert in lieu thereof "elect".

SA 3678. Mr. LEAHY (for himself and Mr. MCCONNELL) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 67, line 15, strike "certify" and insert in lieu thereof "report".

SA 3679. Mr. LEAHY (for himself and Mr. MCCONNELL) submitted an amendment intended to be proposed by him
to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 68, line 12, after “or” insert “United States.”

SA 3680. Mr. LEAHY (for himself and Mr. MCDONNELL) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 2. TREATMENT OF CERTAIN COUNTIES FOR PURPOSES OF REIMBURSEMENT UNDER THE MEDICARE PROGRAM.

(a) In General.—Notwithstanding any other provision of law, effective for discharges occurring on or after October 1, 2002, and before October 1, 2005, for purposes of making payments under section 1866(d) of the Social Security Act (42 U.S.C. 1395ww(d)), the large urban area of New York, New York, is deemed to include Orange County, New York, Dutchess County, New York, Ulster County, New York, and Sullivan County, New York.

(b) Rules.—The reclassifications made under subsection (a) with respect to a subsection (d) hospital shall be treated as a discretion of the Medical Geographic Classification Review Board under section 1886(d)(10) of the Social Security Act (42 U.S.C. 1395ww(d)(10)).

SA 3684. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end, insert the following:

DIVISION—CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2003

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2003.

(a) Declaration.—Congress determines and declares that the concurrent resolution on the budget for fiscal year 2002 is revised and replaced by this concurrent resolution on the budget for fiscal year 2003 including the appropriate budgetary levels for fiscal years 2004 through 2012.

(b) Table of Contents.—The table of contents for this concurrent resolution is as follows:

Sec. 1. Concurrent resolution on the budget for fiscal year 2003.

TITLE I—LEVELS AND AMOUNTS

Sec. 101. Recommended levels and amounts.

Sec. 102. Social Security.

Sec. 103. Major functional categories.

TITLE II—BUDGETARY RESTRAINS, RESERVE FUNDS, AND RULEMAKING

Subtitle A—Budgetary Restraints

Sec. 201. Congressional discretionary spending limits for 2003 through 2007.

Sec. 202. Emergency designation point of order in the Senate.

Sec. 203. Restrictions on advance appropriations in the Senate.

Sec. 204. Pay-as-you-go designation point of order in the Senate.

Subtitle B—Reserve Funds

Sec. 211. Reserve fund for Medicare.

Sec. 212. Reserve fund for health insurance cost projection.

Sec. 213. Reserve fund for Family Opportunity Act.

Sec. 214. Reserve fund for IDEA.

Sec. 215. Reserve fund for highways and highway safety.

Sec. 216. Amtrak reserve.
Trust Fund are as follows:

For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

A. New budget authority, $394,842,000,000.
(B) Outlays, $389,058,000,000.
Fiscal year 2005:
(A) New budget authority, $415,433,000,000.
(B) Outlays, $412,492,000,000.
Fiscal year 2006:
(A) New budget authority, $363,142,000,000.
(B) Outlays, $353,340,000,000.
Fiscal year 2007:
(A) New budget authority, $457,643,000,000.
(B) Outlays, $453,623,000,000.
Fiscal year 2008:
(A) New budget authority, $697,700,000,000.
(B) Outlays, $694,015,000,000.
Fiscal year 2009:
(A) New budget authority, $682,034,000,000.
(B) Outlays, $679,738,000,000.
Fiscal year 2010:
(A) New budget authority, $594,731,000,000.
(B) Outlays, $494,172,000,000.
Fiscal year 2011:
(A) New budget authority, $507,736,000,000.
(B) Outlays, $502,155,000,000.
Fiscal year 2012:
(A) New budget authority, $521,046,000,000.
(B) Outlays, $508,203,000,000.
International Affairs (190):
(A) New budget authority, $26,876,000,000.
(B) Outlays, $25,571,000,000.
Fiscal year 2010:
(A) New budget authority, $26,252,000,000.
(B) Outlays, $25,029,000,000.
Fiscal year 2011:
(A) New budget authority, $25,052,000,000.
(B) Outlays, $24,346,000,000.
Fiscal year 2012:
(A) New budget authority, $28,187,000,000.
(B) Outlays, $23,743,000,000.
Fiscal year 2005:
(A) New budget authority, $23,749,000,000.
(B) Outlays, $22,054,000,000.
Fiscal year 2006:
(A) New budget authority, $26,275,000,000.
(B) Outlays, $25,029,000,000.
Fiscal year 2007:
(A) New budget authority, $26,830,000,000.
(B) Outlays, $25,029,000,000.
Fiscal year 2008:
(A) New budget authority, $25,142,000,000.
(B) Outlays, $22,640,000,000.
Fiscal year 2009:
(A) New budget authority, $23,743,000,000.
(B) Outlays, $22,219,000,000.
Fiscal year 2010:
(A) New budget authority, $23,743,000,000.
(B) Outlays, $22,219,000,000.
Fiscal year 2011:
(A) New budget authority, $24,941,000,000.
(B) Outlays, $24,181,000,000.
Fiscal year 2012:
(A) New budget authority, $26,876,000,000.
(B) Outlays, $26,176,000,000.
Fiscal year 2011:
(A) New budget authority, $27,515,000,000.
(B) Outlays, $26,799,000,000.
Fiscal year 2012:
(A) New budget authority, $28,046,000,000.
(B) Outlays, $27,437,000,000.
Energy (270):
Fiscal year 2002:
(A) New budget authority, $2,342,000,000.
(B) Outlays, $2,333,000,000.
Fiscal year 2003:
(A) New budget authority, $2,433,000,000.
(B) Outlays, $2,433,000,000.
Fiscal year 2004:
(A) New budget authority, $2,745,000,000.
(B) Outlays, $2,531,000,000.
Fiscal year 2005:
(A) New budget authority, $2,743,000,000.
(B) Outlays, $2,175,000,000.
Fiscal year 2006:
(A) New budget authority, $2,291,000,000.
(B) Outlays, $1,499,000,000.
Fiscal year 2007:
(A) New budget authority, $2,145,000,000.
(B) Outlays, $885,000,000.
Fiscal year 2008:
(A) New budget authority, $2,687,000,000.
(B) Outlays, $1,175,000,000.
Fiscal year 2009:
(A) New budget authority, $2,766,000,000.
(B) Outlays, $1,248,000,000.
Fiscal year 2010:
(A) New budget authority, $2,848,000,000.
(B) Outlays, $1,517,000,000.
Fiscal year 2011:
(A) New budget authority, $2,929,000,000.
(B) Outlays, $1,640,000,000.
Fiscal year 2012:
(A) New budget authority, $2,956,000,000.
(B) Outlays, $1,811,000,000.
(5) Natural Resources and Environment (300):
Fiscal year 2002:
(A) New budget authority, $209,855,000,000.
(B) Outlays, $209,073,000,000.
Fiscal year 2003:
(A) New budget authority, $23,777,000,000.
(B) Outlays, $21,999,000,000.
Fiscal year 2004:
(A) New budget authority, $23,237,000,000.
(B) Outlays, $21,560,000,000.
Fiscal year 2005:
(A) New budget authority, $23,397,000,000.
(B) Outlays, $23,712,000,000.
Fiscal year 2006:
(A) New budget authority, $33,635,000,000.
(B) Outlays, $32,768,000,000.
Fiscal year 2007:
(A) New budget authority, $33,326,000,000.
(B) Outlays, $33,570,000,000.
Fiscal year 2008:
(A) New budget authority, $33,397,000,000.
(B) Outlays, $33,712,000,000.
Fiscal year 2009:
(A) New budget authority, $33,854,000,000.
(B) Outlays, $34,686,000,000.
Fiscal year 2010:
(A) New budget authority, $35,822,000,000.
(B) Outlays, $35,340,000,000.
Fiscal year 2011:
(A) New budget authority, $37,711,000,000.
(B) Outlays, $37,206,000,000.
(6) Agriculture (350):
Fiscal year 2002:
(A) New budget authority, $33,229,000,000.
(B) Outlays, $31,459,000,000.
Fiscal year 2003:
(A) New budget authority, $29,328,000,000.
(B) Outlays, $26,305,000,000.
Fiscal year 2004:
(A) New budget authority, $23,749,000,000.
(B) Outlays, $22,161,000,000.
Fiscal year 2005:
(A) New budget authority, $24,655,000,000.
Fiscal year 2012:
(A) New budget authority, $71,761,000,000.
(B) Outlays, $71,761,000,000.

Fiscal year 2011:
(A) New budget authority, $74,193,000,000.
(B) Outlays, $71,532,000,000.

Fiscal year 2010:
(A) New budget authority, $72,686,000,000.
(B) Outlays, $70,132,000,000.

Fiscal year 2009:
(A) New budget authority, $74,193,000,000.
(B) Outlays, $71,761,000,000.

Fiscal year 2008:
(A) New budget authority, $20,064,000,000.
(B) Outlays, $18,956,000,000.

Fiscal year 2007:
(A) New budget authority, $19,022,000,000.
(B) Outlays, $17,933,000,000.

Fiscal year 2006:
(A) New budget authority, $18,539,000,000.
(B) Outlays, $17,520,000,000.

Fiscal year 2005:
(A) New budget authority, $18,158,000,000.
(B) Outlays, $17,511,000,000.

Fiscal year 2004:
(A) New budget authority, $3,193,000,000.
(B) Outlays, $2,415,000,000.

Fiscal year 2003:
(A) New budget authority, $2,148,000,000.

Fiscal year 2002:
(A) New budget authority, $3,193,000,000.
(B) Outlays, $7,000,000,000.

Fiscal year 2001:
(A) New budget authority, $7,592,000,000.
(B) Outlays, $3,257,000,000.

Fiscal year 2000:
(A) New budget authority, $7,982,000,000.
(B) Outlays, $3,430,000,000.

Fiscal year 1999:
(A) New budget authority, $3,141,000,000.
(B) Outlays, $2,885,000,000.

Fiscal year 1998:
(A) New budget authority, $2,685,000,000.
(B) Outlays, $2,753,000,000.

Fiscal year 1997:
(A) New budget authority, $2,148,000,000.
(B) Outlays, $5,200,000,000.

Fiscal year 1996:
(A) New budget authority, $1,579,000,000.
(B) Outlays, $1,624,000,000.

Fiscal year 1995:
(A) New budget authority, $1,331,000,000.
(B) Outlays, $1,209,000,000.

Fiscal year 1994:
(A) New budget authority, $1,102,000,000.
(B) Outlays, $1,111,000,000.

Fiscal year 1993:
(A) New budget authority, $959,000,000.
(B) Outlays, $961,000,000.

Fiscal year 1992:
(A) New budget authority, $867,000,000.
(B) Outlays, $875,000,000.

Fiscal year 1991:
(A) New budget authority, $761,000,000.
(B) Outlays, $792,000,000.

Fiscal year 1990:
(A) New budget authority, $683,000,000.
(B) Outlays, $699,000,000.

Fiscal year 1989:
(A) New budget authority, $591,000,000.
(B) Outlays, $607,000,000.

Fiscal year 1988:
(A) New budget authority, $499,000,000.
(B) Outlays, $515,000,000.

Fiscal year 1987:
(A) New budget authority, $409,000,000.
(B) Outlays, $425,000,000.

Fiscal year 1986:
(A) New budget authority, $325,000,000.
(B) Outlays, $342,000,000.

Fiscal year 1985:
(A) New budget authority, $245,000,000.
(B) Outlays, $264,000,000.

Fiscal year 1984:
(A) New budget authority, $172,000,000.
(B) Outlays, $189,000,000.

Fiscal year 1983:
(A) New budget authority, $105,000,000.
(B) Outlays, $123,000,000.

Fiscal year 1982:
(A) New budget authority, $53,000,000.
(B) Outlays, $61,000,000.

Fiscal year 1981:
(A) New budget authority, $47,000,000.
(B) Outlays, $55,000,000.

Fiscal year 1980:
(A) New budget authority, $39,000,000.
(B) Outlays, $48,000,000.

Fiscal year 1979:
(A) New budget authority, $31,000,000.
(B) Outlays, $39,000,000.

Fiscal year 1978:
(A) New budget authority, $24,000,000.
(B) Outlays, $32,000,000.

Fiscal year 1977:
(A) New budget authority, $17,000,000.
(B) Outlays, $24,000,000.

Fiscal year 1976:
(A) New budget authority, $11,000,000.
(B) Outlays, $17,000,000.

Fiscal year 1975:
(A) New budget authority, $7,000,000.
(B) Outlays, $11,000,000.

Fiscal year 1974:
(A) New budget authority, $3,000,000.
(B) Outlays, $5,000,000.

Fiscal year 1973:
(A) New budget authority, $1,000,000.
(B) Outlays, $2,000,000.

Fiscal year 1972:
(A) New budget authority, $500,000.
(B) Outlays, $1,000,000.

Fiscal year 1971:
(A) New budget authority, $250,000.
(B) Outlays, $500,000.
(A) New budget authority, $12,938,000,000.
(B) Outlays, $12,937,000,000.
Fiscal year 2003:
(A) New budget authority, $13,429,000,000.
(B) Outlays, $13,429,000,000.
Fiscal year 2004:
(A) New budget authority, $14,404,000,000.
(B) Outlays, $14,404,000,000.

(B) Outlays, $17,398,000,000.
Fiscal year 2008:
(A) New budget authority, $18,779,000,000.
(B) Outlays, $18,779,000,000.
Fiscal year 2009:
(A) New budget authority, $20,465,000,000.
(B) Outlays, $20,465,000,000.
Fiscal year 2010:
(A) New budget authority, $22,404,000,000.
(B) Outlays, $22,404,000,000.

Fiscal year 2011:
(A) New budget authority, $28,107,000,000.
(B) Outlays, $28,107,000,000.
Fiscal year 2012:
(A) New budget authority, $35,064,000,000.
(B) Outlays, $35,064,000,000.

Fiscal year 2012:
(A) New budget authority, $69,534,000,000.
(B) Outlays, $69,208,000,000.

(F) for the conservation category,
(C) for the highway category, $28,922,000,000

Fiscal year 2009:
(A) New budget authority, $63,184,000,000.
(B) Outlays, $63,184,000,000.
Fiscal year 2010:
(A) New budget authority, $61,381,000,000.
(B) Outlays, $61,381,000,000.
Fiscal year 2011:
(A) New budget authority, $61,167,000,000.
(B) Outlays, $61,167,000,000.
Fiscal year 2012:
(A) New budget authority, $65,869,000,000.
(B) Outlays, $65,869,000,000.

TITL E II
SPENDING LIMITS FOR 2003


(a) Definition.—In this section, for purposes of enforcement in the House of Representatives and the Senate, the term “discretionary spending limit” means—

(1) for fiscal year 2003—
(A) for the defense category, $735,262,000,000 in new budget authority and $737,224,000,000 in outlays;
(B) for the defense category, $932,757,000,000 in new budget authority and $880,228,000,000 in outlays;
(B) for the highway category, $28,922,000,000 in outlays;
(D) for the mass transit category, $6,030,000,000 in outlays; and
(E) for the conservation category, $1,922,000,000 in new budget authority and $1,872,000,000 in outlays;

(2) for fiscal year 2004—
(A) for the defense category, $387,110,000,000 in new budget authority and $425,296,000,000 in outlays; and
(B) for the defense category $394,916,000,000 in new budget authority and $390,236,000,000 in outlays; (3) for fiscal year 2002—
(A) for the nondefense category, $394,989,000,000 in new budget authority and $432,168,000,000 in outlays; and (B) for the defense category $415,556,000,000 in new budget authority and $486,855,000,000 in outlays; (4) for fiscal year 2006—
(A) for the nondefense category, $492,793,000,000 in new budget authority and $439,161,000,000 in outlays; and (B) for the defense category $438,202,000,000 in new budget authority and $420,599,000,000 in outlays; and (5) for fiscal year 2007—
(A) for the nondefense category, $413,753,000,000 in new budget authority and $419,434,000,000 in outlays; and (B) for the defense category $457,708,000,000 in new budget authority and $433,847,000,000 in outlays.

SEC. 201. RIGHT TO APPEAL.—
(1) IN GENERAL.—It shall not be in order in the House of Representatives and the Senate to consider any bill, joint resolution, amendment, motion, conference report, or other measure, except a concurrent resolution on the budget, or continuing resolution, unless the ruling of the Chair on a point of order raised under subsection (a) may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(2) EXCEPTION.—An advance appropriation may be provided—

(1) for fiscal year 2004 for programs, projects, activities, or accounts identified in the joint explanatory statement of managers accompanying this resolution under the heading “Advance Appropriations” in an aggregate amount not to exceed $32,159,000,000 in new budget authority; and

(2) for the Corporation for Public Broadcasting.

(c) APPLICATION OF POINT OF ORDER IN THE SENATE.—
(1) WAIVER AND APPEAL.—In the Senate, subsection (a) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(2) FORM OF THE POINT OF ORDER.—A point of order under subsection (a) may be raised by the President pro tempore of the Senate as provided in section 313(e) of the Congressional Budget Act of 1974.

(3) CONFERENCE REPORTS.—If a point of order is sustained under subsection (a) against a conference report in the Senate, the report shall be disapproved as provided in section 313(d) of the Congressional Budget Act of 1974.

(4) DEFINITION.—In this section, the term ‘‘advance appropriation’’ means any discretionary new budget authority in a bill or joint resolution making general appropriations for fiscal years beginning on or before the date of enactment of this Act.

(5) SENATE.—In the Senate, the Sense of Congress of the Senate resolution on the budget.

SEC. 202. EMERGENCY DESIGNATION POINT OF ORDER IN THE SENATE.

(a) DESIGNATIONS.—

(1) IN GENERAL.—In making a designation of a provision of legislation as an emergency requirement under section 251(b)(2)(A) or 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985, the committee report and any statement of managers accompanying that legislation shall analyze whether a proposed emergency requirement meets all of the criteria in paragraph (2).

(2) CRITERIA.—

(A) IN GENERAL.—The criteria to be considered in determining whether a proposed expenditure or tax change is an emergency requirement are—

(i) necessary, essential, or vital (not merely useful or beneficial);

(ii) sudden, quickly coming into being, and not building up over time;

(iii) urgent, pressing, and compelling need requiring immediate action;

(iv) required in a timely manner to assist victims of crime as intended by current law and are not diverted to offset increased spending when such offsets produce no permanent budgetary or economic effects.

(b) POINT OF ORDER.—When the Senate is considering a bill, resolution, amendment, motion, or conference report, a point of order may be made by a Senator against an emergency designation if that measure and if the Presiding Officer sustains that point of order, that provision making such a designa-

(1) PURPOSE.—The purpose of this section is to ensure that amounts deposited in the deposit insurance guarantee commitment in the most recently adopted concurrent resolution on the budget and

(2) PRIOR SURPLUS.—If direct spending or revenue legislation increases the on-budget deficit or causes an on-budget deficit when considered individually, it also increases the on-budget deficit or causes an on-budget deficit when taken together with all direct spending and revenue legislation enacted since the beginning of the calendar year not accounted for in the baseline under paragraph (5)(A).

(c) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

SEC. 204. PAY-AS-YOU-GO POINT OF ORDER IN THE SENATE.

(a) PURPOSE.—The Senate declares that it is essential to continue the pay-as-you-go enrollment system.

(b) POINT OF ORDER.—In GENERAL.—It shall not be in order in the Senate to consider any direct spending or revenue legislation that would increase the on-budget deficit or cause an on-budget deficit for any one of the three applicable time periods as measured in paragraphs (5) and (6).

(2) APPLICABLE TIME PERIODS.—For purposes of this subsection the term “applicable time period” means any one of the three following periods:

(A) The first year covered by the most recently adopted concurrent resolution on the budget.

(B) The period of the first five fiscal years covered by the most recently adopted concurrent resolution on the budget.

(C) The period of the five fiscal years following the most recently adopted concurrent resolution on the budget.

(3) DIRECT-SPENDING LEGISLATION.—For purposes of this subsection and except as provided in paragraph (4), the term “direct-spending legislation” means any bill, joint resolution, amendment, motion, or conference report that affects direct spending as that term is defined by and interpreted for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

(4) EXCLUSION.—For purposes of this subsection, the terms “direct-spending legislation” and “revenue legislation” do not include—

(A) any concurrent resolution on the budget;

(B) any provision of legislation that affects the full funding of, and continuation of, the deposit insurance guarantee commitment in effect on the date of enactment of the Budget Enforcement Act of 1990.

(5) BASELINE.—Estimates prepared pursuant to this section shall—

(A) use the baseline used for the most recently adopted concurrent resolution on the budget; and

(B) be calculated under the requirements of subsections (b) through (d) of section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 for fiscal years beyond those covered by that concurrent resolution on the budget.
hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(e) sunset.—For purposes of this section, the levels of new budget authority, outlays, and revenues for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.

(f) sunsets.—Subsections (a) through (e) of this section shall apply to all revisions made before September 30, 2007.

SEC. 205. EXTENSION OF SUPERMAJORITY DISCIPLINE IN THE SENATE.

Notwithstanding any provision of the Congress of the United States, section 904(c)(2) and section 904(d)(3) of the Congressional Budget Act of 1974 shall remain in effect as rules of the Senate through September 30, 2007.

Subtitle B—Reserve Funds

SEC. 211. RESERVE FUND FOR MEDICARE.

If the Committee on Finance of the Senate reports a bill or joint resolution, or an amendment is offered thereto, or a conference report thereon is submitted, which reforms the Medicare Program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) and the access to prescription drugs, and that repeals the 15 percent reduction in payments under the Medicare Program for the Balanced Budget Act of 1997 and now scheduled to go into effect on October 1, 2002, the chairman of the Committee on the Budget, in consultation with the ranking member, may revise committee allocations for that committee and other appropriate budgetary aggregates and allocations of new budget authority (and the outlays resulting therefrom) in this resolution by the amount provided by that measure for that purpose, but not to exceed $9,482,000,000 in new budget authority and $8,529,000,000 in outlays for fiscal year 2003, and $9,482,000,000 in new budget authority and $8,529,000,000 in outlays for fiscal years 2004 through 2012.

SEC. 212. RESERVE FUND FOR HEALTH INSURANCE FOR THE UNINSURED.

If the Committee on Finance of the Senate reports a bill or joint resolution, or an amendment thereto is offered, or a conference report thereon is submitted, that provides health insurance for the uninsured (including a measure providing for tax deductions for the purchase of health insurance for, among others, moderate income individuals not receiving health insurance from their employers), the chairman of the Committee on the Budget, in consultation with the ranking member, may revise committee allocations for that committee and other appropriate budgetary aggregates and allocations of new budget authority (and the outlays resulting therefrom) in this resolution by the amount provided by that measure for that purpose, but not to exceed $3,529,000,000 in new budget authority for fiscal year 2003, and $59,862,000,000 for the period of fiscal years 2003 through 2012, of which $16,182,000,000 shall be made available only with respect to the repeal of the 15 percent reduction to home health agencies.

SEC. 215. RESERVE FUND FOR HIGHWAYS AND SAFETY.

If the Committee on Finance of the Senate reports a bill or joint resolution, or an amendment thereto is offered, or a conference report thereon is submitted, that provides for a fiscal year or period of fiscal years shall be deemed to apply to the Committee on Appropriations and other appropriate budgetary aggregates, including the discretionary spending limits set out in this resolution, but such revisions shall not exceed $2,271,000,000 in new budget authority and $171,000,000 in outlays for fiscal year 2003.

Subtitle C—Miscellaneous Provisions

SEC. 221. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.

(a) APPLICATION.—Any adjustments of allocations and aggregates made pursuant to this resolution shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

(b) EFFECT OF CHANGED ALLOCATIONS AND AGGREGATES.—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.
considered as part of the rules of each House, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent with the Constitution.

(2) With full recognition of the constitutional right of either House to change those rules (so far as they relate to that House) at any time, and in any manner, and to the same extent as in the case of any other rule of that House.

TITLE III—SENSE OF THE SENATE

SEC. 301. SENSE OF THE SENATE REGARDING ESTIMATE OF THE COST OF SMALL BUSINESS CREDIT PROGRAMS.

(a) FINDINGS.—The Senate finds the following:

(1) Small businesses play a critical role in our Nation and our economy, and the Federal Government assists that role by providing small businesses with loans and loan guarantees.

(2) Since the enactment of the Federal Credit Reform Act of 1990, the Small Business Administration and Office of Management and Budget have repeatedly reestimated downward the subsidy cost for the Small Business Administration’s 7(a) and 504 credit programs. For the 7(a) program alone, SBA and OMB have reestimated more than $1,000,000,000 in subsidy costs.

(3) These overestimates have resulted in borrowers and lenders in both programs having to pay higher than necessary fees to participate in the programs.

(4) In addition, these overestimates have diverted more than $1,000,000,000 in resources from other discretionary programs.

(5) In its 2003 budget, the Administration expects to further revise downward in fiscal year 2002 the estimated cost of small business loan programs.

(6) The Administration has begun working on substantially revising its model for the section 7(a) program, but was unable to complete its work in time for the 2003 budget.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the performance of the SBA and OMB in administering the Federal Credit Reform Act for small business credit programs has been unsatisfactory;

(2) the Administration should expeditiously complete its work on the new model for the section 7(a) program and share the results of that work with the Budget and Small Business Committees by no later than this August;

(3) the Administration should immediately begin work on similarly improving its subsidy model for the section 504 program; and

(4) the Administration should work with Congress to ensure that adequate funding is provided in fiscal year 2003 for small business credit programs.

SEC. 302. SENSE OF THE SENATE REGARDING FEDERAL EMPLOYEE PAY.

(a) FINDINGS.—The Senate finds the following:

(1) Members of the uniformed services and civilian employees of the United States make significant contributions to the general welfare of the Nation.

(2) Increases in the pay of members of the uniformed services and of civilian employees of the United States have not kept pace with increases in the overall pay levels of workers in the private sector, so that there now exists

(A) a 32 percent gap between compensation levels of civilian employees and compensation levels of private sector workers; and

(B) an estimated 10 percent gap between compensation levels of members of the uniformed services and compensation levels of private sector workers.

(3) The President’s budget proposal for fiscal year 2003 includes a 1.4 percent pay raise for military personnel.

(4) The Office of Management and Budget has requested agencies plan their fiscal year 2003 budgets with a 2.6 percent pay raise for civilian Federal employees.

(5) In almost every year during the past 2 decades, there have been equal adjustments in the compensation of members of the uniformed services and the compensation of civilian employees of the United States.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that there should continue to be parity between the adjustments in the compensation of the uniformed services and the adjustments in the compensation of civilian employees of the United States.

SEC. 303. SENSE OF THE SENATE ON MENTAL HEALTH PARITY.

It is the sense of the Senate that in providing for mental health parity—

(1) nothing in this budget resolution shall be construed to alter or amend title II of the Social Security Act (or any regulation promulgated under that Act);

(2) the Secretary of the Treasury will annually estimate the impact of enactment of such a policy on the income and balances of the trust funds established under section 201 of the Social Security Act (42 U.S.C. 401); and

(3) that if the Secretary of the Treasury estimates that the enactment of mental health parity has a negative impact on the income and balances of such trust funds, the Administration shall transfer, not less frequently than quarterly, from the general revenues of the Federal Government an amount sufficient so as to ensure that the income and balances of such trust funds are not reduced as a result of this policy.

SEC. 304. SENSE OF THE SENATE ON MEDICAID COMMISSION.

It is the sense of the Senate that Congress should establish a National Commission on Medicaid and State-Based Health Care Reform to study and make recommendations to Congress, the President, and the Secretary of Health and Human Services with respect to the program under title XIX of the Social Security Act.

SEC. 305. SENSE OF THE SENATE REGARDING PILT FUNDING.

(a) FINDINGS.—The Senate finds that—

(1) members of the uniformed services and civilian employees of the United States have not fared as well as other workers in the private sector;

(2) many counties with high percentages of military personnel benefit from the presence of non-taxable land within their jurisdictions; and

(3) PILT funds are critical to the budget of local governments, which supply many valuable local social services, such as law enforcement, road maintenance and firefighting, as well as services for adjacent Federal lands such as search and rescue operations.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that within the discretionary allocations made by this Congress on appropriations that the Payment in Lieu of Taxes program should be fully funded.

SA 3865. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 301. BUDGET ENFORCEMENT.
(2) EXCEPTION FOR ON-BUDGET SURPLUSES.—If prior to September 30, 2007, the Final Monthly Treasury Statement for any of the fiscal years 2002 through 2006 reports an on-budget surplus, section 252 shall expire at the end of the following fiscal year and the President, in the next budget, shall submit to Congress a recommendation for pay-as-you-go provisions that the President believes are appropriate when there is an on-budget surplus.

(BUDGET AS PROVIDED.—Subsections (a) and (b)(1) of section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by striking “2002” each place it appears and inserting “2007”.

SEC. 08. SENATE ENFORCEMENT.

(a) ALLOCATIONS TO THE COMMITTEE ON APPROPRIATIONS OF THE SENATE.—Upon the enactment of this Act, the Chairman of the Committee on the Budget of the Senate shall file allocations to the committee on Appropriations of the Senate consistent with this Act pursuant to section 302(a) of the Congressional Budget Act of 1974.

(b) RESTRICTIONS ON ADVANCE APPROPRIATIONS—(A) The term “advance appropriation” means any bill, joint resolution, or concurrent resolution on the budget; and

(c) EXTENSION OF SUPERMAJORITY DISCIPLINE IN THE SENATE.—Section 904(e) of the Congressional Budget Act of 1974 is amended by striking “2002” each place it appears and inserting “2007”.

SEC. 09. HOUSE ENFORCEMENT.

(a) ALLOCATIONS TO THE COMMITTEE ON APPROPRIATIONS OF THE HOUSE.—Upon the enactment of this Act, the Chairman of the Committee on the Budget of the House of Representatives shall file allocations to the committee on Appropriations of the House of Representatives consistent with this Act pursuant to section 302(a) of the Congressional Budget Act of 1974.

(b) RESTRICTIONS ON ADVANCE APPROPRIATIONS—(A) The term “advance appropriation” means any bill, joint resolution, amendment, or conference report that affects direct spending or revenue legislation.

(c) EXTENSION OF SUPERMAJORITY DISCIPLINE IN THE HOUSE.—Section 904(e) of the Congressional Budget Act of 1974 is amended by striking “2002” each place it appears and inserting “2007”.

SEC. 10. CONFERENCES ON APPROPRIATIONS.

(a) ALLOCATIONS TO THE COMMITTEE ON APPROPRIATIONS.—At the conclusion of the Conference on Appropriations, the Chairman of the Committee on the Budget of the House of Representatives shall file allocations to the committee on Appropriations of the House of Representatives consistent with this Act pursuant to section 302(a) of the Congressional Budget Act of 1974.

(b) RESTRICTIONS ON ADVANCE APPROPRIATIONS—(A) The term “advance appropriation” means any bill, joint resolution, or concurrent resolution on the budget; and

(c) EXTENSION OF SUPERMAJORITY DISCIPLINE IN THE HOUSE.—Section 904(e) of the Congressional Budget Act of 1974 is amended by striking “2002” each place it appears and inserting “2007”.

SEC. 11. PAY-AS-YOU-GO POINT OF ORDER IN THE SENATE.

(1) PURPOSE.—The Senate shall require that a point of order raised under paragraph (1) may be sustained only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) POINT OF ORDER.—A point of order raised under paragraph (1) shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report that affects direct spending or revenue legislation unless the point of order is sustained in the Senate by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(c) PAY-AS-YOU-GO POINT OF ORDER IN THE HOUSE.—(1) PURPOSE.—The House shall require that a point of order raised under paragraph (1) may be sustained only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) POINT OF ORDER.—A point of order raised under paragraph (1) shall not be in order in the House to consider any bill, joint resolution, amendment, motion, or conference report that affects direct spending or revenue legislation unless the point of order is sustained in the House by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

SEC. 12. BUDGET ENFORCEMENT.
SEC. 3. EXTENSION OF PAY-AS-YOU-GO REQUIREMENT.

Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902) is amended—

(1) in subsections (a) and (b)(1), by striking "enacted before October 1, 2002," and inserting "enacted before October 1, 2002," and

(2) by inserting at the end thereof the following:

"(3) Exemption. Notwithstanding any other provision of law, there shall be no sequestration under this section for any fiscal year in which a surplus exists (as measured in conformance with section 13301 of the Budget Enforcement Act of 1990)."

SEC. 4. POINT OF ORDER TO REQUIRE COMPLIANCE WITH PAY-AS-YOU-GO REQUIREMENT.

Section 312(b) of the Congressional Budget Act of 1974 (2 U.S.C. 442(b)) is amended to read as follows:

"(b) Discretionary Spending Limit and Pay-As-You-Go Point of Order in the Senate—

(1) in General.—Except as otherwise provided in paragraph (6), it shall not be in order in the Senate to consider a bill, joint resolution, or conference report that would exceed any of the discretionary spending limits set forth in this section, except as otherwise provided in paragraph (7), for any one of the following three applicable time periods:

(1) the first year covered by the most recently adopted concurrent resolution on the budget;

(2) the period of the first 5 fiscal years following the most recently adopted concurrent resolution on the budget;

(3) the period of the first 10 fiscal years following the most recently adopted concurrent resolution on the budget.

(2) Budget resolutions.—Except as otherwise provided in paragraph (6), it shall not be in order in the Senate to consider a budget resolution or any separate provision of a bill or resolution (or amendment, motion, or conference report on that bill or resolution) that would exceed any of the discretionary spending limits set forth in section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 or any suballocation of such limits among subcommittees under section 302(b); or

(3) for direct spending or revenue legislation, would cause or increase a deficit (as measured in conformance with section 13301 of the Budget Enforcement Act of 1990) for any one of the following three applicable time periods:

(1) the first year covered by the most recently adopted concurrent resolution on the budget;

(2) the period of the first 5 fiscal years covered by the most recently adopted concurrent resolution on the budget; or

(3) the period of the 5 fiscal years following the first five fiscal years covered in the most recently adopted concurrent resolution on the budget.

(3) Emergencies.—It shall not be in order in the Senate to consider any bill or resolution (or amendment, motion, or conference report on that bill or resolution) that waives or suspends the enforcement of section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 or otherwise would alter the spending limits set forth in that section.

(b) Pay-As-You-Go.—It shall not be in order in the Senate to consider any bill or resolution (or amendment, motion, or conference report on that bill or resolution) that waives or suspends the enforcement of section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 or otherwise would alter the balances of the pay-as-you-go scorecard pursuant to that section.

(c) Directed Scoring.—It shall not be in order in the Senate to consider any bill or resolution (or amendment, motion, or conference report on that bill or resolution) that directs the scorekeeping of any bill or resolution.

(4) Waiver and Appeal.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(b) Table of Contents.—The table of contents for the Congressional Budget Act of 1974 is amended by inserting after the item for section 315 the following:

"316. Budget evasion point of order."

SA 3688. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE — BUDGET ENFORCEMENT

SEC. 1. BUDGET DISCIPLINE AND ENFORCEMENT.

(a) Statutory Discretionary Spending Limits.—Section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(c)) is amended by—

(1) in section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(c)) is amended by striking paragraph (7) and inserting the following:

"(7) for the defense discretionary category: $392,757,000,000 in new budget authority and $372,231,000,000 in outlays;

(8) for the highway category: $28,922,000,000 in outlays;

(9) for the mass transit category: $11,623,000,000 in new budget authority and $6,300,000,000 in outlays; and

(10) for the conservation discretionary category: $737,965,000,000 in new budget authority and $372,231,000,000 in outlays.

(b) Repeal of Obsolete Provisions.—

(1) CONGRESSIONAL BUDGET ACT OF 1974.—Section 314(b) of the Congressional Budget Act of 1974 is amended by—

(A) by striking paragraphs (2) through (5); and

(B) by redesignating paragraph (6) as paragraph (5).

(2) BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT OF 1995.—Section 251(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1995 is amended by—

(A) by striking subparagraphs (C) through (F); and
(B) by redesignating subparagraph (G) as subparagraph (C).

(c) CONFORMING AMENDMENTS.—Section 254 of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended—

(1) in subsection (c)(2), by striking “2002” each time it appears and inserting “2003”; and

(2) in subsection (f)(2)(A), by striking “2002” each time it appears and inserting “2003”.

SEC. 02. ENFORCEMENT EXTENSIONS.

(a) Extending of Enforceability Discretionary Spending Limits.—Notwithstanding section 275 of the Balanced Budget and Emergency Deficit Control Act of 1985, section 252, except as provided in paragraph (2), and sections 264, 255, 257, 258, 258A, and 258C of that Act shall expire on September 30, 2003.

(b) Extension of Enforcing Pay-As-You-Go.—

(1) IN GENERAL.—Notwithstanding section 275 of the Balanced Budget and Emergency Deficit Control Act of 1985, section 252, except as provided in paragraph (2), and sections 264, 255, 257, 258, 258A, and 258C of that Act shall expire on September 30, 2011.

(2) EXCEPTION FOR ON-BUDGET SURPLUSES.—If prior to September 30, 2007, the Final Quarterly Budget Report for any of the fiscal years 2002 through 2006 reports an on-budget surplus, section 252 shall expire at the end of the fiscal year following the last fiscal year in which the on-budget surplus was reported.

(c) Extension of Supermajority Discipline in the Senate.—

(1) IN GENERAL.—(A) The purpose of this subsection is that the Senate shall not consider any direct spending or revenue legislation for the fiscal year 2002 and any subsequent fiscal year, provisions contained in any bill, resolution, amendment, motion, or conference report of a point of order raised under section 252 if the Senate, upon the recommendation of the Committee, shall not be required to continue the pay-as-you-go enforcement procedures that the President believe are appropriate when there is an on-budget surplus.

(2) CONFORMING AMENDMENT.—Subsections (a) and (b)(1) of section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 are amended by striking “2002” each time it appears and inserting “2007”.

(d) Extension of Enforcing Pay-As-You-Go Pay-As-You-Go Point of Order in the Senate.—

(1) PURPOSE.—The purpose of this subsection is that the Senate shall not be in order in the Senate to consider any reported bill or joint resolution, or amendment thereto or conference report thereon, that would provide an advance appropriation.

(2) EXCEPTION.—An advance appropriation may be provided—

(A) for fiscal year 2004 for programs, projects, activities, or accounts included in the following Act or Act as amended by striking “2002” each time it appears and inserting “2007”;

(B) EXTENSION OF ENFORCING DISCRETIONARY SPENDING LIMITS.—Notwithstanding section 275 of the Balanced Budget and Emergency Deficit Control Act of 1985, section 252, except as provided in paragraph (2), and sections 264, 255, 257, 258, 258A, and 258C of that Act shall expire on September 30, 2011.

(c) EXCEPTION FOR ON-BUDGET SURPLUSES.—If prior to September 30, 2007, the Final Quarterly Budget Report for any of the fiscal years 2002 through 2006 reports an on-budget surplus, section 252 shall expire at the end of the fiscal year following the last fiscal year in which the on-budget surplus was reported.

(c) EXTENSION OF SUPERMAJORITY DISCIPLINE IN THE SENATE.—Section 904(e) of the Congressional Budget Act of 1974 is amended by striking “2002” and inserting “2007”.

SEC. 03. SENATE ENFORCEMENT.

(a) Allocations to the Committee on Appropriations of the Senate.—Upon the enactment of this Act, the Chairman of the Committee on the Budget of the Senate shall file allocations to the committee on Appropriations of the Senate consistent with this Act pursuant to section 302(a) of the Congressional Budget Act of 1974.

(b) Restrictions on Advance Appropriations Thereto.—

(1) IN GENERAL.—Except as provided in paragraph (2), it shall not be in order in the Senate to consider any reported bill or joint resolution, or amendment thereto or conference report thereon, that would provide an advance appropriation.

(2) EXCEPTION.—An advance appropriation may be provided—

(A) for fiscal year 2004 for programs, projects, activities, or accounts identified in—

(i) any concurrent resolution on the budget for fiscal year 2004 and any subsequent fiscal year, provisions contained in any bill, resolution, amendment, motion, or conference report of a point of order raised under section 252 if the Senate, upon the recommendation of the Committee, shall not be required to continue the pay-as-you-go enforcement procedures that the President believe are appropriate when there is an on-budget surplus.

(B) EXTENSION OF ENFORCING DISCRETIONARY SPENDING LIMITS.—Notwithstanding section 275 of the Balanced Budget and Emergency Deficit Control Act of 1985, section 252, except as provided in paragraph (2), and sections 264, 255, 257, 258, 258A, and 258C of that Act shall expire on September 30, 2011.

(c) EXCEPTION FOR ON-BUDGET SURPLUSES.—If prior to September 30, 2007, the Final Quarterly Budget Report for any of the fiscal years 2002 through 2006 reports an on-budget surplus, section 252 shall expire at the end of the fiscal year following the last fiscal year in which the on-budget surplus was reported.

(c) EXTENSION OF SUPERMAJORITY DISCIPLINE IN THE SENATE.—Section 904(e) of the Congressional Budget Act of 1974 is amended by striking “2002” and inserting “2007”.

SEC. 04. REPEAL OF OBSOLETE PROVISIONS.

(a) IN GENERAL.—Section 253 of the Balanced Budget and Emergency Deficit Control Act of 1985 is repealed.

(b) CONFORMING AMENDMENTS.—

(1) CONGRESSIONAL BUDGET AND IMPOUNDMENT CONTROL ACT OF 1974.—Section 312 of the Congressional Budget and Impoundment Control Act of 1974 is amended—

(A) by repealing subsection (c); and

(B) by redesignating subsections (d) through (f) as subsections (c) through (e).

(2) BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT OF 1985.—The Balanced Budget and Emergency Deficit Control Act of 1985 is amended—

(A) by repealing section 253; and

(B) by redesignating paragraphs (1), (2), and (3) of section 252 as paragraphs (1), (2), and (3) of section 252.

SA 3689. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year 2002.
year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 5. WESTERN AREA POWER ADMINISTRATION.
Title III of the Energy and Water Development Appropriations Act, 2002, is amended in the matter under the heading ‘‘Construction, Rehabilitation, Operation, and Maintenance, Western Area Power Administration’’ (115 Stat. 507) by striking ‘‘Fund:’’ and inserting ‘‘Fund, and of which $460,000 shall be for transmission studies to carry out the functions under section 302(a)(1)(E) of the Department of Energy Organization Act (42 U.S.C. 7152(a)(1)(E)) and shall be non-reimbursable:’’.

SA 3690. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 93, after line 24, add the following:

SEC. 905. CONSENT TO AMENDMENTS TO CERTAIN SESSION LAWS OF THE STATE OF HAWAII.
As required by section 4 of Public law 86–3 (73 Stat. 4), the United States consents to the following amendments to the Act adopted by the State of Hawaii in the manner required for State legislation:

(1) Act 110 of the Session Laws of Hawaii, 2001;
(2) Act 122 of the Session Laws of Hawaii, 2001;

SA 3691. Mr. BYRD (for himself, Mr. STEVENS, and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 97, line 19, strike ‘‘$200,000,000 are rescinded.’’ and insert ‘‘$302,000,000 are rescinded.‘’

FEDERAL-AID HIGHWAYS
EMERGENCY RELIEF PROGRAM
(HIGHWAY TRUST FUND)
For an additional amount for the ‘‘emergency relief program’, as authorized by 23 U.S.C. 125, $120,000,000, to be derived from the Highway Trust Fund and to remain available until expended.’’

SA 3692. Mr. BYRD (for himself, Mr. STEVENS, and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 97, line 19, strike ‘‘$320,000,000 are rescinded.’’ and insert ‘‘$220,000,000 are rescinded.‘’

FEDERAL-AID HIGHWAYS
EMERGENCY RELIEF PROGRAM
(HIGHWAY TRUST FUND)
For an additional amount for the ‘‘emergency relief program’, as authorized by 23 U.S.C. 125, $120,000,000, to be derived from the Highway Trust Fund and to remain available until expended.’’

SA 3693. Mr. BYRD (for himself, Mr. STEVENS, and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

Strike all beginning after the second comma on page 96, line 24, through the comma on page 97 line 2, and insert the following:

(b) ADMINISTRATION.—The Secretary shall make assistance available under this section in the same manner as provided under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–287; 114 Stat. 1549A–51).

(b) ADMINISTRATION.—The Secretary shall make assistance available under this section in the same manner as provided under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–287; 114 Stat. 1549A–51).

SA 3696. Mr. LEAHY (for himself and Mr. MCCONNELL) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 63, line 15, strike ‘‘or subsequent Acts’’.

SA 3697. Mr. LEAHY (for himself and Mr. MCCONNELL) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 60, line 4, strike ‘‘equipment’’ and insert in lieu thereof ‘‘equipment and related assistance’’.

SA 3698. Mr. LEAHY (for himself and Mr. MCCONNELL) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 63, line 19, strike ‘‘may’’ and everything that follows through ‘‘Initiative’’ on line 20, and insert in lieu thereof ‘‘shall be made available for any of the programs and activities identified in clause (1) to improve the lives of the Colombian people’’.

SA 3699. Mr. JEFFORDS (for himself and Mr. SMITH of Nebraska) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 97, strike lines 13 through 19.

SA 3700. Mr. SMITH of Oregon submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 37, between lines 2 and 3, insert the following:

SEC. 307. None of the funds appropriated by this or any other Act may be used to convert the 939th Combat Search and Rescue Wing of the Air Force Reserve, based in Portland, Oregon, to Air Refueling Wing or to transfer any of the aircraft from the 939th Combat Search and Rescue Wing out of such Wing.

SA 3701. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for
other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the bill, add the following:

SEC. 505. Notwithstanding any other provi-
dion of law, the Secretary of the Army may
carry out fencing and access control projects
in support of installation-wide control meas-
ures not otherwise authorized by law using
appropriations made available in Public Law
107–117 under the heading “Operation and
Maintenance, Army”.

SA 3702. Mr. STEVENS submitted an
amendment intended to be proposed by him
to the bill H.R. 4775, making supple-
mental appropriations for the fiscal
year ending September 30, 2002, and for
other purposes; which was ordered to
lie on the table; as follows:

At the appropriate place in the bill insert
the text of S. 1713 as ordered favorably
reported by the Committee on Governmental
Affairs of the United States Senate on May
22, 2002.

SA 3703. Mr. MCCAIN (for himself and
Mr. FEINGOLD) submitted an amend-
ment intended to be proposed by him
to the bill H.R. 4775, making supple-
mental appropriations for the fiscal
year ending September 30, 2002, and for
other purposes; which was ordered to
lie on the table; as follows:

On page 73, strike lines 1 through 11.

SA 3704. Mr. MCCAIN submitted an
amendment intended to be proposed by him
to the bill H.R. 4775, making supple-
mental appropriations for the fiscal
year ending September 30, 2002, and for
other purposes; which was ordered to
lie on the table; as follows:

On page 2, strike lines 24 through 26.

SA 3705. Mr. MCCAIN submitted an
amendment intended to be proposed by him
to the bill H.R. 4775, making supple-
mental appropriations for the fiscal
year ending September 30, 2002, and for
other purposes; which was ordered to
lie on the table; as follows:

On page 52, strike lines 4 through 9.

SA 3706. Mr. MCCAIN submitted an
amendment intended to be proposed by him
to the bill H.R. 4775, making supple-
mental appropriations for the fiscal
year ending September 30, 2002, and for
other purposes; which was ordered to
lie on the table; as follows:

At the end of chapter 5 of title I, add the follow-
ing:

SEC. 506. Notwithstanding any other provi-
dion of law, the amount appro-
priated by this chapter for construction of
the National Center for Combating Ter-
rorism, or any portion of such amount, may
be obligated and expended instead, at the
election of the President, for purposes as fol-
lows:
(1) Critical force protection.
(2) Homeland defense.

SA 3708. Mr. MCCAIN submitted an
amendment intended to be proposed by him
to the bill H.R. 4775, making supple-
mental appropriations for the fiscal
year ending September 30, 2002, and for
other purposes; which was ordered to
lie on the table; as follows:

At the end of chapter 5 of title I, add the follow-
ing:

SEC. 505. (a) AVAILABILITY OF NATIONAL CENTER FOR COMBATTING TERRORISM FUNDS FOR FENCE PROGRAM AND HOMELAND DEFENSE.—Notwithstanding any other pro-
vision of this chapter, the amount appro-
priated by this chapter, the amount appro-
priated by this chapter for construction of the
National Center for Combating Terrorism,
or any portion of such amount, may be
obligated and expended instead, at the
election of the President, for purposes as fol-
lows:
(1) Critical force protection.
(2) Homeland defense.

SA 3709. Mr. INHOFE (for himself and
Mr. NICKLES) submitted an amend-
ment intended to be proposed by him
to the bill H.R. 4775, making supple-
mental appropriations for the fiscal
year ending September 30, 2002, and for
other purposes; which was ordered to
lie on the table; as follows:

On page 4, line 5, strike “$100,000,000” and
insert “$80,000,000”.

On page 97, between lines 12 and 13, insert the following:

For an additional amount for emergency
relief under section 125 of title 23, United
States Code, $23,000,000, of which $12,000,000
shall be used for reconstruction of the por-
tion of Interstate Route 40 spanning the Ar-
kansas River in the State of Oklahoma that
was destroyed as a result of a barge collision
which occurred on May 26, 2002.

SA 3710. Mr. BROWNBACK (for him-
self, Mr. GRAMM, Mr. HELMS, Mr. FITZ-
GERALD, and Mr. INHOFE) submitted an
amendment intended to be proposed by him
to the bill H.R. 4775, making supple-
mental appropriations for the fiscal
year ending September 30, 2002, and for
other purposes; which was ordered to
lie on the table; as follows:

At the appropriate place, insert the follow-
ing:

TITLE — COMMISSION ON THE AC-
COUNTABILITY AND REVIEW OF FED-
ERAL AGENCIES

SEC. 1. SHORT TITLE.
This title may be cited as the “Commi-
ssion on the Accountability and Review of
Federal Agencies Act”.

SEC. 2. ESTABLISHMENT OF COMMISSION.
(a) ESTABLISHMENT.—There is established the
Commission on the Accountability and Review of Federal Agen-
cies (hereafter in this title referred to as the “Commission”).

(b) MEMBERSHIP.—
(1) IN GENERAL.—The Commission shall
consist of 12 members, all of whom shall be
appointed by the President within 90 days
after the date of enactment of this Act.
(2) CHAIRPERSON AND VICE CHAIRPERSON.—
The President shall designate a chairperson
and vice chairperson from among the mem-
ers of the Commission.
(c) PERIOD OF APPOINTMENT; VACANCIES.—
Members shall be appointed for the life of
the Commission. Any Com-
munity shall not affect its powers, but shall
be filled in the same manner as the original
appointment.
(d) INITIAL MEETING.—Not later than 30 days
after the date on which all members of the
Commission have been appointed, the
Commission shall hold its first meeting.
(e) MEETINGS.—The Commission shall meet
at the call of the chairperson.
(f) QUORUM.—A majority of the members of
the Commission shall constitute a quorum,
but a lesser number of members may hold
hearings.

SEC. 3. DUTIES OF THE COMMISSION.
(a) DEFINITION.—
(1) IN GENERAL.—Except as provided in para-
graph (2), the term “agency”, as used in
this section, has the meaning given the term
“executive agency” under section 105 of title
5, United States Code.

(2) EXCEPTION.—The term “agency” does not
include the Department of Defense or its
subdivisions.

(b) IN GENERAL.—The Commission shall—
(1) evaluate all agencies and programs within
those agencies using the criteria under subsec-
ction (c); and
(2) submit to Congress—
(A) a plan with recommendations of the
agencies and programs that should be re-
aligned or eliminated; and
(B) proposed legislation to implement the
plan under subparagraph (A).

(c) CRITERIA.—
(1) DUPLICATE.—If 2 or more agencies or
programs are performing the same essential
function and the function can be consoli-
dated or streamlined into a single agency or
program, the Commission shall recommend
that the agency or program be realigned.

(2) WASTRFUL OR INEFFICIENT.—The Com-
mision shall recommend the realignment,
or elimination of any agency or program that
has wasted Federal funds by—
(A) egregious spending;
(B) mismanagement of resources and per-
sonnel; or
(C) use of such funds for personal benefit or
the benefit of a special interest group.

(3) OUTDATED, IRRELEVANT, OR FAILED.—The
Commission shall recommend the elimi-
nation of any agency or program that—
(A) has completed its intended purpose;
(B) has become irrelevant; or
(C) has failed to meet its objectives.

(d) REPORT.—
(1) IN GENERAL.—Not later than 2 years
after the date of enactment of this Act, the
Commission shall submit to the President
and Congress a report that includes—
(A) the plan described under subsection
(b)(1) with supporting documentation for all
recommendations; and
(B) the proposed legislation described under
subsection (b)(2).

(2) USE OF SAVINGS.—The proposed legisla-
tion under paragraph (1)(B) shall provide
that all funds saved by the implementation
of the provisions of this Act shall be used
to support other domestic programs.

(3) RELOCATION OF FEDERAL EMPLOYEES.—
The proposed legislation under paragraph
(1)(B) shall provide that if the position of an
employee of an agency is eliminated as a re-

sult of the implementation of the plan under
paragraph (1)(A), the affected agency shall
transfer the reasonable effort associated with
such employee to another position within the agency
or within another Federal agency.
SEC. 64. POWERS OF THE COMMISSION.

(a) HEARINGS.—The Commission or, at its direction, any subcommittee or member of the Commission, may, for the purpose of carrying out its duties, do any of the following:

(1) hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths as the Commission considers advisable;

(2) require, by subpoena or otherwise, the attendance and testimony of such witnesses as any member of the Commission considers advisable; and

(3) require, by subpoena or otherwise, the production of books, records, correspondence, memoranda, papers, documents, tapes, and other evidentiary materials relating to any matter under investigation by the Commission.

(b) ISSUANCE AND ENFORCEMENT OF SUBPOENAS.—

(1) ISSUANCE.—Subpoenas issued under subsection (a) shall bear the signature of the chairperson of the Commission and shall be served by any person or class of persons designated by the chairperson for that purpose.

(2) ISSUANCE BY SPECIAL ORDER.—The Commission, upon a finding of bad faith or failure to obey a subpoena issued under subsection (a), the United States district court for the judicial district in which the person to whom it is directed resides, or may be found, may issue an order requiring such person to appear at any designated place to testify or produce documentary or other evidence. If a subpoena so issued is not obeyed, the court may punish the person in contempt of court.

(c) INFORMATION FROM FEDERAL AGENCIES.—The Commission shall secure directly information as the Commission considers necessary to carry out this title. Upon request, the head of any Federal department or agency may furnish such information to the Commission.

(d) PAY RATES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(e) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

SEC. 65. CONGRESSIONAL PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—

(1) NON-FEDERAL MEMBERS.—Except as provided under subsection (b), each member of the Commission who is not an officer or employee of the Federal Government shall not be compensated.

(2) FEDERAL OFFICERS OR EMPLOYEES.—All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.

(1) IN GENERAL.—The chairperson of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other personnel as the Chairperson considers necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Senate.

(2) COMPENSATION.—Upon the approval of the chairperson, the executive director may fix the compensation of the executive director and other personnel without regard to section 5302 of title 5, United States Code, relating to class of personnel and rates of pay, except that the rate of pay for the executive director and other personnel may not exceed the maximum rate payable for a position at level V of the Executive Schedule under section 5312 of title 5.

SEC. 66. TERMINATION OF THE COMMISSION.

The Commission shall terminate 90 days after the date on which the Commission submits the report required under subsection (d).

SEC. 67. CONGRESSIONAL CONSIDERATION OF IMPLEMENTATION BILLS.

(a) DEFINITIONS.—In this section—

(1) the term ‘implementation bill’ means only a bill which is introduced as provided in subsection (b); and

(2) the term ‘calendar day’ means a calendar day other than 1 on which either House is not in session because of an adjournment of more than 3 days to a date certain.

(b) INTRODUCTION; REFERRAL; AND REPORT OR DISCHARGE.—

(1) INTRODUCTION.—On the first calendar day on which the report is submitted to Congress under section 63, a single implementation bill shall be introduced in each House by the Majority Leader and the Minority Leader of the House.

(2) DISCHARGE.—If a motion to discharge the implementation bill is agreed to, the bill shall be placed on the appropriate calendar.

(3) REPORT OR DISCHARGE.—If a committee of jurisdiction in the Senate and any appropriate committee of jurisdiction in the House of Representatives have agreed to report the implementation bill, the bill shall be placed on the appropriate calendar.

(4) VOTE ON FINAL PASSAGE.—Immediately following the conclusion of the debate on an implementation bill, and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the House, the vote on final passage of the implementation bill shall occur.

(c) RULINGS OF THE CHAIR ON PROCEEDURES.—

(1) APPLICABILITY.—The provisions of section 66 of this title relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedures relating to the consideration of an implementation bill shall be decided without debate.

(2) COORDINATION WITH ACTION BY OTHER HOUSE.—If, before the passage by 1 House of an implementation bill of that House, that House receives from the other House an implementation bill, then the following procedures shall apply:

(A) NO VOTE.—The implementation bill of the other House shall not be referred to a committee.

(B) ONE BILL OF OTHER HOUSE.—With respect to an implementation bill of the House receiving the implementation bill—

(1) the procedure in that House shall be the same as if the implementation bill had been received from the other House;

(2) the bill may be ordered to be reported; and

(3) the rules of the Senate or the House of Representatives on which that bill is reported, or introduced, shall apply.
extent that it is inconsistent with such rules; and
(2) with full recognition of the constitutional
righ...
the end of line 8 through the word
other purposes; which was ordered to
lie on the table; as follows:

On page 69, after line 23, add the following:
Snp. 605. Not later than 45 days after the
date of the enactment of this Act, the Presi-
dent shall transmit to the Committee on Ap-
propriations and the Committee on Foreign
Relations of the Senate a report setting forth a
strategy for meeting the immediate and
long-term security needs of Afghanistan in
the context of an effective policy to promote
deliveries of humanitarian and other assistance
throughout Afghanistan, further the rule of
law and civil order, and support the forma-
tion of a functioning, representative Afghan
government.

SA 3711. Mr. LEAHY submitted an amend-
ment intended to be proposed by him to the bill H.R. 4775, making sup-
plemental appropriations for the fiscal
year ending September 30, 2002, and for
other purposes; which was ordered to
lie on the table; as follows:

On page 2, strike all from line 24 through
line 26.

SA 3713. Mr. GRAMM submitted an amend-
ment intended to be proposed by him to the bill H.R. 4775, making sup-
plemental appropriations for the fiscal
year ending September 30, 2002, and for
other purposes; which was ordered to
lie on the table; as follows:

On page 2, strike all from line 16 through
line 23.

SA 3714. Mr. GRAMM submitted an amend-
ment intended to be proposed by him to the bill H.R. 4775, making sup-
plemental appropriations for the fiscal
year ending September 30, 2002, and for
other purposes; which was ordered to
lie on the table; as follows:

On page 71, strike all from the comma at
the end of line 8 through the word “Center”
on line 12.

SA 3715. Mr. LEAHY (for himself and
Mr. MCONNELL) submitted an amend-
ment intended to be proposed by him to the bill H.R. 4775, making sup-
plemental appropriations for the fiscal
year ending September 30, 2002, and for
other purposes; which was ordered to
lie on the table; as follows:

On page 63, line 12, strike “ownership share
of” and insert in lieu thereof “financial in-
terest in.”

SA 3716. Mr. LEAHY (for himself and
Mrs. FEINSTEIN) submitted an amend-
ment intended to be proposed by him to the bill H.R. 4775, making sup-
plemental appropriations for the fiscal
year ending September 30, 2002, and for
other purposes; which was ordered to
lie on the table; as follows:

On page 69, after line 23, add the following:
Snp. 605. Not later than 45 days after the
date of the enactment of this Act, the Presi-
dent shall transmit to the Committee on Ap-
propriations and the Committee on Foreign
Relations of the Senate a report setting forth a
strategy for meeting the immediate and
long-term security needs of Afghanistan in
the context of an effective policy to promote
deliveries of humanitarian and other assistance
throughout Afghanistan, further the rule of
law and civil order, and support the forma-
tion of a functioning, representative Afghan
government.

SA 3717. Mr. LEAHY submitted an amend-
ment intended to be proposed by him to the bill H.R. 4775, making sup-
plemental appropriations for the fiscal
year ending September 30, 2002, and for
other purposes; which was ordered to
lie on the table; as follows:

On page 55, strike lines 19 through 19, and
insert the following:

For an additional amount for the “Child
Survival and Health Programs Fund”,
$500,000,000, to remain available until
expended: Provided, That such funds shall be
made available only for programs for the
prevention, treatment, and control of, and
research concerning, Tuberculosis, and Malaria: Provided further,
That special emphasis shall be given to as-
sistance directed at the prevention of trans-
mision of HIV/AIDS from mother to child,
including medications to prevent such trans-
mission: Provided further, That of the funds appropriated
by this paragraph, the Presi-
dent shall make at least a $100,000,000 con-
tribution to the Global Fund to Fight AIDS,
Tuberculosis, and Malaria: Provided further,
That funds appropriated by this paragraph,
other than those made available as a con-
tribution to the Global Fund, may be made available for a project or activity only if
such funds are matched at least equally, in-
cluding on an in-kind basis, from sources other than the United States Government:
Provided further, That funds appropriated
by this paragraph may be may be made available for a project or activity only if
such funds are matched at least equally, in-
cluding on an in-kind basis, from sources other than the United States Government:
Provided further, That funds appropriated
by this paragraph may be made available not-
withstanding any other provision of law, in-
cluding Section 5072 of title 2, pro-
vided further, That not more than seven per-
cent of the amount of the funds appropriated
by this paragraph, in addition to funds oth-
erwise available for such purpose, may be
made available for the administrative costs
of United States Government agencies in
carrying out programs funded under this paragraph: Provided further, That the entire
amount is designated by the Congress as an
emergency requirement pursuant to section
251(b)(2)(A) of the Balanced Budget and
Emergency Deficit Control Act of 1985, as
amended: Provided further, That the entire
amount shall be available only to the extent
that an official budget request that includes
designation of the entire amount as an emer-
gency requirement pursuant to section
251(b)(2)(A) of the Balanced Budget and
Emergency Deficit Control Act of 1985, as
amended, is transmitted to the President
and in the case of an aggregate, exceed
$50,000,000 and provide the subsidy amounts
necessary for such instruments in accord-
ance with the provisions of the Federal Cred-
it Reform Act of 1990 (2 U.S.C. 661 et seq.)

SA 3719. Mr. DOMENICI (for himself and
Mr. BINGAMAN) submitted an amend-
ment intended to be proposed by him to the bill H.R. 4775, making sup-
plemental appropriations for the fiscal
year ending September 30, 2002, and for
other purposes; which was ordered to
lie on the table; as follows:

At the appropriate place, insert the fol-
lowing:

SEC. . LOAN GUARANTEE.

(a) In General.—Notwithstanding any
other provision of law, subject to such terms
and conditions as the Secretary deems nec-

essary, there are hereby appropriated such
sums as may be necessary, the Secretary shall issue credit instrumen-
to manufacturers of small jet turbofan aircraft as defined in subsection (a) of
the Air Transportation Safety and
System Stabilization Act of 2001, issue credit instruments to the manufacturers of small jet
Turbofan aircraft as defined in subsection (a) of
the Air Transportation Safety and
System Stabilization Act of 2001, issue credit instruments to the manufacturers of small jet
Turbofan aircraft as defined in subsection (a) of
the Air Transportation Safety and

(b) The Secretary shall enter into agree-
ments with 1 or more obligors to issue Fed-
eral credit instruments under subsection (a) if the Secretary determines, at his discre-
tion, that—

(1) The obligor is a manufacturer of small jet
Turbofan aircraft for whose credit is not
reasonably available at the time of the
transactions; and

(2) The intended obligation by the obligor is
prudently incurred.

(c) Terms and Limitations.—

(1) Forms; Terms and Conditions.—A Fed-
eral credit instrument shall be issued under
such procedures for application and minimum re-
quill the Office of Management and
Budget shall issue regulations setting forth
procedures for application and minimum re-
quill the Office of Management and

(2) Procedures.—Not later than 14 days
after the date of enactment of this Act, the
Director of the Office of Management and

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(3), the Secretary shall ensure that the Government is compensated for the risk assumed in making guarantees under this Act.

(2) GOVERNMENT PARTICIPATION IN GAINS.—To the extent any participating corporation accepts financial assistance, in the form of accepting the proceeds of any loans guaranteed by the Government under this Act, the corporation is authorized to enter into contracts under which the Government, contingent on the financial success of the participating corporation, would participate in the profits of the participating corporation or its security holders through the use of such instruments as warrants, stock options, common or preferred stock, or other appropriate payments.

(3) DEPOSIT IN PRESIDENCY.—All amounts collected by the Secretary of the Treasury under this subsection shall be deposited in the Treasury as miscellaneous receipts.

(4) DEPARTMENTS.—In this Act, the term ‘small jet turbofan aircraft manufacturer’ means a person that manufactures small jet turbofan aircraft that will:

(1) have 8 passenger seats or fewer,

(2) will be certified by the Federal Aviation Administration under 14 C.F.R. Parts 23 and 25,

(3) be compatible with the latest Federal Aviation Administration air traffic control technology initiatives, and

(4) be designed to provide service to rural, small and medium sized underserved communities.

(f) Provided, That the entire amount shall be available for the purposes of this paragraph, in addition to funds otherwise available for such purposes, except that those made available as a contribution to the Global Fund to Fight AIDS, Tuberculosis, and Malaria to be used for any of the purposes of the Global Fund:

(1) have 8 passenger seats or fewer,

(2) be designed to provide service to rural, small and medium sized underserved communities.

(f) Provided, That the entire amount shall be available for the purposes of this paragraph, in addition to funds otherwise available for such purposes, except that those made available as a contribution to the Global Fund to Fight AIDS, Tuberculosis, and Malaria to be used for any of the purposes of the Global Fund:

(1) have 8 passenger seats or fewer,

(2) be designed to provide service to rural, small and medium sized underserved communities.

(f) Provided, That the entire amount shall be available for the purposes of this paragraph, in addition to funds otherwise available for such purposes, except that those made available as a contribution to the Global Fund to Fight AIDS, Tuberculosis, and Malaria to be used for any of the purposes of the Global Fund:

(1) have 8 passenger seats or fewer,

(2) be designed to provide service to rural, small and medium sized underserved communities.

(f) Provided, That the entire amount shall be available for the purposes of this paragraph, in addition to funds otherwise available for such purposes, except that those made available as a contribution to the Global Fund to Fight AIDS, Tuberculosis, and Malaria to be used for any of the purposes of the Global Fund:

(1) have 8 passenger seats or fewer,

(2) be designed to provide service to rural, small and medium sized underserved communities.

(f) Provided, That the entire amount shall be available for the purposes of this paragraph, in addition to funds otherwise available for such purposes, except that those made available as a contribution to the Global Fund to Fight AIDS, Tuberculosis, and Malaria to be used for any of the purposes of the Global Fund:

(1) have 8 passenger seats or fewer,

(2) be designed to provide service to rural, small and medium sized underserved communities.
amount of the funds appropriated by this paragraph, in addition to funds otherwise available for such purpose, may be made available for the administrative costs of United States Government agencies in carrying out programs funded under this paragraph: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request that includes designation of the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted to the President by Congress.

SA 3724. Mr. FRIST (for Mr. HELMS (himself, Mr. FRIST, Mr. KERRY, Mr. WARNER, Mr. DEWINE, Mr. SMITH of Oregon, and Mr. BIDEN)) submitted an amendment intended to be proposed by Mr. FRIST to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and other purposes; which was ordered to lie on the table; as follows:

On page 55, strike lines 10 through 19, and insert the following:

For an additional amount for the “Child Survival and Health Programs Fund”, $500,000,000, to remain available until March 31, 2003: Provided, That such funds shall be made available only for programs for the prevention, treatment, and control of, and research on, HIV/AIDS; Provided further, That special emphasis shall be given to assistance directed at the prevention of transmission of HIV/AIDS from mother to child, including medications to prevent such transmission; Provided further, That of the funds appropriated by this paragraph, the President, in consultation with the Secretary of State, may make such contribution as the President considers appropriate to the Global Fund to Fight AIDS, Tuberculosis, and Malaria to be used for any of the purposes of the Global Fund: Provided further, That funds appropriated by this paragraph, other than those made available as a contribution to the Global Fund, shall not exceed the total resources provided, including on an in-kind basis, from other donors: Provided further, That the amount of the funds appropriated by this paragraph, in addition to funds otherwise available for such purpose, may be made available for the administrative costs of United States Government agencies in carrying out programs funded under this paragraph: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted to the President by Congress, in consultation with the Secretary of State, may make such contribution as the President considers appropriate to the Global Fund to Fight AIDS, Tuberculosis, and Malaria to be used for any of the purposes of the Global Fund: Provided further, That the amount of the funds appropriated by this paragraph, in addition to funds otherwise available for such purpose, may be made available for the administrative costs of United States Government agencies in carrying out programs funded under this paragraph: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted to the President by Congress.

SA 3726. Mr. DEWINE (for himself and Mr. CLELAND) submitted an amendment intended to be proposed by Mr. DEWINE to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 4. DEDUCTION OF CERTAIN EXPENSES OF MEMBERS OF THE RESERVE COMPONENT.

(a) DEDUCTION ALLOWED.—Section 162 of the Internal Revenue Code of 1986 (relating to business-related credits) is amended by adding at the end the following new subparagraph:

(8) DEDUCTION ALLOWED WHETHER OR NOT EMPLOYEE PARTICIPATES IN QUALIFIED RESERVE COMPONENT DUTY (A) In general.—For purposes of section 162, there shall be allowed as a credit determined under this section a credit determined under subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business-re-
for any taxable year is equal to 50 percent of the excess, if any, of—

(A) the self-employed taxpayer’s average daily self-employment income for the taxable year; and

(B) the average daily military pay and allowances received by the taxpayer during the taxable year, while participating in qualified reserve component duty during the taxable year, including time spent in a travel status.

(2) AVERAGE DAILY SELF-EMPLOYMENT INCOME AND AVERAGE DAILY MILITARY PAY AND ALLOWANCES—As used with respect to a self-employed taxpayer—

(A) the term ‘‘average daily self-employment income’’ means the self-employment income (as defined in section 1402) for the taxable year divided by the difference between—

(i) $3,650, and

(ii) the number of days the taxpayer participates in qualified reserve component duty during the taxable year, including time spent in a travel status, and

(B) the term ‘‘average daily military pay and allowances’’ means—

(i) the amount paid to the taxpayer during the taxable year as military pay and allowances, regardless of whether or not the taxpayer’s participation in qualified reserve component duty, divided by

(ii) the total number of days the taxpayer participates in qualified reserve component duty, including time spent in travel status.

(3) QUALIFIED SELF-EMPLOYED TAXPAYER.—The term ‘‘qualified self-employed taxpayer’’ means a taxpayer—

(A) that has earnings from self-employment (as defined in section 1402) for the taxable year; and

(B) that is a member of the Ready Reserve of a reserve component of an Armed Force of the United States.

(d) CREDIT IN ADDITION TO DEDUCTION.—The employment credit provided in this section is in addition to any deduction otherwise allowable with respect to compensation actually paid to a qualified employee during any period during which the employee participates in qualified reserve component duty to the exclusion of normal employment duties.

(e) LIMITATIONS.—

(A) IN GENERAL.—The credit allowed by subsection (a) for the taxable year—

(i) shall not exceed $7,500 in the aggregate, and

(ii) shall not exceed $2,000 with respect to each qualified employee.

(B) CONTROLLED GROUPS.—For purposes of applying the limitations in subparagraph (A)—

(i) all members of a controlled group shall be treated as one taxpayer, and

(ii) amounts shall be allocated among the members of such group in such manner as the Secretary may prescribe.

For purposes of this subparagraph, all persons treated as a single employer under section 414(b) or (b) of section 52 or subsection (m) or (o) of section 411 shall be treated as members of a controlled group.

(2) DISALLOWANCE FOR FAILURE TO COMPLY WITH EMPLOYMENT OR REEMPLOYMENT RIGHTS OF MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES OF THE UNITED STATES.—No credit shall be allowed under subsection (a) to a taxpayer for—

(A) any taxable year in which the taxpayer is under a final order, judgment, or other order requiring by a court of the United States under section 323 of title 38 of the United States Code with respect to a violation of chapter 43 of such title, and

(B) the two succeeding taxable years.

(3) DISALLOWANCE WITH RESPECT TO PERSONS SUBJECT TO ACTIVATION FOR TRAINING.—No credit shall be allowed under subsection (a) to a taxpayer with respect to any period for which the person on whose behalf the credit would otherwise be allowable is called or ordered to active duty for any of the following types of duty:

(A) active duty for training under any provision of title 10, United States Code;

(B) training at encampments, maneuvers, exercises, outdoor target practice, or other exercises under chapter 5 of title 32, United States Code;

(C) full-time National Guard duty, as defined in section 101(d)(5) of title 10, United States Code;

(4) GENERAL DEFINITIONS AND SPECIAL RULES.—

(A) MILITARY PAY AND ALLOWANCES.—The term ‘‘military pay’’ means pay as that term is defined in section 101(2) of title 37, United States Code, and the term ‘‘allowances’’ means the allowances payable to a member of the Armed Forces of the United States under chapter 7 of that title.

(B) QUALIFIED RESERVE COMPONENT DUTY.—

The term ‘‘qualified reserve component duty’’ includes any duty performed, as determined in the reservist’s military orders, in support of a contingency operation as defined in section 101(a)(13) of title 10, United States Code.

(C) NORMAL EMPLOYMENT AND SELF-EMPLOYMENT DUTIES.—A person shall be deemed to be participating in qualified reserve component duty to the exclusion of normal employment or self-employment duties if the person does not engage in or undertake any substantial activity related to the person’s normal employment or self-employment duties while participating in qualified reserve component duty unless in an authorized leave status or other authorized absence from military duties. If a person engages in or undertakes any substantial activity related to the person’s normal employment or self-employment duties at any time while participating in a period of qualified reserve component duty, unless during a period of authorized leave or other authorized absence from military duties, the person shall be deemed to have engaged in or undertaken such activity for the entire period of qualified reserve component duty.

(D) CERTAIN RULES TO APPLY.—Rules similar to the rules in paragraphs (a), (b), and (c), of section 52 shall apply for purposes of this section.

(5) COMBINING AMENDMENT.—Section 38(b) of the Internal Revenue Code of 1986 (relating to general business credit) is amended—

(A) by striking ‘‘plus’’ at the end of paragraph (14),

(B) by striking the period at the end of paragraph (15) and inserting ‘‘plus’’; and

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

‘‘(16) the reserve component employment credit determined under section 45G(e);’’.

(6) CLERICAL AMENDMENT.—The table of sections for part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 45F the following new item:

‘‘Sec. 45G. Reserve component employment credit.’’.

(7) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.
of insufficient funding, in fiscal year 2002, the maximum Federal Pell Grant was only $4,000.

(D) In fiscal year 1946, the share of the Federal budget dedicated to education was 2.5 percent. In fiscal year 2002, the share of the Federal budget dedicated to education was 18.4 percent. In fiscal year 2002, the share of Federal budget dedicated to education was 10 percent by 2004 the share of the Federal budget dedicated to education.

(b) **ADJUSTMENT.**—If the report provided pursuant to subsection (a)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 632(e)) (the budget and economic outlook: update (for fiscal years 2003 through 2012)) estimates on-budget Federal revenues for fiscal year 2002 through 2012 that exceed estimated on-budget Federal revenues set forth in the Congressional Budget Office’s March 2002 budget and economic outlook for fiscal year 2003 (adjusted for the enactment of the Job Creation and Worker Assistance Act of 2002 (Public Law 107–171)) and the Farm Security and Rural Investment Act of 2002 (Public Law 107–147) and the Farm Security and Rural Investment Act of 2002 (Public Law 107–171), then the Chairman of the Committee on the Budget of the House of Representatives and the Chairman of the Committee on the Budget of the Senate shall:

(1) in an amount equal to the increase in estimated on-budget Federal revenues for fiscal year 2003 that is remaining after subtracting the amount described in paragraph (1), increase the amount of discretionary budget authority and outlays flowing therefrom allocated under section 302(a) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)) to carry out Function 500 education programs;

(2) in an amount equal to 20 percent of the increase in estimated on-budget Federal revenues for fiscal year 2003 that is remaining after subtracting the amount described in paragraph (1), reduce the level of publicly held debt in order to better secure the integrity of the Federal Old-Age and Survivors Insurance Fund Trust Fund under section 201 of the Social Security Act (42 U.S.C. 401).

(c) **LIMITATION.**—Amounts made available under subsection (a) shall:

(1) not exceed 3 percent of 1 percent of on-budget Federal revenues for fiscal year 2003; and

(2) supplement, and not supplant, amounts allocated under section 302(b) of the Congressional Budget Act of 1974 (2 U.S.C. 633(b)) and any other amounts used to carry out the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), the Education for All Handicapped Children Act of 1975 (20 U.S.C. 1401 et seq.), and the TRIO Programs Amendments Act of 1978 (20 U.S.C. 1001 et seq.) for the previous fiscal year for which amounts are provided under this section.

(d) **RETIRED CHANGES.**—The Chairman of the Committee on the Budget of the House of Representatives and the Chairman of the Committee on the Budget of the Senate shall make the appropriate adjustments in the functions and aggregates included in any applicable resolution as a result of adjustments in this section.

(e) **NON-REDUCTION.**—If the report described in subsection (b) estimates on-budget Federal revenues for fiscal year 2002 through 2012 that exceed estimated on-budget Federal revenues set forth in the Congressional Budget Office’s March 2002 budget and economic outlook for fiscal year 2003 (adjusted for the enactment of the Job Creation and Worker Assistance Act of 2002 (Public Law 107–171) and the Farm Security and Rural Investment Act of 2002 (Public Law 107–171)), then the amount of discretionary budget authority and outlays flowing therefrom allocated under section 302(a)(1) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)) that was dedicated in accordance with section 302(b) of the Congressional Budget Act of 1974 (2 U.S.C. 633(b)) to carry out Function 500 education programs shall be reduced.

(f) **SENSE OF THE SENATE.**—In each fiscal year after fiscal year 2003, if the report provided pursuant to section 202(e) of the Congressional Budget Act of 1974 (2 U.S.C. 632(e)) (the budget and economic outlook: update) estimates on-budget Federal revenues for that fiscal year that exceed estimated on-budget Federal revenues set forth in the Congressional Budget Office’s spring budget and economic outlook for that fiscal year, it is the sense of the Senate that Congress should, in an amount equal to the amount and percentages described in subsection (b)—

(1) increase the amount of discretionary budget authority and outlays flowing therefrom allocated under section 302(b) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)) to carry out Function 500 education programs;

(2) reduce the level of publicly held debt in order to better secure the integrity of the Federal Old-Age and Survivors Insurance Fund Trust Fund under section 201 of the Social Security Act (42 U.S.C. 401).
year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 37, between lines 2 and 3, insert the following:

SEC. 307. Of the amount available for fiscal year 2002 for the Army National Guard for operation and maintenance, $2,200,000 shall be made available for the Army National Guard for information operations, information assurance operations, and training for such operations.

SA 3734. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

The Secretary of Transportation is directed to make $300,000 of the funds appropriated for job access and reverse commute grants programs in Idaho, administered by the Federal Transit Administration, available to the State of Idaho for job training and other purposes; which was ordered to lie on the table; as follows:

Insert the following at the end of Title II:

SEC. 3001. GENERAL AVIATION INDUSTRY REIMBURSEMENTS.

(a) In General.—Notwithstanding any other provision of law, the President shall take the following actions to compensate general aviation entities for economic injuries incurred by such entities as a result of the terrorist attacks on the United States that occurred on September 11, 2001:

(1) Subject to such terms and conditions as the President deems necessary and subject to submittal of such financial statements, which may be supplemented by the provisions of 23 U.S.C. 140(b).

(2) A Federal credit instrument shall be issued under section 2(a)(1) if the Board determines, in its discretion, that—

(A) the obligor is a general aviation entity for which credit is not reasonably available at the time of the transaction;

(B) the intended obligation by the obligor is prudenty incurred;

(C) the obligor has furnished reasonable assurance that it will be able to repay all loans and other debt obligations covered by the Federal credit instrument in accordance with the terms of such loans and other obligations;

(D) the obligor intends to continue to operate as a general aviation entity, and the operating and financial plan submitted by the obligor under paragraph (1) satisfies the demonstration required by paragraph (1); and

(E) at the end of the fiscal year following the fiscal year in which the credit instrument is issued, the obligor has furnished reasonable assurance that it will be able to repay all loans and other debt obligations covered by the Federal credit instrument in accordance with the terms of such loans and other obligations.

(b) TERMS AND LIMITATIONS.—

(1) FORMS; TERMS AND CONDITIONS.—A Federal credit instrument shall be issued under section 2(a)(1) and on such terms and conditions and contain such covenants, representations, warranties, and requirements (including requirements for audits) as the Board determines appropriate.

The Board may issue a Federal credit instrument under section 2(a)(1) to pay all or part of any of the principal of and interest on a loan or other debt obligation issued to the obligor.

(2) PROCEDURES.—Not later than 14 days after the date of enactment of this Act, the Director of the Budget shall issue regulations setting forth procedures for application and minimum requirements, which may be supplemented by the Board, for the issuance of Federal credit instruments under section 2(a)(1).

(c) FINANCIAL PROTECTION OF GOVERNMENT.

(1) IN GENERAL.—To the extent feasible and practicable, the Board shall ensure that the Government is compensated for the risk assumed in making guarantees under this Act.

(2) GOVERNMENT PARTICIPATION IN GAINS.—To the extent to which any participating entity, in the form of accepting the proceeds of any loans guaranteed by the Government under this Act, the Board is authorized to enter into contracts under which the Government, contingent on the financial success of the participating entity, would participate in the gains of the participating entity or its security holders through the use of such instruments as warrants, stock options, common or preferred stock, or other appropriate equity instruments.

(3) DEPOSIT IN TREASURY.—All amounts collected by the Government under this sub-section shall be deposited in the Treasury as miscellaneous receipts.

SEC. 3002. STABILIZATION BOARD.

(a) PURPOSES.—

(1) OPERATING PLAN.—An obligor seeking issuance of a Federal credit instrument under section 2(a)(1) shall submit to the Air Transportation Stabilization Board, established under section 102(b) of the Air Transportation Stabilization Act (49 U.S.C. 10101 note; 231, and 233) and an operating plan (including budget and cash flow projections) and financial plan for the period of time that the instrument will be in effect. Such plans shall demonstrate to the satisfaction of the Board the ability of the obligor to continue operations as an ongoing general aviation entity during and after the period of time the instrument will be in effect.

(2) ISSUANCE.—The Board, in consultation with the Small Business Administration, may enter into agreements with 1 or more obligors to issue instruments to entities that occurred on September 11, 2001:

(A) the President deems necessary and subject to other provisions of law, the President shall

(B) LIMITION ON AGGREGATE AMOUNT OF COMPENSATION.

(b) LIMITATION ON AGGREGATE AMOUNT OF COMPENSATION.

(1) FORMS; TERMS AND CONDITIONS.—A Federal credit instrument shall be issued under section 2(a)(1) and on such terms and conditions and contain such covenants, representations, warranties, and requirements (including requirements for audits) as the Board determines appropriate.

The Board may issue a Federal credit instrument under section 2(a)(1) if the Board determines, in its discretion, that—

(A) the obligor is a general aviation entity for which credit is not reasonably available at the time of the transaction;

(B) the intended obligation by the obligor is prudenty incurred;

(C) the obligor has furnished reasonable assurance that it will be able to repay all loans and other debt obligations covered by the Federal credit instrument in accordance with the terms of such loans and other obligations;

(D) the obligor intends to continue to operate as a general aviation entity, and the operating and financial plan submitted by the obligor under paragraph (1) satisfies the demonstration required by paragraph (1); and

(E) at the end of the fiscal year following the fiscal year in which the credit instrument is issued, the obligor has furnished reasonable assurance that it will be able to repay all loans and other debt obligations covered by the Federal credit instrument in accordance with the terms of such loans and other obligations.

(a) LIMITATION ON AMOUNT OF COMPENSATION.

(c) AMOUNT OF COMPENSATION.

(2) FEDERAL CREDIT INSTRUMENT.

(1) FORMS; TERMS AND CONDITIONS.—A Federal credit instrument shall be issued under section 2(a)(1) and on such terms and conditions and contain such covenants, representations, warranties, and requirements (including requirements for audits) as the Board determines appropriate.

The Board may issue a Federal credit instrument under section 2(a)(1) to pay all or part of any of the principal of and interest on a loan or other debt obligation issued to the obligor.

(b) TERMS AND LIMITATIONS.—

(1) FORMS; TERMS AND CONDITIONS.—A Federal credit instrument shall be issued under section 2(a)(1) and on such terms and conditions and contain such covenants, representations, warranties, and requirements (including requirements for audits) as the Board determines appropriate.

The Board may issue a Federal credit instrument under section 2(a)(1) if the Board determines, in its discretion, that—

(A) the obligor is a general aviation entity for which credit is not reasonably available at the time of the transaction;

(B) the intended obligation by the obligor is prudenty incurred;

(C) the obligor has furnished reasonable assurance that it will be able to repay all loans and other debt obligations covered by the Federal credit instrument in accordance with the terms of such loans and other obligations;

(D) the obligor intends to continue to operate as a general aviation entity, and the operating and financial plan submitted by the obligor under paragraph (1) satisfies the demonstration required by paragraph (1); and

(E) at the end of the fiscal year following the fiscal year in which the credit instrument is issued, the obligor has furnished reasonable assurance that it will be able to repay all loans and other debt obligations covered by the Federal credit instrument in accordance with the terms of such loans and other obligations.

SEC. 3003. SPECIAL RULES FOR COMPENSATION.

(a) LIMITATION ON AMOUNT OF COMPENSATION.

(2) ISSUANCE.

SEC. 307. Of the amount available for fiscal year 2002 for the Army National Guard for operation and maintenance, $2,200,000 shall be made available for the Army National Guard for information operations, information assurance operations, and training for such operations.
SA 3736. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, after line 23, add the following:

**SEC. 602. LIVESTOCK ASSISTANCE PROGRAM.**

(a) FINDINGS.—Congress makes the following findings:

(1) Despite the removal of the Taliban from power in Afghanistan, women continue to experience violations of their human rights, generally outside of Kabul where warlords are re-exerting control.

(2) Strong and continued United States support can ensure that the advances made by Afghan women since the fall of the Taliban will continue and grow, rather than recede.

(3) The United States has made a substantial contribution to the emergency relief and humanitarian efforts for Afghanistan. Completing the United States Mission in Afghanistan will also require significant and long-term investments in development and reconstruction assistance.

(4) The maternal mortality rate in Afghanistan is one of the highest in the world, with recent reports estimating that every 30 minutes an Afghan woman dies (about 15,000 women every year) of pregnancy-related causes. The estimated maternal mortality rate of 1,700 deaths per 100,000 live births can be significantly and rapidly reduced through access to basic health care services including safe birthing supplies, emergency obstetric care, prenatal and postnatal care, contraception, and prevention and treatment for the spread of sexual coercion and rape.

(5) Women make up 75 percent or more of the refugees and internally displaced in camps, urban areas, and villages.

(6) Twenty-five percent of Afghanistan’s population lives in rural areas. The women in rural areas perform vital roles in food production, processing, and preparation. Successful reconstruction and development assistance must target rural women as part of any agricultural intervention.

(7) Within Afghanistan and outside of Afghanistan, women are included in delivering critical services and have the knowledge and experience to assist the United States in delivering effective relief aid.

(b) ADMINISTRATION.—The Secretary shall make assistance available under this section in the same manner as provided under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106-387; 114 Stat. 1549A-51).

(c) PAYMENT LIMITATIONS.—Section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308) is amended—

(1) in subsection (b), by striking “$40,000” each place it appears and inserting “$77,500”;

(2) in subsection (c), by striking “$50,000” each place it appears and inserting “$32,500”; and

(3) by adding at the end the following:

‘‘(e) DEPARTMENT OF AGRICULTURE MARKET LOSS LOAN GAINS, LOAN DEFICIENCY PAYMENTS, AND COMMODITY CERTIFICATE TRANSACTIONS.—

‘‘(1) LOAN COMMODITIES.—The total amount of the following gains and payments that a person may receive during any crop year may not exceed $90,000:

(A) any gain realized by a producer from repaying a marketing assistance loan for 1 or more loan commodities under subtitle B of title I of the Farm Security and Rural Investment Act of 2001 in an amount less than the original loan rate established for the loan commodity under that subtitle;

(B) any loan deficiency payments received for 1 or more loan commodities under that subtitle;

(C) any gain realized from the use of a commodity certificate issued by the Commodity Credit Corporation for 1 or more loan commodities, as determined by the Secretary, including the use of a certificate for the settlement of a marketing assistance loan made under that subtitle.

(D) Any loan deficiency payment received for peanuts, wool, mohair, or honey under subtitle B or C of title I of the Farm Security and Rural Investment Act of 2002 at a lower level than the original loan rate established for the commodity under those subtitles.

‘‘(2) In the case of settlement of a marketing assistance loan for peanuts, wool, mohair, or honey under those subtitles for forfeiture, the amount by which the loan amount exceeds the repayment amount for the loan if the loan had been settled by re-payment instead of forfeiture.

‘‘(3) In the case of settlement of a marketing assistance loan for peanuts, wool, mohair, or honey under those subtitles for forfeiture, the amount by which the loan amount exceeds the repayment amount for the loan if the loan had been settled by re-payment instead of forfeiture.

SA 3737. Mr. ENZI (for himself, Mr. GRASSLEY, and Mr. HAGEL) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 7, between lines 12 and 13, insert the following:

SEC. 102. LIVESTOCK ASSISTANCE PROGRAM.

(a) IN GENERAL.—The Secretary of Agriculture shall use $500,000,000 of the funds of the Commodity Credit Corporation to make and administer payments for livestock losses and increased marketing costs for livestock producers of 2001 losses in a county that has received an emergency designation by the President or the Secretary under January 1, 2001, of which $12,000,000 shall be made available for the American Indian livestock program under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106-387; 114 Stat. 1549A-51).

(b) ADMINISTRATION.—The Secretary shall make assistance available under this section in the manner and for the purposes provided under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 105-277; 114 Stat. 1549A-51).

(c) PAYMENT LIMITATIONS.—Section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308) is amended—

(1) in subsection (b), by striking “$40,000” each place it appears and inserting “$77,500”;

(2) in subsection (c), by striking “$50,000” each place it appears and inserting “$32,500”; and

(3) by adding at the end the following:

‘‘(e) DEPARTMENT OF AGRICULTURE MARKET LOSS LOAN GAINS, LOAN DEFICIENCY PAYMENTS, AND COMMODITY CERTIFICATE TRANSACTIONS.—

‘‘(1) LOAN COMMODITIES.—The total amount of the following gains and payments that a person may receive during any crop year may not exceed $90,000:

(A) any gain realized by a producer from repaying a marketing assistance loan for 1 or more loan commodities under subtitle B of title I of the Farm Security and Rural Investment Act of 2001 in an amount less than the original loan rate established for the loan commodity under that subtitle;

(B) any loan deficiency payments received for 1 or more loan commodities under that subtitle;

(C) any gain realized from the use of a commodity certificate issued by the Commodity Credit Corporation for 1 or more loan commodities, as determined by the Secretary, including the use of a certificate for the settlement of a marketing assistance loan made under that subtitle.

(D) Any loan deficiency payment received for peanuts, wool, mohair, or honey under those subtitles for forfeiture, the amount by which the loan amount exceeds the repayment amount for the loan if the loan had been settled by re-payment instead of forfeiture.

‘‘(2) In the case of settlement of a marketing assistance loan for peanuts, wool, mohair, or honey under those subtitles for forfeiture, the amount by which the loan amount exceeds the repayment amount for the loan if the loan had been settled by re-payment instead of forfeiture.

SA 3738. Mr. ENZI (for himself, Mr. GRASSLEY, and Mr. HAGEL) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 7, between lines 12 and 13, insert the following:

SEC. 102. LIVESTOCK ASSISTANCE PROGRAM.

(a) IN GENERAL.—The Secretary of Agriculture shall use $500,000,000 of the funds of the Commodity Credit Corporation to make and administer payments for livestock losses and increased marketing costs for livestock producers of 2001 losses in a county that has received an emergency designation by
the President or the Secretary after January 1, 2001, of which $12,000,000 shall be made available for the American Indian livestock program under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106-387; 114 Stat. 1548A-61).

(b) ADMINISTRATION.—The Secretary shall make assistance available under this section in the same manner as provided under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106-277; 114 Stat. 1548A-61).

(3) by adding at the end the following:

"(e) LIMITATIONS ON MARKETING LOAN GAINS, LOAN DEFICIENCY PAYMENTS, AND COMMODITY CERTIFICATE TRANSACTIONS.—

"(1) LOAN COMMODITIES.—The total amount of the following gains and payments that a person may receive during any crop year may not exceed $550,000:

(A)(i) Any gain realized by a producer from repaying a marketing assistance loan for 1 or more loan commodities under subtitle B or C of title I of the Food Security and Rural Investment Act of 2002 at a lower level than the original loan rate established for the commodity under that subtitle.

(ii) In the case of settlement of a marketing assistance loan for 1 or more loan commodities under that subtitle by forfeiture, the amount by which the loan amount of the repayment amount for the loan if the loan had been settled by repayment instead of forfeiture.

(B) Any loan deficiency payments received for 1 or more loan commodities under that subtitle.

(C) Any gain realized from the use of a commodity certificate issued by the Commodity Credit Corporation for 1 or more loan commodities, as determined by the Secretary, including the use of a certificate for the settlement of a marketing assistance loan made under that subtitle.

(2) OTHER COMMODITIES.—The total amount of the following gains and payments that a person may receive during any crop year may not exceed $40,000:

(A)(i) Any gain realized by a producer from repaying a marketing assistance loan for peanuts, wool, mohair, or honey under subtitle B or C of title I of the Farm Security and Rural Investment Act of 2002 at a lower level than the original loan rate established for the commodity under that subtitle.

(ii) In the case of settlement of a marketing assistance loan for peanuts, wool, mohair, or honey under those subtitles 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.

(B) Any loan deficiency payments received for peanuts, wool, mohair, and honey under those subtitles.

(C) Any gain realized from the use of a commodity certificate issued by the Commodity Credit Corporation for peanuts, wool, mohair, and honey, as determined by the Secretary, including the use of a certificate for the settlement of a marketing assistance loan made under those subtitles.

(1) SINGLE FARMING OPERATION.—Notwithstanding any other provision of law, the amounts provided under this section may be made available to a single farming operation and received by an individual participates only in a single farming operation and receives, directly or indi-rectly, any payment or gain covered by this section through the operation, the total amount of payments or gains (as applicable) covered by this section that the individual may receive during any crop year may not exceed twice the dollar amount prescribed in this section."

SA 3739. Ms. LANDRIEU (for herself and Mr. BREAUX) submitted an amendment intended to be proposed by her to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 4, line 5, before the colon, insert the following: "of which not less than $1,300,000 shall be used for emergency water- and flood protection in Lincoln Parish, Loui-

SA 3740. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 37, between lines 2 and 3, insert the following:

SEC. 307. That portion of the former Charleston, South Carolina, Naval Base (including all associated improvements and fixtures) on which is situated a law enforce-

SA 3741. Mr. SCHUMER (for himself and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end of Chapter 1 of title I add the following:

SEC. 1. MILK VENDING MACHINE PILOT PRO-
GRAM.

(a) In General.—As soon as practicable after the date of enactment of this Act, the Secretary of Agriculture shall use fiscal year 2002 funds of the Agriculture Marketing Service, as appropriated, in consultation with appropriate State agencies, establish a pilot program to make available to students in public schools milk vending machines, and to demonstrate and evaluate their effect on student performance and nutrition.

(b) In General.—The Secretary of Agri-

(c) Funding.—The Secretary of Agriculture shall use $40,000,000 of the funds listed in paragraph (a).

SA 3742. Mrs. CLINTON (for herself and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 112, line 10, insert after the semi-

SA 3743. Mrs. CLINTON (for herself and Mr. SCHUMER) submitted an amendment intended to be proposed by her to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 112, line 10, insert after the semi-

SA 3744. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 7 after line 12, insert the follow-

SA 3745. Mr. SARBAKES (for himself and Mr. MIKULSKI) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 96, line 14, after "Provided," insert the following: "That, notwithstanding any other provision of law, of the amounts pro-

SA 3746. Mr. BINGAMAN submitted an amendment intended to be proposed
by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end of chapter 3 of title I, add the following:

SEC. 307. Of the amount available under this chapter for the Defense Emergency Response Fund, $5,000,000 shall be available for the Army National Guard in support of Weapons of Mass Destruction Civil Support Teams (WMD-CSTs) for training of individuals and for training, simulation-based, command and control training, scenario-based exercises, and sustainment training all within a facility at Kirtland Air Force Base, New Mexico, dedicated for such purposes.

SA 3747. Mr. GRAHAM (for himself and Mr. NELSON of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 9, after line 12 insert the following:

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For an additional amount under this heading for hiring 200 additional Deputy United States Marshals for protection of the judicial process in response to the terrorist attacks of September 11, 2001 to be deployed to the Federal districts with critical courtroom and prisoner security needs, $19,967,000, to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SA 3748. Mr. GRAHAM (for himself and Mr. NELSON of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 9, after line 12 insert the following:

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For an additional amount under this heading for hiring 200 additional Deputy United States Marshals for protection of the judicial process in response to the terrorist attacks of September 11, 2001 to be deployed to the Federal districts with critical courtroom and prisoner security needs, $19,967,000, to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SA 3749. Mr. GRAHAM (for himself and Mr. NELSON of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 94, line 5 strike "$4,702,525,000" and replace with "$4,682,558,000".

On page 9, after line 12 insert the following:

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For an additional amount under this heading for hiring 200 additional Deputy United States Marshals for protection of the judicial process in response to the terrorist attacks of September 11, 2001 to be deployed to the Federal districts with critical courtroom and prisoner security needs, $19,967,000, to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SA 3750. Mr. ALLEN submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Terrorist Response Tax Exemption Act”.

SEC. 2. EXCLUSION OF CERTAIN TERRORIST ATTACK ZONE COMPENSATION OF CIVILIAN UNIFORMED PERSONNEL.

(a) In General.—Part III of subchapter B of chapter 1 of title 31, United States Code (as amended by section 112A of the Balanced Budget and Emergency Deficit Control Act of 1985), as amended, is amended by striking paragraph (8)(B), and inserting—

"(8) COMPENSATION.—The term ‘compensation’ does not include compensation received by a civilian employee for any month during any part of which such employee provides security, safety, or medical services in a terrorist attack zone.

(b) Definitions.—For purposes of this section—

"(1) CIVILIAN UNIFORMED EMPLOYEE.—The term ‘civilian uniformed employee’ means any nonmilitary individual employed by a Federal, State, or local government (or any agency or instrumentality thereof) for the purpose of maintaining public order, establishing and maintaining public safety, or responding to crimes.

"(2) TERRORIST ATTACK ZONE.—The term ‘terrorist attack zone’ means any area designated by the President or any applicable State or local government (determined by the Secretary) to be an area in which occurred a violent act or acts which—

"(A) were dangerous to human life and a violation of the criminal laws of the United States or of any State, and

"(B) would appear to be intended to intimidate or coerce a civilian population, influence the policy of a government by intimidation, or affect the conduct of a government by assassination or kidnapping.

"(3) COMPENSATION.—The term ‘compensation’ does not include pensions and retirement pay.

"(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending on or after September 11, 2001.

SA 3751. Mr. BURNS submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 101, after line 23, insert the following:

SEC. 1008. The President may make Federal credit instruments available under section 101(a)(1) of the Air Transportation Safety and System Stabilization Act to general aviation on the same terms and conditions as such instruments are made available to air carriers under that section, or on appropriately modified terms and conditions, except that such instruments made available to general aviation may not exceed 5 percent of the total amount available under that section.

SA 3752. Mr. SMITH of New Hampshire submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, strike lines 4 through 15.

On page 2, strike lines 24 through 26.

Beginning on page 14, strike line 22 and all that follows through page 15, line 9.

Beginning on page 48, strike line 18 and all that follows through page 49, line 6.

Beginning on page 73, strike lines 13 and all that follows through page 71, line 15.

On page 72, strike lines 1 through 13.

On page 73, strike lines 1 through 11.

On page 97, strike lines 13 through 19.

Beginning on page 98, strike line 16 and all that follows through page 99, line 2.

SA 3753. Mr. SMITH of New Hampshire submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 3, strike line 18 and all that follows through page 4, line 21.

On page 97, strike lines 13 through 19.

SA 3754. Mr. HUTCHINSON submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 10, strike lines 20 through 24.

SA 3755. Mr. HUTCHINSON submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 112A. CERTAIN TERRORIST ATTACK ZONE COMPENSATION OF CIVILIAN UNIFORMED PERSONNEL.

(a) In General.—Paragraph (8) of section 112 of the Internal Revenue Code of 1986 is amended by inserting—

"(8) COMPENSATION.—The term ‘compensation’ does not include compensation received by a civilian employee for any month during any part of which such employee provides security, safety, or medical services in a terrorist attack zone.

(b) Definitions.—For purposes of this section—

"(1) CIVILIAN UNIFORMED EMPLOYEE.—The term ‘civilian uniformed employee’ means any nonmilitary individual employed by a Federal, State, or local government (or any agency or instrumentality thereof) for the purpose of maintaining public order, establishing and maintaining public safety, or responding to crimes.

"(2) TERRORIST ATTACK ZONE.—The term ‘terrorist attack zone’ means any area designated by the President or any applicable State or local government (determined by the Secretary) to be an area in which occurred a violent act or acts which—

"(A) were dangerous to human life and a violation of the criminal laws of the United States or of any State, and

"(B) would appear to be intended to intimidate or coerce a civilian population, influence the policy of a government by intimidation, or affect the conduct of a government by assassination or kidnapping.

"(3) COMPENSATION.—The term ‘compensation’ does not include pensions and retirement pay.

Beginning on page 48, strike line 18 and all that follows through page 49, line 6.

Beginning on page 73, strike lines 13 and all that follows through page 71, line 15.

On page 72, strike lines 1 through 13.

On page 73, strike lines 1 through 11.

On page 97, strike lines 13 through 19.

Beginning on page 98, strike line 16 and all that follows through page 99, line 2.

SA 3756. Mr. HUTCHINSON submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 10, strike lines 20 through 24.

SA 3757. Mr. HUTCHINSON submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 112A. CERTAIN TERRORIST ATTACK ZONE COMPENSATION OF CIVILIAN UNIFORMED PERSONEL."
(1) in clause (4), by inserting “and ending on or before September 30, 2002,” after “October 1, 1995,”; and 

(2) by redesigning clauses (v) and (vi) as clauses (vii) and (viii), respectively, and inserting after clause (iv) the following new clauses: 

(vv) For discharges occurring in the fiscal year ending on October 1, 2002, the Secretary shall compute a factor of .925 for any factor that would otherwise apply under such clause that is less than .925. Nothing in this clause shall be construed as authorizing— 

(1) the application of the last sentence of clause (i) to any substitution made pursuant to this clause; or 

(2) the application of the preceding sentence of this clause to adjustments for area wage levels made under other payment systems established under this title (other than the payment system under section 1833(c)(ii) to which the factors established under clause (i) apply; 

(b) OUTPATIENT PPS.—Section 1833(c)(2) of the Social Security Act (42 U.S.C. 1395l(t)(2)) is amended by adding at the end the following:—

“(2) the weighting factor (determined under subparagraph (A)) for that diagnosis-related group established under this title (other than the payment system under section 1833(c)(ii)) to which the factors established under clause (i) apply.” 

(c) INPATIENT PPS. —Section 1833(c)(3)(D) of such Act (42 U.S.C. 1395l(t)(3)(D)) is amended by striking “and” and inserting “or” after “imputed” and inserting “in addition to any other amounts” after “imputed.” 

SA 3756. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:—

At the end of chapter 2 of title I, add the following:—

SEC. 210. (a) APPROPRIATION FOR GULF STATES INITIATIVE.—(1) There is hereby appropriated $12,000,000 for the Gulf States Initiative. 

(2) The amount appropriated by paragraph (1) is in addition to any other amounts appropriated by this Act for the Gulf States Initiative. 

(b) AVAILABILITY FOR COUNTER-DRUG AND COUNTER-TERRORISM OPERATIONS.—Of the amount appropriated under clause (i) of section 1886(d)(3)(E) are used to adjust for relative differences in labor and labor-related costs under the payment system established under this subsection, the provisions of clause (i) of such section (relating to a floor on area wage adjustment factor) shall apply to such factors, as used in this subsection, in the same manner and to the same extent (including the requirement that such factors be adjusted for such floor to be applied in a budget neutral manner) as they apply to factors under section 1886.” 

SEC. 3757. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:—

At the appropriate place insert the following:—

SEC. 3. CONTAINMENT OF SEAFOOD. 

(a) In General.—Section 201 of the Federal Food, Drugs, and Cosmetic Act (21 U.S.C. 331) is amended by— 

(1) striking subsections (a) through (g) as subsections (a) through (h), respectively; and 

(2) inserting after subsection (a) the following: 

(b) CONTAMINATED SEAFOOD. — 

1. REFUSAL OF ENTRY.—The Secretary of Health and Human Services shall issue an order refusing admission into the United States of all imports of seafood originating from a country or exporter which appears that shipments of such seafood are likely to contain 1 or more compounds listed in section 530.41(a) of title 21, Code of Federal Regulations. The Secretary may consider the following: 

(A) the detection of such compounds by the Secretary; 

(B) the detection of such compounds by a country, commission, or international organization; 

(C) the detection of such compounds by a country, commission, or international organization; 

(D) other evidence or information as determined by the Secretary. 

2. ALLOWANCE OF INDIVIDUAL SHIPMENTS FROM EXPORTING COUNTRY OR EXPORTER.—Notwithstanding an order under paragraph (1) with respect to seafood originating from a country or exporter, the Secretary may permit individual shipments of seafood originating from that country or exporter to be admitted into the United States if the exporter or importer presents evidence acceptable to the Secretary that a shipment does not contain a compound listed in section 530.41(a) of title 21, Code of Federal Regulations. 

3. CANCELLATION OF ORDER.—The Secretary may cancel an order under paragraph (1) with respect to seafood exported from a country or exporter if— 

(A) the exporter or importer has shown to the satisfaction of the Secretary that the compound at issue is no longer sold for use, or being used, in food-producing animals in the country in which the seafood originated; or 

(B) all shipments into the United States under paragraph (2) of seafood originating in that country or from that exporter more than 1 year after the date on which the Secretary issued the order have been found, under the procedures described in paragraph (2), not to contain such compound. 

(c) CONFORMING AMENDMENTS.—Section 801 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381), as amended by subsection(a), is amended by— 

(1) striking “subsection (b)” in subsection (a) and inserting “subsection (c)” after “subsection (a)” and inserting “subsection (d)” in subsection (e); and 

(2) by striking “subsection (b)” in subsection (g)(1) and inserting “subsection (f)” after “subsection (g)(1)”. 

(3) striking “of which” in subsection (g)(1) and inserting “subsection (f)” after “of which”. 

(d) and inserting “subsection (a)” in subsection (h)(1)(A)(iii) and inserting “subsection (a)” of this section; and 

(4) striking “section 801a” in subsection (h)(1)(A)(i) and inserting “subsection (a)” of this section; and 

(5) striking “section 801a” in subsection (h)(1)(A)(i) and inserting “subsection (a)” of this section; and 

(6) striking “section 801a” in subsection (h)(1)(A)(ii) and inserting “subsection (a)” of this section; and 

(7) striking “section 801a” in subsection (h)(1)(A)(ii) and inserting “subsection (a)” of this section; and 

(8) striking “section 801a” in subsection (h)(1)(A)(ii).
(2) there is a general acknowledgement that a short-term budget deficit may be necessary to provide the appropriate resources to fight the war on terrorism, it is in our best interest to balance the Federal budget as quickly as possible; (3) the Senate may approve additional resources in this bill over the President’s request; these additional funds should be considered in conjunction with the fiscal year 2003 appropriations process and this consideration would promote fiscal discipline and eventure prudent; and (4) the bill recognizes the need to fund emergency homeland requirements, at the same time the impact of this supplemental appropriation on our domestic spending and our budget deficit should also be recognized.  

SA 3759. Mr. HATCH (for himself, Ms. MIKULSKI, and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

PARKING APRON REPAIR

Of the amounts available in Public Law 107-117 under the heading “Operation and Maintenance, Air Force,” an additional $5,700,000 shall be available for completion of emergency repairs to the main parking apron (C-Ramp) at Grand Forks AFB, North Dakota, and shall remain available until expended.

SA 3760. Mr. REID (for himself and Mr. ISHOPE) submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 10, line 7, strike “$10,000,000” and all that follows through the period and insert the following: “$20,000,000, to be derived from amounts made available for this purpose in Public Law 107-77 and Public Law 107-117: Provided further, That of the funds appropriated under this heading, $10,000,000 shall be made available to accelerate the collection of uncollectable personal information on individuals known to harbor or sponsor terrorists: Provided further That the percentage specified in section 16(d)(2) of the Victims of Violent Crime Compensation Act of 1996, as amended by this Act, shall be deemed to be 10 percent in lieu of 50 percent.”

SA 3761. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 8, line 12, after “$2,000,000,” insert: “of which $2,100,000 shall be used to develop the curriculum, purchase training materials and equipment, and pay instructor salaries to train, in the State of Utah, at the Intermountain Western Regional Training Center, law enforcement first responders from across the United States as the initial part of a ‘Train the Trainer’ program to combat terrorism.”

SA 3762. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

PARKING APRON REPAIR

Of the amounts available in Public Law 107-117 under the heading “Operation and Maintenance, Air Force,” an additional $5,700,000 shall be available for completion of emergency repairs to the main parking apron (C-Ramp) at Grand Forks AFB, North Dakota, and shall remain available until expended.

SA 3763. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 1. BUDGET ENFORCEMENT.

(a) Extension of Budget Enforcement Points of Order.--Section 904 of the Congressional Budget Act of 1974 (2 U.S.C. 621 note) is amended--

(1) in subsection (c)(2)--

(A) by inserting “and” before “312(b)’’ and by stricking “, and 312(c)”;

(B) by striking “258a(a)(5)”;

and (C) in subsection (d)(5) by striking “and” before “312(b)” and by stricking “, and 312(c)”;

and (D) by striking “258a(a)(5)”;

and (E) in subsection (e), by striking “2002” and inserting “2007”.

(b) Extension of Budget Enforcement Act Provisions.--

(1) In General.--Section 257(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 907 note) is amended to read as follows:


(2) S TRIKING EXPIRED PROVISIONS.--

(A) B A.--The Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 907 note) is amended to read as follows:

“(A) by striking “and” before “312(b)’’ and by stricking “, and 312(c)”;

(B) by striking “258a(a)(5)”;

and (C) in subsection (d)(5) by striking “and” before “312(b)” and by stricking “, and 312(c)”;

and (D) by striking “258a(a)(5)”;

and (E) in subsection (e), by striking “2002” and inserting “2007”.

(b) Extension of Budget Enforcement Act Provisions.--

(1) In General.--Section 257(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 907 note) is amended to read as follows:

“(A) by striking “and” before “312(b)’’ and by stricking “, and 312(c)”;

(B) by striking “258a(a)(5)”;

and (C) in subsection (e), by striking “2002” and inserting “2007”.

(2) PAY-AS-YOU-GO RULE IN THE SENATE.--

(A) In General.--Section 207 of House Concurrent Resolution 68 (106th Congress) is amended--

(i) in subsection (b)—

(A) by striking “2002” and inserting “2007”;

and (B) in subsection (b), by striking “2002” and inserting “2007”.

(B) SENATE PAY-AS-YOU-GO ADJUSTMENT.--For purposes of Senate enforcement of section 207 of House Concurrent Resolution 68 (106th Congress), upon the enactment of this Act, the Chairman of the Committee on the Budget of the Senate shall adjust balances of direct spending and receipts for all fiscal years to zero.
part C of this title shall expire on September 30, 2011.’’.
(2) STRIKING EXPired PROVISIONS.—
(B) CONGRESSIONAL BUDGET ACT.—The Congressional Budget Act of 1974 (2 U.S.C. 621 et seq.) is amended—
(i) in section 312, by striking subsection (c); and
(ii) in section 314—
(I) in subsection (b), by striking paragraph (2) and redesignating paragraph (6) as paragraph (2); and
(II) by striking subsection (e).
(c) EXTENSION OF DISCRETIONARY CAPS.—Section 251(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)) is amended—
(1) in the matter before subparagraph (A), by striking ‘‘2002’’ and inserting ‘‘2007’’;
(2) by striking subparagraphs (C), (D), (E), and (F); and
(3) by redesignating subparagraph (G) as subparagraph (C).
(d) EXTENSION OF PAY-AS-YOU-GO.—
(1) Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902) is amended—
(A) in subsection (a), by striking ‘‘2002’’ and inserting ‘‘2007’’;
(B) in subsection (b), by striking ‘‘2002’’ and inserting ‘‘2007’’;
(2) PAY-AS-YOU-GO RULE IN THE SENATE.—
(A) ENACTMENT.—Section 207 of House Con- current Resolution 68 (106th Congress) is amended in subsection (g), by striking ‘‘2002’’ and inserting ‘‘2007’’.
(B) SENATE PAY-AS-YOU-GO ADJUSTMENT.— For purposes of Senate enforcement of section 207 of House Concurrent Resolution 68 (106th Congress), upon the enactment of this Act, the Chairman of the Committee on the Budget of the Senate shall adjust balances of direct spending and receipts for all fiscal years to zero.
(3) PAY-AS-YOU-GO ENFORCEMENT DURING ON- BUDGET SURPLUS.—If, prior to September 30, 2007, the Final Monthly Treasury Statement for any of fiscal years 2002 through 2006 reports an on-budget surplus, section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902) shall expire at the end of the subsequent fiscal year, and the President shall, submit to Congress a recommendation for pay- as-you-go enforcement procedures that the president believes are appropriate where there is an on-budget surplus.
SA 3765. Mr. SANTORUM proposed an amendment to amendment SA 3764 proposed by Mr. DASCHLE (for himself and Mr. CONRAD) to the bill (H.R. 4775) making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes; as follows:
At the end of the amendment add the follow- ing:
S.3765. The provisions of S. Con. Res. 100 (107th Congress) as reported by the Committee on the Budget and placed on the cal- endar is adopted by the Senate and the House of Representatives as the concurrent resolution on the budget for fiscal year 2003 in accordance with section 301 of the Congressional Budget Act of 1974.
SA 3766. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill H.R. 4775, to designate the faculty of the United States Postal Service located at 204 south Broad Street in Lancaster, Ohio, as the ‘‘Clarence Miller Post Office Building’’;
which was ordered to lie on the table; as follows:
In lieu of the matter proposed to be in- serted, insert the following:
The $300,000 made available to the State of Idaho under to carry out a job training and supportive services program under section 140(b) of title 23, United States Code.
AUTHORITY FOR COMMITTEES TO MEET
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
Mr. REID. Mr. President, I ask unan- imous consent that the Committee on Environment and Public Works be au- thorized to meet on Wednesday June 5, 2002, at 10 a.m. to conduct a hearing, entitled ‘‘Nuclear Security: To receive testimony concerning S. 1586, ‘a bill to amend the Atomic Energy Act of 1946 to authorize the carrying of firearms by employees of licensees, and for other purposes’’ and S. 1746, ‘a bill to amend the Atomic Energy Act of 1974 to strengthen security at sensitive nuclear facilities.’’
The hearing will be held in SD-406.
The PRESIDING OFFICER. Without objection, it is so ordered.
COMMITTEE ON FOREIGN RELATIONS
Mr. REID. Mr. President, I ask unan- imous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, June 5, 2002 at 10 a.m. to hold a hearing on Cuba.
Agenda
Witness: The Honorable Carl Ford, Jr., Assistant Secretary for Intel- ligence and Research, Department of State, Washington, DC.
The PRESIDING OFFICER. Without objection, it is so ordered.
SELECT COMMITTEE ON INTELLIGENCE
Mr. REID. Mr. President, I ask unan- imous consent that the Select Com- mittee on Intelligence be authorized to meet during the session of the Senate on Wednesday, June 5, 2002 at 2:30 p.m. to hold a closed hearing on intelligence matters.
The PRESIDING OFFICER. Without objection, it is so ordered.
SUBCOMMITTEE ON HOUSING AND TRANSPORTATION
Mr. REID. Mr. President, I ask unan- imous consent that the Subcommittee on Housing and Transportation of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, June 5, 2002 at 2:30 p.m. to conduct an oversight hearing on ‘‘Lead-Based Paint Poisoning: Federal Responses.’’
The PRESIDING OFFICER. Without objection, it is so ordered.
PRIVILEGES OF THE FLOOR
Mr. BOND. Madam President, I ask unanimous consent a legislative fellow in my office, John Stoody, be granted the privilege of the floor.
The ACTING PRESIDENT pro tem- porum. Without objection, it is so or- dered.
Mr. FEINGOLD. Madam President, I ask unanimous consent that for the duration of the bill a legislative fellow in Senator Wyden’s office, Gerhard Kuske, be granted Senate floor privi- leges.
The PRESIDING OFFICER. Without objection, it is so ordered.
SUPPLEMENTAL APPROPRIATIONS ACT FOR FISCAL YEAR 2002—Contin- ued
Mr. REID. Mr. President, I ask unanimous consent that we return to the Supplemental Appropriations Act for further recovery from and response to terrorist attacks in the United States.
The PRESIDING OFFICER. The clerk will report the pending business.
The assistant legislative clerk read as follows:
A bill (H.R. 4775) making supplemental ap- propriations for further recovery from and response to terrorist attacks on the United States for the fiscal year ending September 30, 2002, and for other purposes.
CLOTURE MOTION
Mr. REID. I send a cloture motion to the desk.
The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.
The legislative clerk read as follows:
CLOTURE MOTION
We, the undersigned Senators, in ac- cordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to close the debate on calendar No. 405, H.R. 4775, the supplemental appropriations bill:
Hillary Clinton, Harry Reid, Jack Reed, Evan Bayh, Debbie Stabenow, Blanche Lincoln, Maria Cantwell, Daniel Akaka, Daniel Inouye, Joseph Lieberman, Byron Dorgan, Tom Carper, Tom Daschle, Tim Johnson, Patty Murray, Barbara Mikulski.
EXECUTIVE SESSION
EXECUTIVE CALENDAR
Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the Foreign Service nominations placed on the Secretary’s desk; that the nominations be confirmed; that the motions to reconsider be laid upon the table; that the President be immediately notified of the Senate’s action; that any state- ments relating to the nominations be printed in the Record; and that the Senate return to legislative session, without any intervening action or de- bate.
The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations were considered and confirmed as follows:

FOREIGN SERVICE

PN1543 Foreign Service nominations (5) beginning Stephan Wasyliko, and ending Charles Kestenbaum, which nominations were received by the Senate and appeared in the Congressional Record of March 20, 2002.

PN1544 Foreign Service nominations (7) beginning Suzanne K. Hale, and ending Maurice W. House, which nominations were received by the Senate and appeared in the Congressional Record of March 20, 2002.

PN1545 Foreign Service nominations (152) beginning Gary V. Kinney, and ending James E. Stephenson, which nominations were received by the Senate and appeared in the Congressional Record of March 20, 2002.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.
HIGHLIGHTS

The House agreed to the conference report on S. 1372, Export-Import Bank Reauthorization.


Senate

Chamber Action
Routine Proceedings, pages S4991–S5105

Measures Introduced: Fourteen bills and one resolution were introduced, as follows: S. 2579–2592, and S. Res. 281.

Pages S5043–56

Supplemental Appropriations Act: Senate continued consideration of H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, taking action on the following amendments proposed thereto:

Adopted:
Reid Amendment No. 3570, to direct the Secretary of Agriculture to carry out a certain transfer of funds.

Pages S4996–S5023

Rejected:
Santorum Amendment No. 3765 (to Amendment No. 3764), to adopt the concurrent resolution on the budget for fiscal year 2003 reported by the Committee on the Budget for the Senate. (By a unanimous vote of 96 yeas (Vote No. 134), Senate tabled the amendment.)

Pages S4997–98

Withdrawn:
Kennedy Amendment No. 3583 (to Amendment No. 3570), to provide emergency school funding.

Pages S4996–97

Kennedy Modified Amendment No. 3608, to provide emergency school funding.

Pages S4997–S5004

Pending:
Daschle Amendment No. 3764, to extend budget enforcement.

Pages S5015–18

During consideration of this measure, Senate also took the following action:

By 38 yeas to 60 nays (Vote No. 132), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 205 of H. Con. Res. 290, the Fiscal Year 2001 Concurrent Resolution on the Budget, since it contains nondefense spending with an emergency designation, was sustained, and the emergency designation was thus removed.

Pages S5004–15

By 49 yeas to 49 nays (Vote No. 133), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 306 of the Congressional Budget Act of 1974 with respect to Gregg Amendment No. 3687, to extend and strengthen procedures to maintain fiscal accountability and responsibility. Subsequently, a point of order that the amendment was in violation of section 306 of the Congressional Budget Act of 1974 was sustained, and the amendment thus fell.

A second motion was entered to close further debate on the bill and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a cloture vote will occur on Friday, June 7, 2002.

A unanimous-consent-time agreement was reached providing for further consideration of the bill at 10:30 a.m., on Thursday, June 6, 2002, with a vote on the motion to close further debate on the bill to occur at approximately 11 a.m. Further, that Senators have until 10:30 a.m. to file second degree amendments to the bill.

Nominations Confirmed: Senate confirmed the following nominations:

A routine list in the Foreign Service.

Pages S5059

Nominations Received: Senate received the following nominations:
Carolyn W. Merritt, of Illinois, to be Chairperson of the Chemical Safety and Hazard Investigation Board for a term of five years.

Carolyn W. Merritt, of Illinois, to be a Member of the Chemical Safety and Hazard Investigation Board for a term of five years.

James Irvin Gadsden, of Maryland, to be Ambassador to the Republic of Iceland.

John Randle Hamilton, of North Carolina, to be Ambassador to the Republic of Guatemala.

Michael Klosson, of Maryland, to be Ambassador to the Republic of Cyprus.

Larry Leon Palmer, of Georgia, to be Ambassador to the Republic of Honduras.

Randolph Bell, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, for the rank of Ambassador during his tenure of service as Special Envoy for Holocaust Issues.

Paul William Speltz, of Texas, to be United States Director of the Asian Development Bank, with the rank of Ambassador.

1 Army nomination in the rank of general.

Routine lists in the Army, Navy.

Committee on Appropriations:

Subcommittee on Defense concluded hearings to examine the mission, goals, and challenges of service academy superintendents, after receiving testimony from Lt. Gen. William J. Lennox, Jr., USA, Superintendent, and 2Lt. Andrew Blickhahn, USA, both of the United States Military Academy, United States Army; Col. John R. Allen, USMC, Commandant of Midshipmen, and ENS Benjamin A. Drew, USN, both of the U.S. Naval Academy; and Lt. Gen. John R. Dallager, Superintendent, and Cadet First Class Todd Garner, both of the USAF Academy, United States Air Force.

Committee on Armed Services: Committee ordered favorably reported 1,066 military nominations in the Army, Navy, Marine Corps, and Air Force.

Committee on Banking, Housing, and Urban Affairs:

Subcommittee on Housing and Transportation concluded oversight hearings to examine Federal responses to lead-based paint poisoning and childhood lead poisoning prevention, after receiving testimony from David E. Jacobs, Director, Office of Healthy Homes and Lead Hazard Control, Department of Housing and Urban Development; Ruben King-Shaw, Jr., Deputy Administrator/Chief Operating Officer, Center for Medicaid and Medicaid Services, and Richard J. Jackson, Director, National Center for Environmental Health, Centers for Disease Control and Prevention, both of the Department of Health and Human Services; Thomas L. Sansonetti, Assistant Attorney General, Environment and Natural Resources Division, Department of Justice; and Adam Sharp, Associate Assistant Administrator, Office of Prevention, Pesticides, and Toxic Substances, Environmental Protection Agency.

Committee on Commerce, Science, and Transportation:

Committee concluded hearings on the nomination of Steven Robert Blust, of Florida, to be a Federal Maritime Commissioner, after the nominee testified and answered questions in his own behalf. Testimony was also received from Hal Creel, Chairman, Federal Maritime Commission.

Committee on Energy and Natural Resources:

Committee ordered favorably reported the following business items:

S. 1768, to authorize the Secretary of the Interior to implement the Calfed Bay-Delta Program, with an amendment in the nature of a substitute;

S. 281, to authorize the design and construction of a temporary education center at the Vietnam Veterans Memorial, with an amendment in the nature of a substitute;

S. 454, to provide permanent funding for the Bureau of Land Management Payment in Lieu of Taxes program;
S. 691, to direct the Secretary of Agriculture to convey certain land in the Lake Tahoe Basin Management Unit, Nevada, to the Secretary of the Interior, in trust for the Washoe Indian Tribe of Nevada and California;
S. 1010, to extend the deadline for commencement of construction of a hydroelectric project in the State of North Carolina;
S. 1175, to modify the boundary of Vicksburg National Military Park to include the property known as Pemberton’s Headquarters, with an amendment in the nature of a substitute;
S. 1227, to authorize the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing the Niagara Falls National Heritage Area in the State of New York, with amendments;
S. 1240, to provide for the acquisition of land and construction of an interagency administrative and visitor facility at the entrance to American Fork Canyon, Utah, with an amendment;
S. 1325, to ratify an agreement between the Aleut Corporation and the United States of America to exchange land rights received under the Alaska Native Claims Settlement Act for certain land interests on Adak Island, with an amendment;
S. 1649, to amend the Omnibus Parks and Public Lands Management Act of 1996 to increase the authorization of appropriations for the Vancouver National Historic Reserve and for the preservation of Vancouver Barracks, with amendments;
S. 1843, to extend hydro-electric licenses in the State of Alaska;
S. 1852, to extend the deadline for commencement of construction of a hydroelectric project in the State of Wyoming;
S. 1894, to direct the Secretary of the Interior to conduct a special resource study to determine the national significance of the Miami Circle site in the State of Florida as well as the suitability and feasibility of its inclusion in the National Park System as part of Biscayne National Park, with an amendment;
S. 1907, to direct the Secretary of the Interior to convey certain land to the city of Haines, Oregon, with an amendment;
S. 1946, to amend the National Trails System Act to designate the Old Spanish Trail as a National Historic Trail, with amendments;
H.R. 223, to amend the Clear Creek County, Colorado, Public Lands Transfer Act of 1993 to provide additional time for Clear Creek County to dispose of certain lands transferred to the county under the Act;
H.R. 308, to establish the Guam War Claims Review Commission;
H.R. 309, to provide for the determination of withholding tax rates under the Guam income tax;
H.R. 601, to redesignate certain lands within the Craters of the Moon National Monument;
H.R. 640, to adjust the boundaries of Santa Monica Mountains National Recreation Area, with an amendment;
H.R. 1384, to amend the National Trails System Act to designate the route in Arizona and New Mexico which the Navajo and Mescalero Apache Indian tribes were forced to walk in 1863 and 1864, for study for potential addition to the National Trails System;
H.R. 1456, to expand the boundary of the Booker T. Washington National Monument;
H.R. 1576, to designate the James Peak Wilderness and Protection Area in the Arapaho and Roosevelt National Forests in the State of Colorado;
H.R. 2234, to revise the boundary of the Tumacacori National Historical Park in the State of Arizona;
H.R. 2440, to rename Wolf Trap Farm Park as “Wolf Trap National Park for the Performing Arts”;
S.J. Res. 34, approving the site at Yucca Mountain, Nevada, for the development of a repository for the disposal of high-level radioactive waste and spent nuclear fuel, pursuant to the Nuclear Waste Policy Act of 1982; and
The nominations of Guy F. Caruso, of Virginia, to be Administrator of the Energy Information Administration, and Kyle E. McSlarrow, of Virginia, to be Deputy Secretary, both of the Department of Energy.

NUCLEAR SECURITY

Committee on Environment and Public Works: Committee concluded hearings S. 1586, to amend the Atomic Energy Act of 1954 to authorize the carrying of firearms by employees of licensees, and S. 1746, to amend the Atomic Energy Act of 1954 and the Energy Reorganization Act of 1974 to strengthen security at sensitive nuclear facilities, after receiving testimony from Representative Markey; Richard A. Meserve, Chairman, Nuclear Regulatory Commission; David Lochbaum, Union of Concerned Scientists, Jack Skolds, Exelon Nuclear, and Danielle Brian, Project On Government Oversight, all of the Children’s Health Fund; and Donna J. Miller Hastie, Marietta, Georgia.

STRATEGIC OFFENSIVE REDUCTIONS TREATY

Committee on Foreign Relations: Committee met in closed session to receive a briefing on the President’s trip to Europe and the Strategic Offensive Reductions Treaty from Colin L. Powell, Secretary of State.
CUBA AND BIOLOGICAL WEAPONS

Committee on Foreign Relations: Subcommittee on Western Hemisphere, Peace Corps and Narcotics Affairs concluded open and closed hearings to examine Cuba’s pursuit of biological weapons, focusing on research, production, and stockpiling, after receiving testimony from Carl W. Ford Jr., Assistant Secretary of State for Intelligence and Research.

House of Representatives

Chamber Action

Measures Introduced: 13 public bills, H.R. 4864–4876; and 1 resolution, H. Con. Res. 413, were introduced.

Reports Filed: Reports were filed as follows:

- H.R. 3380, to authorize the Secretary of the Interior to issue right-of-way permits for natural gas pipelines within the boundary of Great Smoky Mountains National Park (H. Rept. 107–491);
- H.R. 4609, to direct the Secretary of the Interior to conduct a comprehensive study of the Rathdrum Prairie/Spokane Valley Aquifer, located in Idaho and Washington (H. Rept. 107–492);
- H.R. 3969, to enhance United States public diplomacy, to reorganize United States international broadcasting, amended (H. Rept. 107–493);
- H. Res. 435, providing for consideration for H.R. 2143, to make the repeal of the estate tax permanent (H. Rept. 107–494); and
- H.R. 2486, to authorize the National Weather Service to conduct research and development, training, and outreach activities relating to tropical cyclone inland forecasting improvement, amended (H. Rept. 107–495).

Guest Chaplain: The prayer was offered by the guest Chaplain, Bishop Neff Powell, the Episcopal Diocese of Southwestern Virginia, Roanoke, Virginia.

Journal Vote: Agreed to the Speaker’s approval of the Journal of Tuesday, June 5 by a yea-and-nay vote of 363 yeas to 40 nays with 2 voting “present”, Roll No. 209.

Recesses: The House recessed at 10:30 a.m. and reconvened at 10:31 a.m. and recessed at 10:34 a.m. and reconvened at 10:45 a.m.

Official Photo of the House in Session: Pursuant to H. Res. 378, the official photo of the House in session was taken.


Agreed to the H. Res. 433, the rule that waived points of order against the conference report was agreed to by voice vote.


Pursuant to the rule, the Committee on Science amendment in the nature of a substitute now printed in the bill (H. Rept. 107–488) was considered as an original bill for the purpose of amendment.

Agreed To:

- Rivers amendment that makes part-time students eligible for scholarships under the Computer Science, Engineering, and Mathematics Scholarship (CSEMS) program.

Rejected:

- Woolsey amendment that sought to create a biosafety research program to study safety with respect to the effects of biological research on organisms and the environment (rejected by a recorded vote of 165 ayes to 259 noes, Roll No. 211).

Agreed to H. Res. 432, the rule that provided for consideration of the bill was agreed to by voice vote.

Privileged Resolution: Representative Kucinich gave notice of his intention to offer a privileged resolution.

Joint Meeting to Receive the Prime Minister of Australia: Agreed that it be in order at any time on Wednesday, June 12, 2002, for the Speaker to declare a recess, subject to the call of the Chair, for the purpose of receiving in Joint Meeting the Honorable John Howard, Prime Minister of Australia.

Quorum Calls—Votes: Two yea-and-nay votes and two recorded votes developed during the proceedings of the House today and appear on pages H3194, H3182, H3202, and H3203. There were no quorum calls.
Adjournment: The House met at 10 a.m. and adjourned at 7:38 p.m.

Committee Meetings

DEFENSE APPROPRIATIONS
Committee on Appropriations: Subcommittee on Defense met in executive session to hold a hearing on the Crusader; Testimony was heard from the following officials of the Department of Defense: E.C. Aldridge, Under Secretary, Acquisition, Technology and Logistics; Michael W. Wynne, Principal Deputy Under Secretary, Acquisition, Technology and Logistics; Gen. Montgomery C. Meigs, USA, Commanding General, U.S. Army Europe and Seventh Army; Lt. Gen. John S. Caldwell, Jr., USA, Military Deputy/Director, Army Acquisition Corps, Office of the Assistant Secretary of the Army, Acquisition, Logistics and Technology; Maj. Gen. William L. Bond, USA, Director, Force Development Office of the G8, U.S. Army; and Maj. Gen. Michael D. Maples, USA, Commanding General, U.S. Army Field Artillery Center and Ft. Sill.

DISTRICT OF COLUMBIA APPROPRIATIONS
Committee on Appropriations: Subcommittee on the District of Columbia held a hearing on Fiscal Year 2003 District of Columbia Budget. Testimony was heard from the following officials of the District of Columbia: Anthony A. Williams, Mayor; Linda W. Cropp, Chairman, Council; and Julia Friedman, Deputy Chief Financial Officer, Research and Analysis.

COMMON FISCAL ISSUES—INTERNATIONAL PERSPECTIVES
Committee on the Budget: Held a hearing on International Perspectives on Common Fiscal Issues. Testimony was heard from public witnesses.

CITIZEN SERVICE ACT
Committee on Education and the Workforce: Subcommittee on Select Education approved for full Committee action, as amended, H.R. 4854, Citizen Service Act of 2002.

SPORTS AGENT RESPONSIBILITY AND TRUST ACT
Committee on Energy and Commerce: Subcommittee on Commerce, Trade, and Consumer Protection held a hearing on H.R.4701, Sports Agent Responsibility and Trust Act. Testimony was heard from Representative Osborne; Howard Beales, Director, Bureau of Consumer Protection, FTC; and public witnesses.

CLEAN AIR ACT IMPLEMENTATION
Committee on Energy and Commerce: Subcommittee on Energy and Air Quality held a hearing entitled “Clean Air Act Implementation: Experience of State and Local Regulators.” Testimony was heard from Dianne Nielson, Executive Director, Department of Environmental Quality, State of Utah; Chris Jones, Director, Environmental Protection Agency, State of Ohio; Doug Lempke, Administrator, Air Quality Control Commission, Department of Public Health and Environment, State of Colorado; and a public witness.

FCC’S UWB PROCEEDING
Committee on Energy and Commerce: Subcommittee on Telecommunications and the Internet held a hearing entitled “The FCC’s UWB Proceeding: An Examination of the Government’s Spectrum Management Process.” Testimony was heard from Michael Gallagher, Deputy Assistant Secretary, National Telecommunications and Information Administration, Department of Commerce; Stephen Price, Deputy Assistant Secretary, Spectrum, Space, Sensors and C3 Policy, Department of Defense; Jeff Shane, Associate Deputy Secretary, Department of Transportation; Julius Knapp, Deputy Chief, Office of Engineering and Technology, FCC; and public witnesses.

OVERSIGHT—PERFORMANCE—DC COURT OF APPEALS AND SUPERIOR COURT
Committee on Government Reform: Subcommittee on the District of Columbia held a hearing on “Oversight Hearing on the Performance of the Court of Appeals and the Superior Court of the District of Columbia.” Testimony was heard from Cornelia M. Ashby, Director, Education, Workforce and Income Security Issues, GAO; the following officials of the District of Columbia: Annice M. Wagner, Chief Judge, Court of Appeals; Rufus G. King III, Chief Judge, Superior Court; Lee F. Satterfield, Presiding Judge, Family Court; Anne Wicks, Executive Officer, Superior Court; Olivia Golden, Director, Child and Family Services; and Arabella Teal, Principal Deputy Corporation Counsel; and a public witness.

FOLLOWING DANFORTH REPORT
Committee on International Relations: Held a hearing on Following the Danforth Report: Defining the Next Step on the Path to Peace in Sudan. Testimony was heard from the following officials of the Department of State: Walter Kansteiner, Assistant Secretary, Bureau of African Affairs; and Roger P. Winter, Assistant Administrator, Bureau of Democracy, Conflict and Humanitarian Assistance, AID; Michael K. Young, Chairman, U.S. Commission on International Religious Freedom; and public witnesses.
FREE MARKET ANTITRUST IMMUNITY REFORM (FAIR) ACT
Committee on the Judiciary: Held a hearing on H.R. 1253, Free Market Antitrust Immunity Reform (FAIR) Act of 2001. Testimony was heard from Charles James, Assistant Attorney General, Antitrust Division, Department of Justice; and public witnesses.

OVERSIGHT
Committee on the Judiciary: Subcommittee on Courts, the Internet and Intellectual Property held an oversight hearing on “DRM: The Consumer Benefits of Today’s Digital Rights Management Solutions.” Testimony was heard from public witness.

MISCELLANEOUS MEASURES
Committee on Resources: Held a hearing on the following bills: H.R. 3048, Russian River Land Act; H.R. 3148, to amend the Alaska Native Claims Settlement Act to provide equitable treatment of Alaska Native Vietnam Veterans; and H.R. 4734, Alaska Federal Lands Management Demonstration Project Act. Testimony was heard from Paul Hoffman, Deputy Assistant Secretary, Fish and Wildlife and Parks, Department of the Interior; and public witnesses.

MISCELLANEOUS MEASURES
Committee on Resources: Subcommittee on Water and Power approved for full Committee action H.R. 4638, to reauthorize the Mni Wiconi Rural Water Supply Project.

PERMANENT DEATH TAX REPEAL ACT
Committee on Rules: Granted, by voice vote, a modified closed rule providing 1 hour of debate on H.R. 2143, Permanent Death Tax Repeal Act of 2002. The rule provides for consideration of the amendment in the nature of a substitute printed in the Rules Committee report accompanying the resolution, if offered by Representative Rangel or his designee, which shall be considered as read and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent. The rule waives all points of order against the amendment in the nature of a substitute. Finally, the rule provides one motion to recommit with or without instructions

GSA’S CAPITAL INVESTMENT AND LEASING PROGRAM
Committee on Transportation and Infrastructure: Subcommittee on Economic Development, Public Buildings and Emergency Management held a hearing on U.S. General Services Administration’s Fiscal Year 2003 Capital Investment and Leasing Program. Testimony was heard from Joseph Moravec, Commissioner, Public Buildings Service, GSA; and Jane R. Roth, Judge, U.S. Courts of Appeals, 3rd Circuit.

FUTURE IMAGERY ARCHITECTURE
Permanent Select Committee on Intelligence: Subcommittee on Technical and Tactical Intelligence met in executive session to hold a hearing on Future Imagery Architecture. Testimony was heard from departmental witnesses.

Joint Meetings
9/11 INTELLIGENCE INVESTIGATION
Joint Hearing: Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence met in closed session to consider events surrounding September 11, 2001. Committees will meet again tomorrow.

COMMITTEE MEETINGS FOR THURSDAY, JUNE 6, 2002
(Committee meetings are open unless otherwise indicated)

Senate
Committee on Appropriations: Subcommittee on Interior, to resume hearings on proposed budget estimates for fiscal year 2003 for the U.S. Forest Service, Department of Agriculture, 10 a.m., SD–116.

Subcommittee on Labor, Health and Human Services, and Education, to hold hearings on proposed budget estimates for fiscal year 2003 for the Department of Labor, 11:30 a.m., SD–192.

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Financial Institutions, to hold oversight hearings to examine capital investments in Indian country, 10 a.m., SD–538.

Committee on Energy and Natural Resources: Subcommittee on Water and Power, to hold hearings on S. 1310, to provide for the sale of certain real property in the Newlands Project, Nevada, to the city of Fallon, Nevada; S. 2475, to amend the Central Utah Project Completion Act to clarify the responsibilities of the Secretary of the Interior with respect to the Central Utah Project, to redirect unexpended budget authority for the Central Utah Project for wastewater treatment and reuse and other purposes, to provide for prepayment of repayment contracts for municipal and industrial water delivery facilities, and to eliminate a deadline for such prepayment; S. 1385, to authorize the Secretary of the Interior, pursuant to the
provisions of the Reclamation Wastewater and Ground-Water Study and Facilities Act to participate in the design, planning, and construction of the Lakehaven water reclamation project for the reclamation and reuse of water; S. 1824/H.R. 2828, to authorize payments to certain Lama Project water distribution entities for amounts assessed by the entities for operation and maintenance of the Project’s irrigation works for 2001, to authorize funds to such entities of amounts collected by the Bureau of Reclamation for reserved works for 2001; S. 1883, to authorize the Bureau of Reclamation to participate in the rehabilitation of the Wallowa Lake Dam in Oregon; S. 1999, to reauthorize the Mni Wiconi Rural Water Supply Project; and H.R. 706, to direct the Secretary of the Interior to convey certain properties in the vicinity of the Elephant Butte Reservoir and the Caballo Reservoir, New Mexico, 2:30 p.m., SD–366.

Committee on Environment and Public Works: Subcommittee on Clean Air, Wetlands, and Climate Change, to hold hearings on wetlands, focusing on the impacts of the revisions to the Clean Water Act regulatory definitions of “fill material” and “discharge of fill material,” 10 a.m., SD–406.

Committee on Governmental Affairs: Subcommittee on International Security, Proliferation and Federal Services, to hold hearings to examine difficulties and solutions concerning nonproliferation disputes and export controls between Russia and China, 2:30 p.m., SD–342.

Committee on Health, Education, Labor, and Pensions: to hold hearings to examine the Individuals with Disabilities Education Act, focusing on accountability, 9:30 a.m., SD–430.

Select Committee on Intelligence: to hold joint closed hearings with the House Permanent Select Committee on Intelligence to examine events surrounding September 11, 2001, 10 a.m. and 2:30 p.m., S–407 Capitol.

Committee on the Judiciary: to hold oversight hearings on counter-terrorism issues, 9:30 a.m., SH–216.

Committee on Veterans’ Affairs: business meeting to mark up pending calendar business, 2 p.m., SR–418.

House

Committee on Agriculture, Subcommittee on Department Operations, Oversight, Nutrition and Forestry, hearing on Public Safety Concerns and Forest Management Hurdles in the Black Hills National Forest, 1 p.m., 1300 Longworth.

Committee on Armed Services, Special Oversight Panel on Terrorism, hearing on the question “Are Yasser Arafat and the Palestinian Authority Credible Partners for Peace?” 8:30 a.m., 2212 Rayburn.

Committee on Education and the Workforce, Subcommittee on Education, hearing on “Learning Disabilities and Early Intervention Strategies: How to Reform the Special Education Referral and Identification Process,” 10 a.m., 2175 Rayburn.


Committee on Oversight and Investigations, hearing entitled “DOE’s FreedomCAR: Hurdles, Benchmarks for Progress, and Role in Energy Policy,” 9:30 a.m., 2123 Rayburn.

Committee on Financial Services, to consider the following bills: H.R. 1701, amended, Consumer Rental Purchase Agreement Act; and H.R. 3951, amended, Financial Services Regulatory Relief Act of 2002, 10 a.m., 2128 Rayburn.


Committee on International Relations, Subcommittee on International Operations and Human Rights, hearing on An Assessment of Cuba Broadcasting—The Voice of Freedom, 10:30 a.m., 2172 Rayburn.

Committee on the Middle East and South Asia, hearing on The Current Crisis in South Asia, 10 a.m., 2141 Rayburn.

Committee on Resources, Subcommittee on National Parks, Recreation and Public Lands, hearing on the following bills: H.R. 3815, Presidential Historic Site Study Act; H.R. 4141, Red Rock Canyon National Conservation Area Protection and Enhancement Act of 2002; and H.R. 4620, America’s Wilderness Protection Act, 2 p.m., 1334 Longworth.

Committee on Small Business, Subcommittee on Regulatory Reform and Oversight and the Subcommittee on Workforce, Empowerment, and Government Programs, joint hearing on The Cost of Regulations to Small Business, 2 p.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Railroads, hearing on Recent Derailments and Railroad Safety, 10 a.m., 2167 Rayburn.

Committee on Veterans’ Affairs, Subcommittee on Benefits, hearing on the status of the VA’s implementation of the VA Claims Processing Task Force’s recommendations, and the potential for a greater VA/Veterans Service Organization “partnership,” 10 a.m., 334 Cannon.

Committee on Ways and Means, hearing on Corporate Inversions, 10:45 a.m., 1100 Longworth.

Joint Meetings

Joint Meetings: Senate Select Committee on Intelligence, to hold joint closed hearings with the House Permanent Select Committee on Intelligence to examine events surrounding September 11, 2001, 10 a.m. and 2:30 p.m., S–407 Capitol.
Next Meeting of the SENATE
9:30 a.m., Thursday, June 6

Senate Chamber

Program for Thursday: After the transaction of any morning business (not to extend beyond 10:30 a.m.), Senate will continue consideration of H.R. 4775, Supplemental Appropriations Act, with a vote on the motion to close further debate on the bill to occur at approximately 11 a.m.

Next Meeting of the HOUSE OF REPRESENTATIVES
10 a.m., Thursday, June 6

House Chamber

Program for Thursday: Consideration of H.R. 2143, to make the repeal of the estate tax permanent (modified closed rule, one hour of general debate).