SUPPLEMENTAL APPROPRIATIONS ACT FOR FISCAL YEAR 2002
(Continued)

AMENDMENT NO. 3728

Mr. LIEBERMAN. Mr. President, I rise to urge my colleagues to support the amendment introduced by Senators DURBIN and SPECTER with cosponsorship by several colleagues and myself. The amendment would increase the amount of money in this emergency appropriations bill for several purposes related to combating the most pernicious infectious diseases confronting humankind today.

The amendment would raise the U.S. contribution to the Global Fund to Combat AIDS, Tuberculosis and Malaria, increase the resources of our Centers for Disease Control for prevention, treatment, control of, and research on HIV/AIDS, and provide funds for child survival, maternal health, and other programs to combat tuberculosis and to address the consequences of the HIV/AIDS pandemic.

The United States of America contributed last year to the Global Fund and correctly urges other developed countries to participate actively and generously in that global initiative. Nevertheless, I feel we can and must do more to overcome the debilitating effects of these diseases on societies that are struggling.

The dimensions of the global HIV/AIDS crisis are overwhelming. At current rates of infection, it is estimated that 100 million people will have had HIV/AIDS by 2005. More than 36 million people are currently infected with the virus and 22 million people have already died from it, more than the number of soldiers killed in all major wars of the twentieth century. Thirteen million children worldwide have lost one or both parents to AIDS, and that number is expected to triple to 42 million by 2010. In 10 African countries life expectancy has dropped by more than 20 years, which is almost entirely as a result of AIDS deaths. In China, the number of people with HIV increased by 69 percent in 1999 and another 37 percent in 2000, according to official statistics, and nearly 80 percent of those testing positive for infection are between 20 and 40 years of age. In Russia, Ukraine and throughout the Commonwealth of Independent States, HIV increased five times between 1997 and 1998; in 1999, the region recorded the highest increase in HIV infection in the world.

The AIDS pandemic is having a disastrous impact on economic growth rates, public services and private companies, impoverishing millions of families and orphaning children and rolling back hard-won social gains in human development, including life expectancy, income and education. It is unprecedented in its destructive impact on regional development, because it affects so many adults in the prime of their working and parenting lives, it decimates the workforce, fractures and impoverishes families, orphans millions, and shreds the fabric of communities. In its wake it leaves desolation—one of the greatest threats to peace within and between peoples and nations.

In the face of this challenge, the United States should not treat the major global initiative against infectious disease as a bargaining table at which to challenge other governments’ commitment and generosity. We should lead by example. It is in our national interest and consistent with the humanitarian values of America that we contribute substantially to the global effort against infectious disease. I hope all my colleagues will vote to do so by adopting this amendment.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, have other Senators spoken on this amendment?

The PRESIDING OFFICER. All other Senators have spoken on the amendment.

Mr. BYRD. I thank the Chair.

Mr. President, the distinguished Senator from Illinois, Mr. DURBIN, has offered this amendment, and I think he has spoken for a good cause. He is a very highly respected member of the Appropriations Committee, the committee that I chair.

I salute him for speaking out on this matter. I have listened to the poignant cases that he has referred to of persons who have been infected with AIDS. There is no question but that the cause for which he speaks is one which the world should be greatly concerned about. But there is a limit, in the first place, to our ability as a nation to fund even the good causes. We can only do so much. And regardless of how much we might appropriate today for this purpose, we can never appropriate enough. There will never be enough money in the U.S. Treasury that we can utilize for this purpose. There will never be enough to fully deal with this pandemic.

So, Mr. President, I salute the distinguished Senator from Illinois for his determination, for his humanitarianism, and for the appeal that he has made in this matter. But I have to oppose the amendment. We have a bill here that has been carefully worked out on a bipartisan basis. The ranking member and I, and all the members on his side of the aisle and the members on my side of the aisle—including the distinguished Senator from Illinois—have worked laboriously to produce a bill that will bring the necessary appropriations for the protection of the homeland.

The President made a request, and based on the very thorough hearings that were conducted by my full Committee on Appropriations, we have enlarged over and above the President’s request. But we think we are acting judiciously and based on the hearings of the people at the local level: the firemen, the policemen, the health service, the medical personnel. And we have listened to the Governors and the mayors...
and seven of the Cabinet officers of this executive branch, and the Director of
FEMA.

It has been a long and tenuous ordeal as far as I am concerned. I have been working on this bill for months. I think it is important we get it to con-
fereence, and that we get it on the President’s desk.

Now, the President sent word to this committee last year that he did not need the additional moneys this committee was proposing for homeland de-
fense. And Mr. Tom Ridge wrote me a letter saying they did not need the money, did not need more money. But we appropriated $4 billion more for homeland security last year, and the President signed that bill. And that money has been well spent. It is pro-
ducing results. And it is making a differ-
ence.

We think we have acted judiciously and very carefully in this instance. So we are adding moneys this year over and above the President’s request. But we have a responsibility, as elected Members of this body, elected by the American people, elected by the people of our States, to use our judgment; that is what we are doing. No President sends a Senator here—no President, whether he be Democrat or Republican. I would say this if we had a Democratic President. We have only our own judg-
ment. And we do the best we can to represent the people.

How much time do I have?

The PRESIDING OFFICER. The Sen-
ator’s time has expired.

Mr. BYRD. Mr. President, I ask unan-
ymous consent that immediately fol-
lowing the next vote, if Senator Dur-
bin’s amendment is not agreed to, Sen-
ator Frist be recognized to offer his amend-
ment No. 3725; that he be permitted to modify it with the changes that I now send to the desk—they are at the desk—that there be 5 minutes to debate, equally divided, between Senator Frist and Senator Byrd, and 5 minutes under the control of Senator DeWine; and that at the conclusion of that time the Senate vote, without any inter-
vening action or debate, in rela-
tion to the Frist amendment.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Reserving the right to object, and I will not object, I would like to add to the unanimous consent request that I be given 2 minutes in re-

The PRESIDING OFFICER. Will the Senator modify his request?

Mr. BYRD. Reserving the right to ob-
ject, if the emergency designation falls on this point of order, there still has to be another point of order which should be immediate. And I hope the distin-
guished whip will take that into con-

The PRESIDING OFFICER. Is there objection to the request, as modified? Without objection, it is so ordered.

The amendment contains nondefense spending with an emergency designa-
tion.

Now, I was against the kind of vote that is required to support that. But that is what we have. And I am going to use it. I am going to use that point of order. It is the same point of order I used against an equally good cause when Senator Kennedy had his amend-
ment before the Senate with respect to summer schools.

The amendment contains nondefense spending with an emergency designa-
tion.

Pursuant to section 205 of H. Con. Res. 290, the fiscal year 2001 concurrent resolution on the budget, created a point of order against an emergency designation on nondefense spending.

As amended, that the amendment provides spending in excess of the relevant 302(b) allocation, and there is no general purpose discretionary head-

The point of order is sustained. The motion is rejected.

The PRESIDING OFFICER. The point of order is sustained. The amendment falls.

The amendment is as follows:

Amendment No. 3725, as modified

Mr. FRIST. Mr. President, under the order, I now call up amendment No. 3725, with a modification now at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The amendment is as follows:

Amendment No. 3725, as modified

Mr. FRIST. Mr. President, under the order, I now call up amendment No. 3725, with a modification now at the desk.
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 assisting in the prevention and 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 not more than seven percent of 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 funds appropriated by this paragraph shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That the amount is designated 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 is required pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress.

Mr. FRIST. I ask for a clarification. In terms of the time agreement, just so our colleagues will know what has been agreed to, I understand I have 2½ minutes.

The PRESIDING OFFICER. The Senator is correct.

Mr. FRIST. And then the opponents have 2½ minutes and then 5 minutes for Senator DEWINE.

The PRESIDING OFFICER. The Senator is correct.

Mr. FRIST. Then Senator DURBIN has 2 minutes after that.

The PRESIDING OFFICER. The Senator is correct.

Mr. FRIST. Mr. President, Senator Jesse HELMS wrote me a letter yesterday regarding the Helms-Frist amendment. In that letter he said:

You and I know the stunning facts: Nearly one million children are infected by HIV/AIDS each year from their mothers during labor, one million children are infected by HIV/AIDS in infancy, and over 343,000 children die of AIDS-related diseases each year in the United States alone. Childbirth is a high risk period for an infected mother and her newborn: 15 percent of the infants born with the disease will die of it within the first year; 30 percent will die within the first five years; and 80 percent of the deaths occur within the first ten years. Babies infected with HIV/AIDS are born with a condition that they can live with for an indeterminate period, with or without medical intervention. The reality is that millions of children are dying, and we can do something about it. We must do something about this.

Now is the time to work to end the human tragedy caused by preventable, treatable diseases around the world. We have a moral obligation to fight HIV/AIDS, and I believe we must show the leadership today by tackling the problem in our backyard and around the world.

I thank all of my colleagues who have come to this Chamber to talk about this issue and show support for dealing with this problem. I thank the Chair, and I yield the floor.
The PRESIDING OFFICER (Mr. MILLER). Who yields time?

Mr. BYRD. Mr. President, who has the time?

The PRESIDING OFFICER. The Senator from West Virginia has 2% minutes.

Mr. BYRD. How much time is remaining?

The PRESIDING OFFICER. The Senators from Illinois and Ohio have 1 minute each. The Senator from West Virginia has 2% minutes remaining.

Mr. DEWINE. Mr. President, I yield back my time, unless someone wants the time.

Mr. BYRD. Does any other Senator have time? I have 2% minutes. Does any other Senator have time?

The PRESIDING OFFICER. The Senator from Illinois still retains 1 minute.

Mr. DEWINE. I yield to my colleague my minute.

Mr. BYRD. The funds. Where does that leave us, Mr. President?

The PRESIDING OFFICER. The Senator from Illinois yields back his time.

Mr. BYRD. Has the Senator yielded me the time?

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I yield back my time.

The PRESIDING OFFICER. The Senator from Illinois yields back his time. The Senator from West Virginia has 4% minutes.

Mr. BYRD. Mr. President, I do not need 4% minutes.

The distinguished Senator from Illinois has made a very generous suggestion in asking all of his colleagues to support the amendment. He has made an excellent case for his amendment. He was not successful in this instance, but he has been very generous, very gracious, and I want to, in particular, thank him for the fine example he sets in this regard.

I am willing to accept the amendment on this side of the aisle, and I hope my counterpart will do the same on the other side. I think Senator STEVENS will do that.

Mr. FRIST. Mr. President, we will request a rollcall vote.

Mr. BYRD. The Senator wants a rollcall?

Mr. FRIST. Yes. The PRESIDING OFFICER. The Senator from Texas.

Mr. BYAM. Mr. President, I ask unanimous consent that I might be recognized for the purpose of making a point of order.

Mr. BYRD. Mr. President, what is the request?

The PRESIDING OFFICER. Is there an objection?

Mr. BYRD. Mr. President, is the Senator going to make a point of order?

Mr. GRAMM. I have asked unanimous consent to make a point of order.

Mr. BYRD. On this amendment? Mr. GRAMM. Yes. Mr. BYRD. I object. The PRESIDING OFFICER. The objection is heard.

Mr. BYRD. Mr. President, have the yeas and nays been ordered? The PRESIDING OFFICER. They have not yet been ordered. Mr. BYRD. I understand the Senator from Tennessee wants the yeas and nay.

Mr. FRIST. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. Mr. BYRD. I yield back the time. The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment No. 3725, as modified. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from New Mexico (Mr. BINGAMAN), the Senator from South Dakota (Mr. DASCHEL), the Senator from Minnesota (Mr. DAYTON), the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Connecticut (Mr. LIEBERMAN) would vote "aye."

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS), the Senator from Colorado (Mr. CAMPBELL), and the Senator from Mississippi (Mr. LOTT) are necessarily absent.

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

The result was announced—yeas 79, nays 14, as follows:

[Rolcall Vote No. 142 Leg.]

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The amendment (No. 3725), as modified, was agreed to.

AMENDMENT NO. 356

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

The PRESIDING OFFICER. The clerk will report the assistant legislative clerk read as follows:

The Senator from Florida (Mr. GRAHAM), for himself and Mr. DEWINE, Mr. McCAIN, Mr. MILLER, Mr. THOMPSON, Mr. ROCKEFELLER, Mr. BAYH, Mr. NELSON of Florida, Mr. NELSON of Nebraska, and Mr. ALLARD, proposes an amendment numbered 356.

Mr. GRAHAM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with. The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide authority regarding the availability of funds for the Department of Defense for counterterrorism activities in Colombia)

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

SEC. 307. (a) AVAILABILITY OF FUNDS FOR ASSISTANCE FOR COLOMBIA.—In fiscal year 2002, funds described in subsection (b) shall be available for the following purposes:

(1) To support a unified campaign against narcotics trafficking and against activities by organizations designated as terrorist organizations, including the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), and the United Self-Defense Forces of Colombia (AUC).

(2) To take actions to protect human health and welfare in emergency circumstances, including rescue operations.

(b) FUNDS.—The funds described in this subsection are as follows:

(1) Funds available to the Department of Defense in this Act for assistance to the Government of Colombia.

(2) Funds available to the Department of Defense in appropriations Acts enacted before the date of the enactment of this Act for assistance to the Government of Colombia that remain available for obligation.

(c) CONSTRUCTION.—The authority in subsection (a) is in addition to any other authority under law regarding the availability of assistance to the Government of Colombia.

Mr. GRAHAM. Mr. President, on behalf of my colleagues, Senators DEWINE, McCAIN, MILLER, THOMPSON, SESSIONS, ROCKEFELLER, BAYH, NELSON of Florida, NELSON of Nebraska, and ALLARD, I rise today to offer an amendment to provide the Department of Defense the authority necessary to support Colombia’s war against narcotics trafficking and terrorist activities.

September 11 served as a horrible moment in history—a moment that revealed the evils, the hatred, and the degree to which those who wish to do us harm are prepared to go. Unfortunately, this reality is not limited to North America. It is not limited to the Middle East or to central Asia. It is a global phenomenon.

The United States, at home and around the world, must do better with our intelligence, law enforcement, and foreign policy efforts. We must do more as well to work with our allies.

In Latin America, the command of terror has been an everyday reality for too long, a fact which I believe most Americans of the United States will find stunning, but not to Americans.
who live in other parts of the Western Hemisphere.

In the year 2000, over 44 percent of all of the worldwide incidents of terrorism against U.S. citizens and U.S. interests were committed in one country. That country was Columbia. Three groups, that were responsible for these atrocities are all on the U.S. Department of State's list of foreign terrorist organizations. These attacks pose a threat to the democratic institutions of Columbia, the stability of Latin America, and to the security of the Western Hemisphere.

The Taliban and al-Qaida networks derived much of their funds from the illegal narcotics trade—heroin, primarily. But the linkage is no more pervasive anywhere in the world between illegal narcotics and terrorism than it is in Colombia where former guerrillas have evolved into drug trafficking terrorists.

That is why a large number of our colleagues and I are offering this amendment that would allow the Department of Defense to use its appropriated funds to provide additional equipment, training, and intelligence to Colombia to combat both narcotics trafficking and terrorism.

Current law allows the U.S. equipment and funds from the Department of Defense to be used solely for counterdrug operations. In Colombia, the reality is that the line between narcotics and terrorism is extremely thin. It is virtually mythical.

The House of Representatives has already passed an authorization bill as part of the legislation that we consider this evening, and these authorities to expand the use of defense funds to combat the twin evils of narcotics and terrorists are provided in the House bill; these authorities are being aggressively sought by the President of the United States.

The administration seeks more explicit legal authority to support Colombia's unified campaign against narcotics trafficking and terrorist activities.

This provides greater flexibility to counter the threat from groups using narcotics trafficking to fund both terrorist and criminal activities.

I assure our colleagues that I am not proposing any changes to previous requirements in human rights, certifications, and limits on personnel—civilians and military—that Congress has in the past placed on the Administration of Defense operations.

The Government of Colombia, both under its current President, President Pastrana, and under its newly elected President Uribe, has stated its intention to carry the war to the terrorist drug traffickers.

What we are being asked to do is to allow equipment that has been procured in part with funds from the U.S. Department of Defense to be used in both wars, terrorism and narcotics.

These counterterrorism efforts will not hurt our counterdrug program. In fact, they will be of great assistance to our counterdrug program.

The Department of Defense has assured me that it remains committed to a robust counterdrug program in Columbia and it will bear that in mind as the details are developed regarding the use of defense-funded equipment, training, and intelligence for counterterrorist missions.

I am also pleased, despite the rampart violence in Colombia May 26 of this year, that the citizens and Government of Colombia carried out democratic elections which were deemed by international standards and observers to be free, fair, and the expression of the will of the Colombian people.

When the United States first authorized Plan Colombia in 2000, we made a commitment. The commitment was to help our Colombian neighbors in their long struggle against the drug trade and the violence it causes. Anything less than that is not simply a violation of our promise to be good neighbors but a neglected front on the war against terrorism.

I ask my colleagues to support Colombia, an important democratic and hemispheric ally by supporting this amendment.

Thank you, Mr. President.

Mr. MCCAIN. Mr. President, at a time of bipartisan agreement that the Colombian government must pursue a unified campaign against the narcotics and terrorist threat to Colombia's democracy, the Senate Appropriations Committee has chosen to deny the Administration's request for the authority to support our Colombian ally.

As my colleagues know, our assistance to Colombia is channeled through both the State and Defense Departments. To the President's credit, American policy has dispensed with the illusion that the Colombian government is fighting two separate wars, one against drug trafficking and another against domestic terrorists. The democratic government of Colombia has long insisted that it is the nexus of terrorists involved in the drug trade that threatens Colombian society.

American policy now recognizes that reality, and abandoning any fictional distinctions between counter-narcotic and counter-insurgency operations.

Our government properly allies itself with the Colombian people against the narco-terrorists who threaten the government they elected, and the system of government that rejects the violent and absolutist aims of those who would overthrow it by force of arms. We in the United States have a considerable stake in the Colombian government's success, for the narco-terrorists state the enemies of the Colombian government would establish would present a compelling national security threat to our security in the United States in our own hemisphere.

Congress has shown an admirable commitment to supporting the Colombian government's campaign to bring basic security to its people. But America's commitment has been limited to providing training and assistance to combat drug production and trafficking. The Administration has requested not new money but new authority to use appropriated funds to combat narco-terrorism. Yet this Supplemental Appropriations bill grants that authority only to the Department of State, and places overly restrictive and onerous constraints on that authority.

Our amendment would provide the Administration the authority it has requested, in consultation with the Congress, to use appropriated funds to support a unified campaign by the Colombian government against drug trafficking and terrorist insurgency. The House-passed version of this bill provides both the departments of State and Defense assistance in the war against the FARC and the ELN. Our amendment to the bill would ensure that existing American funds already appropriated for this purpose to support our Colombian ally. I hope the conference committee to this bill will provide the Administration with this authority.

In a presidential election last month, the Colombian people gave their leadership a clear mandate to defeat narco-terrorism by electing Juan Carlos as President. President-elect Uribe campaigned on a platform of decisively defeating the FARC terrorists, who have shown little interest in a negotiated, peaceful solution to the war they have been waging against Colombia's government for four decades.

This is not an authoritarian regime located in a far-off corner of Central Asia. This is a democratic government, one of the longest-standing in our hemisphere, that has fought with the United States in order to defeat the threat to our common values posed by the FARC and the ELN terrorists, as well as by AUC paramilitary forces whose abysmal human rights record rivals that of their opponents.

Under existing law, human rights conditioning and restrictions on the American military presence in Colombia remain in effect on all U.S. assistance to that country. An amendment would ensure that existing American funds appropriated to support American policy in Colombia reflect the reality that the Colombian government is not simply fighting a drug war.

A study of Colombian voters in Colombia could not express their preference at the ballot box last month due to FARC violence and intimidation. The number of political candidates who have been intimidated, abducted, or murdered for their ambition to serve their people is staggering.

One presidential candidate, Ingrid Betancourt, remains a hostage to...
the FARC, who abducted her on the way to a campaign rally in February.

On May 2, 2002, a rocket fired by FARC guerrillas killed 117 civilians taking refuge in a small church. Forty of the dead were children. Colombian officials call it the worst single loss of civilian life in the nation’s 38-year civil war.

President-elect Uribe has been given a clear mandate by his people to give them back their country. Our values and our interests require us to support our ally. There is an important role for the United States, not only to provide assistance and technical support to the Colombian police and armed forces, but also to exercise our influence to ensure that our values triumph over both terrorist violence and paramilitary brutality.

These values are worth fighting for. We should stand proudly with the people of Colombia in their struggle.

To reiterate Mr. President, the situation in our own hemisphere in regard to Colombia is a very serious one. We are understandably worried about events between Pakistan and India, Afghanistan, et cetera. The situation in our own hemisphere as regards Colombia is precisely serious because that is where the drugs come from that destroy the minds and bodies of our children.

On May 2, 2002, a rocket fired by FARC guerrillas killed 117 civilians that were taking refuge in a small church. Forty of the dead were children. Colombian officials call it the worst single loss of civilian life in the nation’s 38-year civil war.

It is estimated that 1 million voters in Colombia couldn’t express their preference at the ballot box last month due to FARC violence and intimidation. The number of political candidates who have been intimidated, abducted, or murdered for their ambition to serve is staggering.

One Presidential candidate, Ingrid Betancourt, remains a hostage to the FARC who abducted her on the way to a campaign rally in February. I understand the reluctance of members of this body to relax certain restrictions that are associated with our assistance to Colombia. I hope all of my colleagues will review the situation as it exists today—a direct threat to the security of the United States of America and violence against civilians that is taking place in a small church.

President-elect Uribe, Alvaro Uribe, who is committed to using whatever sources and means necessary to bring peace and stability back to its country.

Again, I don’t want to take the time of the Senate at this late hour. It is in our national security interests to see some kind of Government peace and stability restored to Colombia because that is where the drugs are coming from that are killing our kids.

I hope in the days ahead we will devote some time to the country of Colombia and see what the United States can do not only to help these people who are literally afraid to leave their own homes, but to try to combat the great threat of narcotics, which is another aspect of our war on terrorism that we need to do whatever is necessary to combat.

I thank Senator Graham not only for his amendment but for his continued involvement in the affairs of our hemisphere.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I will speak for a couple minutes.

I say to Senator Graham, I rise to congratulate him, and not only for the amendment, but when it happens to tonight, its destiny is already determined. We have already waited too long. It is time that some of us, especially those of us who come from the other hemisphere, from the United States, that we recognize that this hemisphere as if it were not the way to a campaign rally in February.

I believe the situation we are facing there is getting even worse, and sooner or later—let’s hope sooner—the United States will do something while we are still acceptable down there and while we can still be of some significant positive impact.

I say to Senator McCain, I heard his remarks. And I have heard them before. I think it is time, with real vigor and enthusiasm, with resources and leadership, we consider this hemisphere to be a big part of America’s foreign involvement. Why so far away when we have problems so close? Why neighbors thousands of miles away and no acts of friendliness to those who are really our neighbors?

With that, I ask unanimous consent for 1 minute to the PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. DOMENICI pertaining to the introduction of S. 2599 are printed in today’s Record under “Statements on Introduced Bills and Joint Resolutions.”)

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. NICKLES. Mr. President, first, I note to my colleagues in Ohio, I am going to call up an amendment shortly. Does the Senator wish to make a comment on the last amendment?

Mr. DEWINE. Just a couple comments.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. NICKLES. Mr. President, I defer to my colleague from Ohio so he can make comments on that amendment.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. DEWINE. I thank my colleague.

Mr. President, I congratulate my colleague from the State of Florida for his leadership on this amendment. Once again, he is correct. Once again, he is a leader on issues having to do with this hemisphere, having to do with the drug problem.

We have a lot at stake in Colombia. Colombia is our neighbor. We do a lot of trade with Colombia. This is, I believe, the second oldest democracy in this hemisphere. It is a country that obviously borders the Panama Canal. It is a democracy, though, that is in peril. It is a democracy that has at least three very tough groups gnawing at it, trying to overthrow the Government, trying to grab pieces of the land of Colombia. These are three very tough, tough groups: the FARC, the ELN, and the government.

So a lot is at stake in Colombia. Colombia is important to us because this is one of the countries that is a major supplier of drugs into the United States. So what happens down there is important.

We have seen something develop in Colombia in the last few years that I do not know we have seen anywhere in the world; that is this very close relationship, over now an extended period of time, between the drug dealers and the terrorists. They are working literally hand in glove in a synergistic relationship.

Unfortunately, as we try to help our friends in Colombia, we have created an artificial barrier in our law. That barrier creates a distinction between the use of our money to help to deal with terrorist problems or our use of the money to deal with narcotics problems. Once again, Mr. President, it makes absolutely no sense.

It is time that we examine the use of our money to help to deal with terrorist problems, or our use of the money to help to deal with narcotics problems, and not use an artificial barrier in our law.

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matter. Colombia is a longtime ally of the United States. It is the second oldest democracy in the Western Hemisphere. Its former President, President Pastrana—a wonderful person—worked exceedingly hard to try to build a peace process that would work. After everything he tried, he could not make that occur.

The new President has been elected. President Pastrana—before he left office—admitted that they had to fight to preserve their democracy. Democracy is key to South America. We must do what we can to assist them as they now wage a life-and-death struggle to preserve their democracy and their economy.

Mr. President, just 10 days ago the people of Colombia overwhelmingly expressed their desire to fight the scourges of terrorism and narcotics trafficking, that have killed tens of thousands of their countrymen over the past forty years, by electing Alvaro Uribe as their new President. President-elect Uribe has stated that he intends to combine the size of the Colombian Army and the Colombian National Police and to call up thousands of reservists to fight the terrorists. This is exactly what the United States has been asking the Colombians to do for many years.

Included as part of this Supplemental request is proposed legislation that would remove the “counter-narcotics only” restriction on the use of helicopters and other military equipment and assistance that the United States provides to Colombia.

The pending Amendment provides authority to the Department of Defense, as well as the Department of State, to provide assistance to the government of Colombia as they fight their war against terrorism.

The Department of State has designated the Revolutionary Armed Forces of Colombia—FARC—the National Liberation Army of Colombia—ELN—and the United Self-Defense Forces of Colombia—AUC—as foreign terrorist organizations and has specifically identified the FARC as “the most dangerous international terrorist group based in the Western Hemisphere.” March 18, 2002. Attorney General John Ashcroft announced the indictment of three leaders of FARC with conspiracy to import cocaine into the United States and to manufacture and distribute cocaine in Colombia with the intent of exporting it to the United States. To all of these actions say “Amen”.

Transnational terrorism is a threat to freedom throughout the world. Many of these groups have been working together for years to share the lessons of terror and mayhem. They have searched for new sources of income and have become inextricably involved with transnational criminal syndicates who traffic in weapons and drugs and provide resources for extortion and money laundering.

This is a global phenomenon and must be fought on a global scale. One country that has been fighting this war for many years is Colombia. As the FARC Jeff Aden noted, the FARC is not interested in serious negotiations and does not want peace. They are only interested in maintaining and expanding their narco-funded terrorism. And we must do our part.

The United States must do the right thing and support our friends and allies in Colombia. The government of Colombia has categorically stated that they do not want US troops to come and fight their war for them. They are willing and able to destroy this threat to their country and the world.

I yield the floor.
Mr. WELLSTONE. Mr. President, everyone has spoken on one side. I ask for 1 minute.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. NICKLES. Mr. President, one other perspective: For the record, the FARC and ELN are involved in narcotrafficking up to their eyballs. For the record, the paramilitary and the AUC are involved in narcotrafficking up to their eyballs. For the record, two-thirds of the extrajudicial killings last year were by the AUC and the paramilitary. And for the record, there is one documented case after another after another about the military and the paramilitary being all too connected.

So before we provide direct military assistance and weapons that can be used in counternarciscry by the military, we ought to take a real close look at what we are going on in Colombia. I wanted to say that tonight. We will have debate later. I yield the floor.

AMENDMENT NO. 3590 WITHDRAWN

The PRESIDING OFFICER. The amendment is withdrawn.

The Senator from Oklahoma.

Mr. GRAHAM. Mr. President, offering this amendment was for the purpose of affording our colleagues an opportunity to express their strong opinions and to indicate to the American people the great importance of the relationship between our Nation and the peoples of Colombia for our mutual well-being. As our colleague from Minnesota has just said, this is an issue that affects all of us.

Given the hour of the night, given the fact that it is my hope that when this matter reaches conference, the Senate conferees will look carefully at the proposals that our House colleagues have already adopted to allow the use of Department of Defense-funded equipment in the war against terrorism as well as counternarcotics war, I will ask to withdraw the amendment and hope we will have an opportunity in the future to have a full debate on the United States relationship with Colombia.

The PRESIDING OFFICER. The amendment is withdrawn.

The Senator from Oklahoma.

Mr. NICKLES. Mr. President, for the information of our colleagues, we are getting closer to finalizing this bill. To my knowledge, there are possibly two additional amendments that will require more votes. I also think the time for debate on both of those can be fairly brief. We will have a managers’ amendment, and I guess we will have a vote on final passage.

I don’t think we would have come this far had it not been for the very competent and capable leadership of Senators Byrd and Stevens as well as my colleague and friend, Senator Reid. To finish this bill, frankly, for this many amendments and for the most part very quickly taken in one day is pretty remarkable.

I make one editorial comment. I thank the managers for supporting an amendment offered by Senator INHOFE and myself dealing with $12 million for restoration of the I-40 bridge in Oklahoma which was hit by barge traffic. It caused 14 fatalities, the largest number of fatalities of any bridge accident in U.S. history. It also shut down east-west traffic into our State. This is one of our major east-west corridors. It is a major inconvenience not just for our State but for the entire country. We have some money, as requested by the Department of Transportation, in this bill. I thank them for their assistance in that proposal. Also, I particularly thank my colleague, Senator INHOFE, who is on the authorizing committee and worked very hard to make that happen, I compliment him for it.

AMENDMENT NO. 3588

Mr. NICKLES. Mr. President, I ask that amendment No. 3588 be called up. The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. NICKLES] proposes an amendment numbered 3588.

Mr. NICKLES. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with. The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To restore the discretion of the President to agree with Congressionally-designated emergency spending)

Strike section 2002 of the bill.

Mr. NICKLES. Mr. President, this amendment is very straightforward. It would strike section 2002 that is on page 116 of the bill. Section 2002 deals with the emergency provisions in the bill.

I have been in the Senate for 22 years. We have never done this. Ever since we have had emergency provisions in the bill, we have never done it. The impact of the amendment is that it prohibits the President from spending any money, any nondefense emergency spending in the bill unless he spends all the way we have done emergencies under the Clinton administration. That is not the way we have handled emergencies under President Bush’s administration since 1990.

I will read the language in the bill on page 116:

Any amount appropriated in this Act that is designated as emergency spending pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, shall not be available for obligation unless all such amounts appropriated in this Act are designated by the President, upon enactment of this Act, as emergency requirements pursuant to that section.

What that means is, for nondefense, there are some sections in this bill and in the President’s requirements calling for emergency designations. This says the President has to spend it all. We have never done this before. We didn’t do that in the Clinton administration. The Clinton administration had emergency requests every year. We granted almost all of them plus some. This President requested the emergency designation. He came to Congress and actually requested $24.47 billion in emergency assistance, emergency appropriations, and an additional $2.7 under contingency emergency appropriations. He requested that. We are getting ready to give him more.

What has happened is, the House has already passed a bill. They passed a bill at $29 billion. The President’s total was 27. The House came back and said: We will give you the $27 billion you requested, and we will do an additional $1.5 billion for defense, but the additional $1.5 billion for defense was under contingency. If the President declared it an emergency, he could spend it. But if he didn’t, he wouldn’t. So the President could say: I will still get my $27.3 billion of emergency assistance. He doesn’t have to spend that additional $1.5 billion. That is the way we have done it.

In other words, when we go into emergency spending, the special designation means it doesn’t count. We have budgets every year. Until this year, we have passed budgets. Those budgets have had targets. But when we have an emergency, we say it doesn’t count towards the caps; we are going to waive it because there is a special emergency. Maybe we have had an earthquake, a fire, a flood, serious damage, so we call that an emergency. They were not budgeted, they were not planned, they were not expected, such as the World Trade Center incident of 9-11. We had a very significant, as a matter of fact, $40 billion emergency that we paid for last year. But it was because Mr. President, that is fine, we will take your emergency, but you have to take all our emergencies or you don’t get any of yours on nondefense. We have never done that before, to my knowledge.

I used to be on the Appropriations Committee. I happen to still be on the Budget Committee. The Budget Committee should be outraged by this. Every once in a while one committee kind of exceeds jurisdiction or goes into the jurisdiction of another committee. That is what we are doing right here. We have been asking for supplemental appropriations bill, to my knowledge, that had language like this.

Incidentally, this has the attention of the administration. The administration’s position basically states that the supplemental and the Capitol would be outrages. I will read from the administration’s statement of policy dated June 4, the first page:

In addition, the bill severely constrains the President’s ability to fund emergency homeland requirements by compelling him to release nonemergency money provided in the bill. If the supplemental appropriation bill were wanted to be vetoed in its current form, his senior advisors would recommend that he veto the bill.
That is on the first page. On the third page of the statement of administration policy it says:

The Senate version of the bill also unduly restricts the President's prerogatives in numerous areas. First, it requires the President to designate all or none of the nondefense funding contained in the bill as an emergency. The Budget Enforcement Act provides that the President retain control over the release of emergency funds added by Congress to ensure that the funds respond to critical emergency needs. By contravening in this long-established budget enforcement mechanism, the bill seeks to waste taxpayers' dollars on low priority, nonemergency items in order to access vital, high priority homeland security recovery funding.

It is very clear, the administration is adamantly opposed to this provision. This is as direct a veto threat as we have had from this administration in their time in office. It is reversing a precedent we have followed on emergency spending for the last 13 years.

Mr. MCCAIN. Will the Senator yield for a question?

Mr. NICKLES. I am happy to yield.

Mr. MCCAIN. Can he give an example—

Mr. NICKLES. To give an example—

Mr. MCCAIN. How long has the Senator been involved in budgetary issues?

Mr. GRAMM. For 24 years.

Mr. MCCAIN. For 24 years. And the Senator has never seen anything like this in those 24 years?

Mr. GRAMM. Not that I can recall. So many things have gone by my old eyes; there may have been something, but I don't remember.

Mr. MCCAIN. As the Senator knows, we will not have a budget this year.

Mr. GRAMM. It sure enough looks that way to me.

Now, I have to say that the waiver has been probably the most misused part of every budget that has been adopted since 1990. If I had known then at Andrews Air Force Base what I know today, I would have never agreed to this waiver because it has been abused over and over again. But it has never been abused—at least to the best of my knowledge—the way it is being abused today because the President is being forced to make this an emergency, even though he did not designate it, in order to get the genuine emergency money which he designated and Congress approved. I think this really perverts the process, and I really believe this amendment ought to be adopted.

Mr. MCCAIN. Will the Senator yield for a question?

Mr. GRAMM. Yes.

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Mr. MCCAIN. With this new wrinkle, or new provision, in the Appropriations bill, that really does give all power to the Appropriations Committee, even overriding any authority that the President might have, doesn't it?

Mr. GRAMM. In one sense it does, and in one sense it doesn't. In all fairness, this doesn't make the President spend a single penny of this money. But he cannot spend a penny of it unless he designates all of it in an emergency. The way this is being used, it doesn't make the President spend the money, but it says that if the President is going to spend the $18 billion on being an emergency, he cannot spend a penny of that unless he also designates this $14 billion that he says

This bill gets around that 1990 permanent law provision by saying the President has a choice. He can take the whole bill as a deemed emergency or he cannot spend any part of it as an emergency. In other words, it overrides the President's prerogative in this process by leaving to him the choice of whether or not the legislation you had to say it was an emergency and Congress had to say it was an emergency, and you had to be talking about the same thing. But now we want to spend $14 billion that you say is not an emergency. We have $18 billion in the bill that you say is an emergency and we say is an emergency. But we are not going to let you spend that $18 billion unless you spend our $14 billion and say it is an emergency. So this is a complete perversion of that emergency waiver.

Now, I have to say that the waiver has been probably the most misused part of every budget that has been adopted since 1990. If I had known then at Andrews Air Force Base what I know today, I would have never agreed to this waiver because it has been abused over and over again. But it has never been abused—at least to the best of my knowledge—the way it is being abused today because the President is being forced to make this an emergency, even though he did not designate it, in order to get the genuine emergency money which he designated and Congress approved. I think this really perverts the process, and I really believe this amendment ought to be adopted.

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Mr. BYRD. Oh, I will be glad to yield. Mr. GRAMM. I do not know if I voted for it or not, but it was a bad precedent.

(Laughter.)

Mr. BYRD. I have been to many a revival, and when the altar call came, the Senators hit the sawdust trail. The Senator remembers Billy Sunday, that great evangelist. So that is a time for admitting one’s errors. Maybe I was in error then, but I voted with the Republican-controlled Congress and against my own President in that instance.

What we are doing here tonight is certainly not a precedent. We are just following in the wake. It was that language that gave us the idea. That was the precedent. Without that, we might not have thought of this.

Mr. President, I rise in opposition to the amendment to strike section 2002 of the bill. Congress should be proud of the lead it has taken in funding homeland defense programs that will help prevent, detect, and respond to potential terrorist attacks.

Last year, we acted on a bipartisan basis to provide $10 billion for homeland defense. Last year, in the face of a veto threat from the President, this Congress, this Appropriations Committee added $4 billion more than what was requested by the President. That money is being well spent, and it is making a difference. The veto was threatened then. So we have heard that before.

We have a responsibility to use our own judgment in behalf of the American people, in behalf of the security of this homeland. We should make our own judgment. No President sends any money unless he takes the $14 billion that he says is not an emergency, but he has to say it is an emergency to get the other $18 billion.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, the distinguished Senator from Texas and other Senators—I believe the distinguished Senator from Oklahoma made the same statement—say that this is a precedent. Am I correct?

Mr. GRAMM. Well, there is certainly a separation of powers issue. Whether it gets to the constitutional level or not, I don’t know. The point is, this is taking away the President’s role in the emergency designation by changing the system so that he cannot get any of the money, even the amount we agree is a genuine emergency, when the President says so and we say so. Therefore, by law, that makes it an emergency. He cannot get a penny of that money unless he takes the $14 billion that he says is not an emergency, but he has to say it is an emergency to get the other $18 billion.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. GRAMM. As far as I am aware, it is a precedent. As I said, I haven’t gone back and researched it, but I don’t remember one.

Mr. BYRD. Let me state to the Senate the real precedent. It was enacted by the Congress when it was under the control of the Republican Party—both Houses—in 2001. It was in title I of the bill making appropriations for Kosovo and other national security matters.

Here is what the provision said at that time:

Section 126. Any amount appropriated in this chapter that 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, shall not be available for obligation unless all—

Not just part—

unless all such amounts are designated by the President upon enactment of this Act as emergency requirements pursuant to such section.

That was the precedent, and I voted for it, and the Senator from Texas voted for it.

Mr. GRAMM. Are you sure I voted for it?

Mr. BYRD. I voted for it then, and I am for it now.

Mr. GRAMM. If the Senator will yield.
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there will be emergencies, but when it comes to homeland defense, nondefense spending, then he can pick and choose. He does not have to call that an emergency.

What do Senators think will happen? The President makes a judgment, I will certainly support the making of an emergency on defense moneys, but when it comes to homeland defense, he may or he may not. So why should we give him that authority to pick and choose? The Supreme Court turned down the veto because it was opposed on this floor and which several Senators here—Mr. SARBANES and Mr. REID and others—opposed. Now we have it in a different form. This is a kind of line-item veto. The President can pick and choose. I am not for that.

Which programs would the President choose not to make available? The firefighter equipment and training funds? The port security grants? The money for the Coast Guard? The money for the Congress to inspect cargo containers overseas when we currently inspect only 2 percent of our imports? Or how about the money for making sure our first responders, our police, our fire and emergency medical care personnel have communications equipment that is interoperable?

The one thing we do know is that the President has already designated as an emergency $1.6 billion for foreign aid. Why would we want the President to have the authority to use the emergency designation for $1.6 billion of foreign aid but not require him to designate the homeland defense fund as an emergency?

This amendment is not just about homeland defense. If this amendment were adopted, it would allow the President to not release $275 million for veterans’ medical care. How about that? It would allow him not to release the $80 million for the Sierra Grande fire victims. How about that? It would allow him not to release $1 billion for the Pell grant shortfall. How about that? Do we want to give the President that kind of authority? No, not I.

I want to assure all Senators that there is precedent for this language, as I indicated at the beginning of my remarks. I urge all Senators to stand by their priorities, stand by their people back home, and oppose this amendment.

I yield the floor.

THE PRESIDING OFFICER (Mrs. CARNAHAN). The Senator from Alaska.

Mr. STEVENS. Madam President, the President has already designated as an emergency our fire and emergency medical care. How about that? It certainly is a line-item veto. The President can pick and choose. I am not for that.

I have another reason for supporting the provisions in the bill. I do say parenthetically I know the House of Representatives has the same feelings as expressed by the Senator from Oklahoma and the Senator from Texas. We are probably going to have to work out some sort of a compromise before the bill is through.

I want a bill that will be signed by the President, but my problem is this: After the disasters of September 11, the President requested funds from the Congress and he requested $10 billion for no hearings, no strings attached, just $10 billion, no accounting whatsoever to the Congress. We granted that. He then also wanted another $10 billion, and this time we said we would like to know how he was going to spend it, so we agreed that we would get an accounting for those monies after they were spent, which is entirely contrary to existing law and our procedures.

Following that, he asked for more money. At that time West Virginia said, we added $4 billion to the monies he requested, and that money was in accordance with the normal procedures. Every dime the President asked for was appropriated.

When we have done this year, we have labored hard over the debate on homeland security. I am delighted to hear the President’s proposal tonight about the creation of a new Department of Homeland Security. I think that is wonderful and that from the very beginning. In any event, we have also had some priorities that have come to us from our various States and from people who have been involved in security in the United States for a long time, and they have pointed out a great many things.

One, for instance, is the incompatibility of our communications systems. Our communications systems are not national. As a matter of fact, if we think about it, every function of government—Federal, State and local—in the United States awards the contracts to the lowest bidder. There is no requirement that when they buy radios or any kind of communications equipment, they be able to communicate with the people in the next county, let alone the next State or let alone nationally. We found that out in New York when so many of the fire trucks and ambulances that came into New York could not be used because they could not speak together. No one could tell them where to go or what to do.

In hearings, we have discovered from FEMA, the Federal Emergency Management Agency, the horrendous burden we have now. We are trying to make first responders capable of interacting with anybody who comes to help them. That is something that has not been done so far. We have some money in the bill to start that process.

My point is this: We are entitled to have some say in what is spent now to prevent further emergencies and to deal with those as they come up, God forbid, when they do come up. I believe we are entitled to say to the President, we have worked with you, we have tried to work with you, but we have some priorities we ask you to recognize and to concur in. If it were not for the fact that we have the necessity of going to an emergency because the existing budget does not allow us any further funds—by that I mean we had a budget for this year, we have fulfilled that budget—any amounts in addition to that now must be by virtue of an emergency or they are offset partially.

What we are saying in this bill is, after these hearings, after the long debates we have had, both last year and now on this subject, we have some priorities. We want the President to recognize those, and we will allocate the monies we believe should be allocated before we agree to this additional money that he wants.

I know the OMB does not like that. They do not like it any more than I like it every time when we make a change in an appropriations bill, that is called a congressional add-on. That request is something made by an elected representative to the Congress and not made by request from some unknown bureaucratic and the millions of people who work for the Departments. Anything they want comes through, and no one challenges it. No one challenges it at all.

The appropriations process affects about 3 percent of the total budget. Our budget now is about $700 billion for this year. We change less than 3 percent. In terms of the total budget of the United States, total expenditures, $1.7 billion, if one looks at it, we do not even control half of that in terms of the appropriations process anymore. The entitlement created by the Finance Committee, the Ways and Means Committee, spent $1.1 billion this year. We will spend about $700 billion through the total process of the appropriations, but we are going to change less than 3 percent.

On this bill, we have changed a little less than $4 billion. Last year, we changed $4 billion in the bills that were signed.

Now, what is all the hullabaloo about? Are we entitled to have any role in setting the priorities for spending for homeland defense? Are we allowed to have any priorities in terms of spending of the balance of the monies that are available to us through offsets in this year?

I would like to work it out with the bureau of the budget, and I would like to have some accommodation of views. One of the accommodations I want is that if we make a recommendation pursuant to our constitutional powers and the specific money in a specific way, it is not going to be put aside because it is a congressional add-on but everything that has been requested by
some agency of the Federal Government is going to be spent without any further review.

Of all the monies that come through this Congress, the monies in the supplemental appropriations bill get more attention than anything else. We pass 13 bills, and we pass them usually very quickly. They are pretty well debated among us. But in terms of the items in them, they do not get the attention that the supplemental bills do. The supplemental bills, of necessity, are additions to the current year. We have authorized expenditures and appropriated expenditures for this year. This adds to that amount.

I think the Senator from West Virginia deserves a lot of credit for having stood for the proposition that we should not enlarge this bill beyond the scope that the President will approve. We have had to vote against things that one of each of us agrees with. Twice today we voted against things on a point of order. We would not have approved, but because of our roles we must hold the line and try to get a bill the President will approve.

When we get to conference, we will try to get a bill the President will approve. I want to see that we have the bill I approved, but because of our roles we must hold the line and try to get a bill the President will approve.

Mr. GRAMM. I ask unanimous consent that I be able to make a point of order against the bill and that, when that point of order is made, the Senator from Alaska be immediately recognized to move to table the pending amendment. The two votes occur back to back, with the vote on the motion to table to occur first and then the motion to waive this point of order to occur second. By doing that way we save people some time. Given that it is 9:30, that would probably be welcome.

Mr. BYRD. Is the Senator going to make any remarks in support of his point?

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Mr. BYRD. How much time did we have for making some comments?

Mr. GRAMM. I don't need to make any. If you want to make some comments, you have all the time you need. Mr. President, I want to move to waive the Gramm point of order for nondefense emergency in the bill.

Mr. GRAMM. If that unanimous consent request is agreed to, I would go ahead and then make a point of order and the Senator can move to waive it.

Mr. BYRD. Is the Senator going to make any remarks in support of his point?

Mr. GRAMM. I want to say I have spoken all day. I think people know what I have been saying. This really questions whether everything in the bill is an emergency. It is that simple. As provided in section 205(b) of House Con. Res. 290, I raise a point of order against the emergency designation on the non-defense spending items.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Madam President, I move to waive the Gramm point of order.

Mr. BYRD. Mr. President, I am in opposition. BYRD. Mr. President, I am in opposition to strike section 2002 of the bill. Congress should be proud of the lead that it has taken in funding homeland defense programs that will help prevent, detect and respond to potential terrorist attacks.

Last year, we acted together on a bi-partisan basis and provided $10 billion for homeland defense programs, $4 billion more than was requested by the President.

Last December, President Bush threatened to veto the Appropriations bill if it contained funding for homeland defense programs that he regarded as excessive. Last November, Homeland Security Director Tom Ridge wrote me and said, “no additional resources beyond what the President has already requested are needed at this time.” Yet, as I emphasized in my opening remarks on this bill, the Congress came together on a basis to increase funding for homeland defense programs and that funding is now making a difference. Over 2,200 more INS border agents and Customs inspectors are being hired. The INS is now implementing a system for tracking foreign visitors in this country. Our police, fire and medical personnel are getting better training and equipment for detecting and responding to potential biological, chemical or nuclear attacks.

The FBI is hiring hundreds of new agents. 750 more food inspectors and investigators are being hired. The number of ports with Food and Drug Administration investigators is being doubled. 324 additional protective personnel are being hired to protect our ports, harbors, waterways and the systems complex, and additional resources are being spent on efforts to destroy or secure nuclear materials overseas.

I do not understand why the Senator offering this amendment would want to make the President to essentially be line item veto authority over the homeland defense funds contained in this bill. If this amendment is adopted, the President would be able to completely disregard the priorities contained in this bill.

Which programs would the President choose not to make available, the firefighter equipment and training funds, the port security grants, the money for the Coast Guard, the money for the Customs Service to inspect cargo containers overseas when we currently inspect only 2 percent of our imports, or how about the money for making sure that our first responders, our police, fire and emergency medical care personnel have communications equipment that are interoperable?

One thing we do know is that the President has already designated as an emergency $1.6 billion for foreign aid. Why would we want the President to have the authority to use the emergency designation for $1.6 billion of foreign aid but not require him to designate the homeland defense funds as an emergency?

And this amendment is not just about homeland defense. If this amendment were adopted, it would allow the President to not release $275 million for Veterans Medical Care. It would allow him to not release the $80 million for the Cerro Grande fire victims. It would allow him to not release $1 billion for the Pell grant shortfall.

Finally, Mr. President, I want to assure all Senators that there is precedent for this language. In fact, two years ago, the Republican House and the Republican Senate approved substantial changes to the same language on a fiscal year 2000 supplemental appropriations bill for President Clinton. I supported that bill, when the conference
The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from New Mexico (Mr. BINGAMAN), the Senator from Colorado (Mr. CAMPBELL), and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMIS), the Senator from Colorado (Mr. CAMPBELL), and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

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

The result was announced—yeas 58, nays 36, as follows:

[Rollcall Vote No. 143 Leg.]

YEAS—58

Akaka
Allen
Baucus
Biden
Boxer
Breaux
Byrd
Baucus
Collins
Collins
Conrad
Collins
Cochran
Cleland
Carper
Cleland
Clinton
Cookson
Collins
Corzine
Corker
Corker
Corker
Corker
DeWine
Domenici
Ensign

NAYS—36

Allard
Bayh
Bennett
Bond
Brownback
Bunning
Chafee
Craig
Crapo
Cantwell
Campbell
Dodd

NOT VOTING—6

Bingaman
Campbell

The motion was agreed to.

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

Mr. NICKLES. I move to lay on the table the amendment and ask the chair to state the point of order.

Mr. REID. Mr. President, I move to consider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, I yield the floor, without losing my right to the floor, to the Senator from Utah for the purpose of withdrawing an amendment.

The PRESIDING OFFICER. Without objection, the Senator from Utah is recognized.

AMENDMENT NO. 3759

Mr. HATCH. Mr. President, I ask unanimous consent that Senate amendment No. 3759 relating to resources for the Food and Drug Administration be recalled.

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

Mr. HATCH. Mr. President, for many years now, it has been abundantly clear to many of us that one of the most important Federal agencies, the Food and Drug Administration, FDA, is woefully underfunded. It was for that reason that I reluctantly agreed to pharmaceutical user fees in 1982, even though I preferred that safety and efficacy review of new drugs remain a government function.

Integrally related to the operations of the FDA are the agency’s facility needs. Studies dating back to 1976 have cited serious deficiencies in FDA’s facilities. For example, one 1976 FDA study found that the condition of agency laboratories at five of nine locations was “unacceptable.” Another two labs were found to be “marginal,” and the remaining two were cited as “generally suitable” with some marginal deficiencies. Many of these deficiencies remain today.

As long ago as 1988, the Labor and Human Resources Committee recognized this fact by approving legislation I authored, S. 2468, the Food and Drug Administration Revitalization Act. Enacted in 1990 as Public Law 101-635, this
law improved FDA’s resources in a number of areas, including, most importantly, granting the Secretary and the General Services Administration enhanced authority to modernize and improve FDA’s real property needs.

I still remember the reason for that legislation as if it were today, the shocking reports we read about FDA facilities being scattered across far-flung locations. I remember hearing of renowned scientists literally working in converted chicken coops. More recently, in 1996, one FDA official testified before that Congress that FDA was scattered in more than 40 buildings, many with outdated and unacceptable laboratories, in more than 18 different locations. For an agency that is responsible for one-quarter of every consumer dollar, for an agency that makes decisions that are literally life and death, that was—and is—simply unacceptable.

A number of us, including Senator MIKULSKI and Senator KENNEDY, and on the House side, Representative CONNIE MORELLA, have been working to accomplish a consolidation of the FDA headquarters in one location. It is our belief that this enhanced, state-of-the-art facility will enable the agency to operate more efficiently. In short, we will be enabling agency personnel to do the job that the American people expect of them.

Through the Base Realignment and Closure Act process, the Naval Surface Warfare Center in White Oak, Maryland, was transferred to the General Services Administration (GSA). This property will be used pursuant to the FDA Revitalization Act to consolidate new laboratories, office buildings, and support facilities of FDA’s most important functions: the Office of the Commissioner; the Office of Regulatory Affairs; the Center for Drug Evaluation and Research; the Center for Devices and Radiological Health; and the Center for Biologics Evaluation and Research. If there were a dietary supplement center, I feel certain it would go there as well. I was encouraged to learn that, under the most recent plan, 6,235 headquarter personnel would be located in over 2.3 million square feet of office and laboratory space.

Unfortunately, though, our history of financial support for the consolidation is not as promising. For example, by 1994, $420 million had been provided for the project, but $228 million of that was rescinded in FY 1995 based on concerns about the scope of the project as well as its location. The current budget only proposes $5.5 million for FY 2003, delaying the project by an estimated year and resulting in almost $23 million in increased costs due to commercial lease extensions, delays in design and construction, and the impact on management and inspection of the project. This delay would have the most adverse effect on the Center for Devices and Radiological Health, CDRH, which occupies seven leased buildings in Rockville. Efficient operations of CDRH are critically important for my home state of Utah, which is proud to be the home base for literally dozens of thriving medical device manufacturers. They need to be able to count on FDA to maintain its gold standard review of devices to ensure the public of their safety and efficacy. This is increasingly hard for FDA personnel to do, given that one of the two device labs is about 40 years old and in need of considerable attention. In fact, I am advised that the CDRH lab is in “extensive disrepair”. The ventilation system is old and at risk of failure, and the owner has blocked even temporary repairs.

The unfortunate events of September 11 have made this consolidation even more crucial. Many FDA facilities are currently leased and physical security varies by building. The new complex will improve security dramatically, both for current employees, and for the 128 additional headquarters personnel funded by the counter-terrorism appropriation.

In short, I remain discouraged by our lack of progress on this project over the last 15 years or so. I recognize that resources are constrained, but providing the FDA with necessary resources to assure public health and safety is a very important government function that needs to be funded.

In an effort to provide new funds for this project, and to reassure the thousands of FDA employees that we are behind them and their important work, earlier this week Senators MIKULSKI, KENNEDY and I proposed that the record $500 million settlement resolving quality-control problems at four Schering-Plough factories be devoted to the FDA consolidated headquarters.

We believe this is exactly fitting that this pharmaceutical money be used to improve the operations of the FDA, rather than being dispersed into the general receipts of the Treasury.

Unfortunately, it now appears that a budget-tightening vote would be locked against our amendment, despite its important purpose. Therefore, deferring to the guidance of our colleagues on the Appropriations Committee, and recognizing the administration’s serious concerns about the overall costs of the bill, I am reluctantly recalling this amendment. However, I am encouraged that the subcommittee chairman and ranking Republican member have indicated their willingness to work with us during formulation of the FY 2003 Treasury legislation, and we intend to work closely with them to provide this necessary funding in the weeks to come.

The PRESIDING OFFICER. The Senator from Nevada.

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

Mr. REID. Reserving the right to object, Mr. President.

The PRESIDING OFFICER. Is there objection?

Mr. GRAMM. Reserving the right to object, I am sorry; I did not hear.

The PRESIDING OFFICER. The Senator may not reserve the right to object.

Mr. GRAMM. I object.

The PRESIDING OFFICER. The objection is heard.

Mr. REID. I asked unanimous consent the call of the quorum be terminated.

Mr. GRAMM. Fine.

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

The legislative clerk read as follows:

AMENDMENT NO. 3676

The amendment is as follows:

Mr. LEAHY, for himself and Mr. MCCONNELL, proposes an amendment numbered 3676, as modified.

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

The amendment is as follows:

On page 67, line 15, strike “established” and insert in lieu thereof “committed, in writing, to establish”.

The amendment is as follows:

On page 67, line 15, strike “inaugurated” and insert in lieu thereof “elected”.

The amendment is as follows:

The amendment is as follows:

The amendment is as follows:

The amendment is as follows:

The amendment is as follows:

The amendment is as follows:

The amendment is as follows:

The amendment is as follows:

The amendment is as follows:
The legislative clerk read as follows:

The amendment is as follows:

Amendment No. 3696

As I noted at the start of this procedure the managers of the bill, Senator Stevens and Senator Byrd, have prepared a list that they say, I believe, will not be objectionable. It will be a list of those amendments that have been approved. I ask the cooperation of all Members to work with us here a little bit. If there is something we feel strongly about, we will explain why. If there is a problem or not they are germane.

I ask we move through these as rapidly as possible. I yield to my friend, the Republican leader. The PRESIDING OFFICER. The Republican leader is recognized. Mr. LOTT. I know the hour is late and Members would like to try to find a way to bring this to conclusion. I know this is not the ideal way to proceed. But I ask Senators at this point to cooperate.

Many of us might have an amendment or amendments we would like to have included. If they are not germane or they have been objected to one way or the other, there will be other bills. This is not the last opportunity.

I hope we will cooperate at this point with Senator Reid and the Members who are involved on both sides and bring this bill to a conclusion. If any Senator starts objecting and insists on votes, the horse is out of the barn and we will never end it.

This is an important bill. We have done good work. It is time to bring it to a conclusion. I hope all Senators will work for another opportunity if they didn’t get their nongermane amendments on this bill.

Mr. Reid, Mr. President, this is not normal Senate procedure. Normally in the Senate there is an indefinite time. We have a definite time. This bill is going to end either tonight or at 5:30 tomorrow afternoon. We are going to finish the bill. It is not a question of being able to hold up this bill because this bill is going forward. The President wants it. Managers have worked hard. The House is waiting for it to be brought to conference.

The list of amendments commonly referred to as “the managers’ amendment” I know causes people’s hair to bristle at the back of their neck. But that is what this is. The managers worked on this for about 7 hours. Senator McCain and Senator Gramm have been going through it for about 3 hours. The staff has worked. We now have this list that has been culled.

We would like to go through these. There are some to which the respective parties have agreed. Some will fall because they are not germane.

I ask for the cooperation of the two managers of the bill. Senator Stevens is ready, it is my understanding, to move through these. He has a list of those that have been accepted. He has a list of those that are nongermane.

I ask if the Senator from Alaska is ready for another important package. Senator Byrd and I have spoken to the ranking member. He has worked with Senators Gramm and McCain.
Mr. STEVENS. Mr. President, in order to facilitate this, I send to the desk a list of the items that the Parliamentarian has ruled are not germane. I ask the Parliamentarian to examine that and confer. These have been ruled as not germane. There are eight of them.

Parliamentary inquiry: Has the Parliamentarian confirmed that those have been ruled to be not germane?

The PRESIDING OFFICER. That is correct.

AMENDMENTS Nos. 3558, 3561, 3564, 3566, 3567, 3570, 3571, and 3574, as modified, in bloc.

Mr. STEVENS. Mr. President, I will read the list so Senators know what is on the list: amendment No. 3558 by Senator MURRAY; amendment No. 3561 by Senator LANDRIEU; amendment No. 3564 by Senator STABENOW; amendment No. 3566 by Senator HOLLINGS; amendment No. 3567 by Senator COCHRAN; amendment No. 3570 by Senator HOLLINGS; amendment No. 3571 by Senator DURBIN; and amendment No. 3574 by Senator SARABANES. Those are the eight that have been ruled to be nongermane.

It is my understanding that if those amendments were called up and objection was made the Parliamentarian would rule them not to be germane and not in order to be considered at this time. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. STEVENS. I ask if any Senator objects if I ask those amendments be withdrawn as nongermane at this time.

Ms. LANDRIEU. I object.

The PRESIDING OFFICER. Objection is heard.

Is the Senator proposing these amendments? Is there objection?

Mr. STEVENS. Parliamentary inquiry: Is Senator LANDRIEU’s amendment, No. 3561, the $2.5 million requested to eliminate the need to rework, redevelop, and redevelop, as modified; and amendment No. 3564 by Senator STABENOW; and amendment No. 3570 by Senator DURBIN; and amendment No. 3574 by Senator SARABANES. Those are the eight that have been ruled to be nongermane.

It is my understanding that if those amendments were called up and objection was made the Parliamentarian would rule them not to be germane and not in order to be considered at this time. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. STEVENS. It is my understanding that the Senator from Texas and the Senator from Arizona object to that. Is that correct?

Mr. GRAMM. That is correct. I object.

The PRESIDING OFFICER. Has the Senator from Alaska offered that amendment?

Mr. STEVENS. Mr. President, I am prepared to offer a request that all of those amendments be withdrawn as they would be knocked down if called up.

I recall those amendments.

The PRESIDING OFFICER. The Senator has asked that those amendments be recalled.

Mr. STEVENS. All eight en bloc.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I send the desk the list. There is a list of amendments that were proposed by Senators and that were examined by the majority and minority of the Appropriations Committee and which they agreed to accept. These that sought to review the list had no objection to the amendments on this list. I ask that these amendments be called up and considered en bloc and adopted en bloc.

I am pleased to read the list, in case anyone has any question of what is on it: amendment No. 3559 by Senator HUTCHISON; amendment No. 3568 by Senator NELSON of Florida; amendment No. 3591 by Senator BIDEN; amendment No. 3593 by Senator MCCONNELL; amendment No. 3598 by Senator CLINTON; amendment No. 3602 by Senator TORRICELLI; amendment No. 3607 by Senator BUNNING; amendment No. 3614 by Senator WYDEN; amendment No. 3615 by Senator DASCHLE; amendment No. 3616 by Senator MURRAY; amendment No. 3624 by Senator WELLSTONE; amendment No. 3631 by Senator KYL; amendment No. 3632 by Senator KYL; amendment No. 3653 by Senator SESSIONS; amendment No. 3656 by Senator MCCONNELL; amendment No. 3657 by Senator KOHL; amendment No. 3658 by Senator HARKIN; amendment No. 3665, my own amendment, amendment No. 3666; my amendment, amendment No. 3667; my amendment, amendment No. 3669 by Senator KERRY; amendment No. 3682 by Senator KOHL; amendment No. 3702, another amendment that I offered; amendment No. 3716 by Senator LEAHY; amendment No. 3754 by Senator HUTCHISON; and amendment No. 3766 by Senator CRAIG.

Those are the amendments that have been agreed to. No objection has been raised to date by any Senator.

I ask that this list of amendments, together with modifications that have been filed with the list, and the statements made on each of the amendments by Senators involved be printed in the RECORD. I ask unanimous consent that these amendments be called up en bloc and agreed to en bloc.

Mr. REID. Mr. President, reserving the right to object for purposes of inquiry.

Mr. GRAHAM. Reserving the right to object for purposes of inquiry.

The PRESIDING OFFICER. The Senator from Florida reserves the right to object.

Mr. GRAHAM. Amendment No. 3747, which has been ruled germane, relates to an emergency for additional U.S. marshals.

Mr. STEVENS. Yes, that is germane. It has the approval of the managers in the subcommittees. There are two Senators who wish to object. That would be subject to debate. It is in that undecided package.

The PRESIDING OFFICER. Is there objection to the amendments?

Mr. GRAHAM. Reserving the right to object for purposes of inquiry.

The PRESIDING OFFICER. The Senator from Alaska reserves the right to object.

Mr. GRAHAM. Amendment No. 3747, which has been ruled germane, relates to an emergency for additional U.S. marshals.

Mr. STEVENS. Yes, that is germane. It has the approval of the managers in the subcommittees. There are two Senators who wish to object. That would be subject to debate. It is in that undecided package.

The PRESIDING OFFICER. Is there objection to the package of the Senator from Alaska?

Without objection, it is so ordered. The amendments are adopted.

The amendments (Nos. 3559; 3568; 3591; 3593; 3598; 3602; 3607; 3614, as modified; 3615; 3616; 3624, as modified; 3631; 3632; 3633; 3634; 3635; 3646; and 3655; 3666; 3667; 3668; 3702; 3716; 3754, as modified; and 3766, as modified) were agreed to, as follows:

AMENDMENT NO. 3559

(Purpose: Technical change)

On pages 6 and 7, strike section 101 and insert the following:

SEC. 101. ASSISTANCE TO AGRICULTURAL PRODUCERS THAT HAVE USED WATER FOR IRRIGATION FROM RIO GRANDE RIVER.

(a) In General.—The Secretary of Agriculture shall use $10,000,000 of the funds of the Commodity Credit Corporation to make a grant to the State of Texas, acting through the Texas Department of Agriculture, to provide assistance to agricultural producers in six States that both managers have supported—and it is germane—including Missouri, Kentucky, West Virginia, Virginia, Illinois, and Michigan.

Mr. STEVENS. What is the amendment number?

Mr. LEVIN. Amendment No. 3627.

Mr. STEVENS. No. 3627, unfortunately, was objected to by two Senators who wish to be heard on it.

Mr. LEVIN. I understand it is a germane amendment which the managers have supported: is that correct?

Mr. STEVENS. It is on another list. It is supported by both managers. And it is germane.

Mr. LEVIN. I thank the Senator.

Mr. STEVENS. But there is an objection to be heard.

Mr. LEVIN. There will be then another list offered?

Mr. STEVENS. There is another list right behind this one. But this is the agreed-to list that we submitted to those who wished to review the managers’ package. The managers’ package was composed of amendments that had been referred to the subcommittees involved, checked, on a bipartisan basis, by the subcommittees, reviewed by Senator BYRD’s staff, my staff, and by those two of us personally, submitted to those who wished to review it, and this is the agreed-to package with no objection to be raised to date to any one of them.

The PRESIDING OFFICER. Is there objection to the amendments?

Mr. GRAHAM. Reserving the right to object for purposes of inquiry.

The PRESIDING OFFICER. The Senator from Florida reserves the right to object.

Mr. GRAHAM. Amendment No. 3747, which has been ruled germane, relates to an emergency for additional U.S. marshals.

Mr. STEVENS. Yes, that is germane. It has the approval of the managers in the subcommittees. There are two Senators who wish to object. That would be subject to debate. It is in that undecided package.

The PRESIDING OFFICER. Is there objection to the package of the Senator from Alaska?

Without objection, it is so ordered. The amendments are adopted.

The amendments (Nos. 3559; 3568; 3591; 3593; 3598; 3602; 3607; 3614, as modified; 3615; 3616; 3624, as modified; 3631; 3632; 3633; 3634; 3635; 3646; and 3655; 3666; 3667; 3668; 3702; 3716; 3754, as modified; and 3766, as modified) were agreed to, as follows:

AMENDMENT NO. 3559

(Purpose: Technical change)
the State of Texas with farming operations along the Rio Grande River that have suffered economic losses during the 2001 crop year due to the failure of Mexico to deliver water to the United States in accordance with the Treaty Relating to the Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande, and Supplementary Protocol signed November 14, 1944, signed at Washington on February 3, 1944 (59 Stat. 1219; TS 944).

(b) AMOUNT.—The amount of assistance provided to individual agricultural producers under this section shall be proportional to the amount of actual losses described in subsection (a) that were incurred by the producers.

(c) EMERGENCY REQUIREMENT.—(1) The entire amount necessary to carry out this section shall be available only to the extent that an official request as an emergency requirement necessary to carry out this section is designated as the Nation's first responders.

(2) DESIGNATION.—The entire amount necessary to carry out this section is transmitted by the President to Congress as an emergency requirement pursuant to section 251(b)(2)(A) of that Act (2 U.S.C. 901(b)(2)(A)).

AMENDMENT NO. 3598

(Purpose: To require the Federal Aviation Administration to report to Congress on the air traffic controller staffing shortage at Newark International Airport; and (B) providing a deadline by which the airport will have an adequate number of air traffic controllers.

AMENDMENT NO. 3603

(Purpose: To require the Federal Aviation Administration to submit to Congress a report— (1) explaining how the Administrator will address the air traffic controller staffing shortage at Newark International Airport; and (B) providing a deadline by which the airport will have an adequate number of air traffic controllers.

AMENDMENT NO. 3607

(Purpose: To provide $500,000 to carry out a West Coast groundfish fishing capacity reduction program in lieu of the matter proposed to be inserted, insert the following: "SEC. 807. LOCAL EDUCATIONAL AGENCY servicing New York City districts 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 actions for protection of resources and communities from fire."

AMENDMENT NO. 3615

(Purpose: To express the sense of the Senate regarding avian influenza) On page 7, after line 12, insert the following: "SEC. 101. SENSE OF THE SENATE ON COMPENSATION OF PRODUCERS OF POULTRY AFFECTED BY AVIAN INFLUENZA. It is the sense of the Senate that the Secretary of Agriculture act expeditiously to provide compensation to the Commodity Credit Corporation to producers of poultry that have been affected by outbreaks of avian influenza in Virginia, West Virginia, and 4 other public safety officials to enable them to meet their responsibilities as the Nation’s first responders.

AMENDMENT NO. 3601

(Purpose: To make funds available for the preservation of a commercial manufacturing capability for defense grade nitrocellulose.) At the end of chapter 3 of title I, 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 smokeless nitrocellulose under Activity 1, instead under Activity 2, Production Base Support Industrial Facilities, for the purpose of manufacturing defense grade nitrocellulose at the rate of at least 10,000,000 pounds per year in accordance with the provisions of chapter 8 of the Foreign Assistance Act of 1961 (22 U.S.C. 2331 et seq.).

AMENDMENT NO. 3593

(Purpose: To provide that the local educational agency serving New York City distribute funds in fiscal year 2002 that are not received by the agency under section 1121 of the Elementary and Secondary Education Act of 1965.)

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

SEC. 807. LOCAL EDUCATIONAL AGENCY servicing New York City.

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 funds in fiscal year 2002 that are not distributed under section 1121 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 1121 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 1115(c) of the Elementary and Secondary Education Act of 1965.

(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.

AMENDMENT NO. 3602

(Purpose: To require the Federal Aviation Administration to report to Congress on the air traffic controller staffing shortage at Newark International Airport.) On page 101, after line 23, insert the following:

SEC. 1008. Not later than 30 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall submit to Congress a report— (1) explaining how the Administrator will address the air traffic controller staffing shortage at Newark International Airport; and (B) providing a deadline by which the airport will have an adequate number of air traffic controllers.
June 6, 2002

S5176

CONGRESSIONAL RECORD—SENATE

AMENDMENT NO. 361, AS MODIFIED

(Purpose: To express the sense of the Senate regarding the provision of surplus non-fat dry milk to combat HIV/AIDS, with a special focus on HIV-positive mothers and children.)

At the appropriate place, insert:

"S. 102. Whereas of the 40 million people living with HIV/AIDS, nearly 2.7 million are children; 11.8 million are young people aged 15-24; more than 540,000 children were infected in mother-to-child transmission in 2000, and a baby born to an HIV-positive mother has a 25 to 35 percent chance of becoming infected;

Whereas targeted provision of dairy products for HIV/AIDS mitigation provides an economic incentive to farmers to ensure a nutritious diet for HIV-positive children; and

Whereas good nutrition including dairy products is critical to programs that provide and enhance anti-retroviral drugs to prevent mother-to-child transmission of HIV/AIDS, and nutrition experts recommend the use of dairy products with anti-retroviral drugs to combat mother-to-child transmission;

Whereas in the diets of young children, growing adolescents and pregnant women, milk provides a source of known interventional elements that promote growth and robust health, and the National Institutes of Health (NIH) recommends dairy products be used to boost the nutrition of HIV-positive young children;

Whereas it is imperative that attempts to improve the availability of dairy products to the HIV/AIDS afflicted do not undermine the security and stability of the indigenous dairy production and processing sector;

Whereas States has more than one billion pounds (450,000 metric tons) of surplus non-fat dry milk in storage that has been acquired at an average cost of over 90 cents per pound for a total cost approaching $1 billion, and storage costs are $1.5 million per month and growing;

Whereas this huge amount of milk overhangs U.S. and world markets and deteriorates rapidly, going out of condition in about three years when it must be sold for a salvable value of only a few cents per pound;

Whereas lack of processing capacity and the lack of demand for milk and milk product by mother to child transmission remain controversial and appropriate interventions are not yet identifiable, especially in low-income communities where appropriate alternatives are not available and may be unsafe;

Whereas there is a need for non-fat dry milk in international relief to use in human feeding programs that target the most vulnerable in society, particularly those affected by HIV/AIDS; Now, therefore, be it—

Resolved, That it is the sense of the Senate that the Secretary of Agriculture should—

(A) utilize the existing 416(b) authority of the Act of 1949 to obligate funds to purchase dairy surpluses for direct feeding programs to mothers and children living with HIV/AIDS and communities heavily impacted by the HIV/AIDS epidemic; and

(B) Make available funds for the provision of 100,000,000 metric tons of surplus non-fat dry milk to combat HIV/AIDS, with a special focus on HIV-positive mothers and children, to include ocean and inland transportation, accounting, monitoring and evaluation expenses incurred by the Secretary of Agriculture and participating non-profit or charitable organizations, and voluntary and private organizations and cooperatives related to market assessments, project design, fortification, distribution, and other project support expenses incurred by private and voluntary organizations and cooperatives related to market assessments, project design, fortification, distribution, and other project support;

(C) Give careful consideration to the local market conditions before dairy products are donated or monetized into a local economy, so as not to undermine the security and stability of the indigenous dairy production and processing sector; and

(D) Use negotiated surpluses or commodities in any programs that would substitute dairy products for foodstuffs, to cover an increase in pay for Border Patrol agents and immigration inspectors and to make certain requirements with respect to the Chimera system and the expenditure of information technology funds by the Immigration and Naturalization Service);

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

S. 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 appropriations account for the Immigration and Naturalization Service entitled "Salaries and Expenses" the following amounts for the following purposes:

(1) $4,900,000 to cover an increase in pay for all Border Patrol agents who have completed at least one year’s service and are receiving an annual rate of basic pay payable 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 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 5332, to an annual rate of basic pay payable for positions at GS–11 of the General Schedule under such section 5332; and

(2) $3,800,000 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 payable for positions at GS–9 of the General Schedule under such section 5332, to an annual rate of basic pay payable for positions at GS–11 of the General Schedule under such section 5332;

(b) Funds transferred under subsection (a) shall be available for obligation and expenditure only in accordance with this law and any other provision of law (except section 130 of title 31, United States Code), the Secretary of Energy shall—

(1) not later than 10 days after the date of enactment of this paragraph, request the Secretary of Energy awards a contract on bid; and

(2) make certain requirements with respect to the Chimera system.

CONGRESSIONAL RECORD — SENATE

AMENDMENT NO. 363

(Purpose: To make available funds for the National Forum Foundation to implement the TRANSFORM Program to obtain available space on commercial ships for the shipment of humanitarian assistance to needy foreign countries.)

On page 69, after line 9, insert the following:

S. 665. Of the amounts appropriated to the President for the United States Agency for International Development (USAID) for the fiscal year 2002 and made available for the Ocean Freight Reimbursement Program of USAID, $300,000 shall be made available to the National Forum Foundation to implement the TRANSFORM Program to obtain available space on commercial ships for the shipment of humanitarian assistance to needy foreign countries.

AMENDMENT NO. 3656, AS MODIFIED

(Purpose: To provide a substitute for section 563 (relating to a contract for the construction of a new facility for the storage of depleted uranium hexafluoride on the site of the gaseous diffusion plant at Paducah, Kentucky, and a similar facility on the site of the gaseous diffusion plant at Portsmouth, Ohio).

Strike section 503 and insert the following:

S. 563. Section 1 of Public Law 105–204 (112 Stat. 681) is amended—

(1) in subsection (b), by striking “until the date” and all that follows and inserting “until the date that is 30 days after the date on which the Secretary of Energy awards a contract on bid,”

(2) by striking subsection (c) and inserting the following:

“(c) CONTRACTING REQUIREMENTS.—

(1) In general.—Notwithstanding any other provision of law (except section 1301 of title 31, United States Code), the Secretary of Energy shall—

(A) not later than 10 days after the date of enactment of this paragraph, request offers whose proposals in response to Request for Proposals No. DE–FP01–01022717 (‘‘Acquisition of Facilities and Services for Depleted Uranium Hexafluoride Conversion Project’’) were included in the competitive range as of January 15, 2002, to confirm or reinstate the offers in accordance with this paragraph, with a deadline for offers to deliver reinstatement or confirmation to the Secretary of Energy not later than 20 days after the date of enactment of this paragraph, and

(B) not later than 30 days after the date of enactment of this paragraph, select for award of a contract the best value of proposals confirmed or reinstated under sub-paragraph (A), and award a contract for the scope of work stated in the Request for Proposals, including the design, construction, and operation of the site of the gaseous diffusion plant at Paducah, Kentucky; and

(2) A facility described in subsection (a) on the site of the gaseous diffusion plant at Paducah, Kentucky; and

(2) A facility described in subsection (a) on the site of the gaseous diffusion plant at Portsmouth, Ohio.

AMENDMENT NO. 3632

(Purpose: To make available funds 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 406(c)(2) of The USA PATRIOT Act (Public Law 107–56) and section 406(c)(5) and Title III of the Enhanced Border Security and Visa Reform Act (Public Law 107–173), and the amendments made by those provisions.

Resolved, That it is the sense of the Senate that the Secretary of Energy should negotiate with the

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 406(c)(2) of The USA PATRIOT Act (Public Law 107–56) and section 406(c)(5) and Title III of the Enhanced Border Security and Visa Reform Act (Public Law 107–173), and the amendments made by those provisions.

Resolved, That it is the sense of the Senate that the Secretary of Energy should negotiate with the
Awardee to modify the contract awarded under paragraph (1) to—

(A) require, as a mandatory item, that groundbreaking for construction occur not later than the date specified, and that construction proceed expeditiously thereafter; and

(B) include as an item of performance the transportation, conversion, and disposition of depleted uranium contained in cylinders located at the Oak Ridge K–25 uranium enrichment facility located in the East Tennessee Technology Park at Oak Ridge, Tennessee, consistent with environmental agreements between the State of Tennessee and the Secretary of Energy; and

(C) specify that the contractor shall not proceed to perform any part of the contract unless sufficient funds have been appropriated, in advance, specifically to pay for that part of the contract.

(3) Certification of groundbreaking—Not later than 5 days after the date of groundbreaking for each facility, the Secretary of Energy shall submit to Congress a certification that groundbreaking has occurred.

(e) FUNDING.—

(1) IN GENERAL.—For purposes of carrying out this section, the Secretary of Energy may use any available appropriations (including transferred unobligated balances).

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated, in addition to any funds made available under paragraph (1), such sums as are necessary to carry out this section.

AMENDMENT NO. 3607

Amend title II by adding a new section as follows:

SEC. . In subsection (e)(4) of the Alaska Native Claims Settlement Act created by section 702 of P.L. 107–117—

(a) subparagraph (B) is amended by—

(1) striking “subsection (e)(2)” and inserting in lieu thereof “subsections (e)(1) or (e)(2)’’; and

(2) striking “obligations under section 7 of P.L. 87–365” and inserting in lieu thereof “small or small disadvantaged business subcontracting goals under section 562 of P.L. 100–666, provided that where lower tier subcontractors exist, the entity shall designate the appropriate contractor or contractors to receive such credit’’; and

(b) subparagraph (C) is amended by striking “subsection (e)(2)” and inserting “subsection (e)(1) or (e)(2)”.

AMENDMENT NO. 3609

(Purpose: To provide that amounts appropriated for the National Veterans Business Development Corporation in Public Law 107–77 shall remain available until expended)

At the end of chapter 2 of title I, add the following:

SEC. 210. Amounts appropriated by title V—

(1) IN GENERAL.—For purposes of carrying out title V—

(a) subparagraph (B) is amended by striking “subsection (e)(2)” and inserting in lieu thereof “subsection (e)(1) or (e)(2)”.

AMENDMENT NO. 3602

(Purpose: To allow the closing of certain accounts relating to the Food Safety and Inspection Service)

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

SEC. . Notwithstanding any other provision of law and effective on the date of enactment of this Act, the Secretary may use an amount not to exceed $12,000,000 from the amounts appropriated under the heading Food Safety and Inspection Service in Public Law 106–358 to liquidate obligations under Sections 407 and 409 of the Agricultural Act of 2002, and $48,000,000 provided by the Secretary of Agriculture.

AMENDMENT NO. 3660

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

SEC. 806. None of the funds provided by this or any other Act may be used to enforce the amendments made by section 166 of the Community Reinvestment Act of 2000 on the State of Alaska, including the imposition of any penalties.

AMENDMENT NO. 3666

On page 88, at the end of line 3, add a new section as follows:

SEC. . In the statement of the managers of the committee of conference accompanying the fiscal year 2001 Labor, Health and Human Services, and Education appropriations bill (Public Law 106–554; House Report 106–1033), the provision specifying $464,000 for the Bethel Native Corporation worker demonstration project shall be deemed to read as follows: “for the Alaska CHAR vocational training program, $384,000 for the Yuit Elfinnauvit People’s Learning Center in Bethel, Alaska for vocational training for Alaskan Natives.”

AMENDMENT NO. 3677

(Purpose: To require a report setting forth a strategy for meeting the security needs of Afghanistan)

On page 69, after line 23, add the following:

SEC. 655. Not later than 45 days after the date of the enactment of this Act, the President and the Committee on Appropriations and the Committee on International Relations of the House of Representatives and the Committee on Appropriations 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 order to promote safe and effective delivery of humanitarian and other assistance throughout Afghanistan, further the rule of law, and civil order, and support the formation of a functioning, representative Afghan national government.

AMENDMENT NO. 3754, AS MODIFIED

(Purpose: To restore funding provided for the DEA)

On page 10, strike lines 20 through 34.

On page 19, line 18, strike “$35,000,000” and insert “$44,000,000.”

AMENDMENT NO. 3766, AS MODIFIED

At the appropriate place in chapter 10, insert:

SEC. . The $300,000 made available to the State of Idaho under the heading “JOB ACCESS AND REVERSE COMMUTE” as ordered favorably reported by the Committee on Governmental Operations be deemed to be available for the State of Idaho to carry out a job training and supportive services program under section 675 of title 25, United States Code.

Mr. Reid. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. Mr. Durbin.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. McCain. Mr. President, I wish to make a couple remarks about the process we are going through right now as we are finishing up. We should not be doing this. This is a managers’ amendment. A managers’ amendment is intended for technical amendments. Now the Senator from Texas and I are causing heartburn for everybody around the Senate who has an amendment they think is worthy.

The amendment should have been brought up and voted on and put in the normal process. Instead, because of the egregious practice that has been going on, I pointed out many times last year, when I said, What is in the managers’ amendment? Nobody knew. There were 32 specific earmarked projects in an appropriations bill.

The Senator from Texas and I decided we wanted to see what was in the managers’ amendment. I have forgotten how many there were—90 to start with, somewhere around 90 amendments to start with. Some of them were $10 million; some, $30 million; some, $50 million; some were $120 million out of the highway trust fund—all in ‘managers’ amendments.’’
I don’t like staying here late at night any more than any of my colleagues do. Why don’t we try going through the normal process? An amendment that is worth $120 million is worthy of debate and voting on, on the floor of the Senate, and not to be included in a manager’s package. There is, if we voted on, on the floor of the Senate and I, and make everybody mad because we object to them.

If these amendments had been brought up in the normal procedure, nobody would have been angry because we would have voted these amendments up or down. Instead, we have now a practice where there is a managers’ amendment which in anybody’s definition includes technical amendments to the bill where there are huge changes, and many of them policy changes.

I am sympathetic to the Senator from Oregon who wants to keep the search and rescue in the State of Oregon. It is an important issue to them. Where is it? Is it in the managers’ package, a policy change where we are going to dictate to the U.S. Air Force.

What I hope my colleagues have learned from this, at 20 minutes to midnight on a Thursday night, is that we would go through the normal process, have the amendments considered, vote up or down, the managers’ package being purely technical amendments as they are intended, and we wouldn’t have this problem that we are in today.

There is enormous heartburn here on the part of some of my colleagues. I understand that. These are important issues to them.

I say to the Senator that this is an important issue, whether search and rescue is available in the State of Oregon at Mount Hood where a disaster took place. Instead, we are supposed to decide the situation on the basis of germane or nongermane. We should not be doing this. I hope the lesson is that we take up amendments and vote on them up or down, and not in a managers’ package from now on, which is how it is supposed to be.

I yield the floor.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. LOTT. Mr. President, I think the Senator from Arizona makes good points, and he has made his points throughout the debate. Are we now prepared to complete action on his last list of amendments so we can get to final passage? He has made his point, and is right, but now we have to bring this to a reasonable and quick conclusion. Are we ready to do that?

Mr. GRAMM. Yes.

Mr. STEVENS. I am ready for the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. At the end of the last supplemental, by a clerical error, one of the amendments that was offered by the Senator from New Mexico was clerically left off. We did not discover that until the next morning. We told the Senator that we would accept that amendment and be sure it was on the next supplemental. Now, we have done that and it has now been ruled not germane. It is amendment No. 3718, and it was arguably not germane. There is an indeterminate in that it is not germane.

I ask the Senate to allow us to keep our commitment to Senator DOMENICI. It would have become law in the last supplemental but for a clerical error.

I ask unanimous consent that we take up amendment No. 3718 and that it be before the Senate for consideration.

The PRESIDING OFFICER. Is there objection?

Mr. MCCAIN. Reserving the right to object, the amendment is clearly not germane. I don’t know what kind of deals were made among the members of the Appropriations Committee. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. STEVENS. Mr. President, is there any way to appeal that?

Mr. LOTT. If the Senator will yield, one way is to appeal to the Senator from Arizona. I ask the Senator to reconsider. We have a senior Senator here who is in this position not because of his own fault. He had a commitment made to him by senior members on both sides of the aisle. They are trying to keep that commitment. We should honor that, whether it is Republican or Democrat, no matter where you are from or who it is. I urge the Senator not to object to that request under these conditions. I would be here defending or keeping a commitment to the Senator from Arizona if he were the one involved. I don’t know what the subject is, but I ask the Senator to reconsider. I make the request again that it be accepted by unanimous consent, and I make that appeal to the Senator.

Mr. MCAIN. I object.

Mrs. FEINSTEIN. Reserving the right to object, Mr. President.

The PRESIDING OFFICER. Objection is heard. The Republican leader has the floor.

Mr. LOTT. I yield the floor.

Mr. STEVENS. Mr. President, I had a parliamentary inquiry. Was that matter subject to appeal?

Mr. REID. If the Senator will yield, it is my understanding it is not. The PRESIDING OFFICER. There is no appeal of the objection to the unanimous consent request.

The Senator from Texas is recognized.

Mr. GRAMM. Mr. President, I want to make a proposal that I think is reasonable. The Parliamentarian has now ruled on the remaining amendments, as to whether they are germane or whether they are subject to a point of order, which would bring them down, and that is only true of one of Senator BYRD’s amendments.

I want to propose that all those that are germane we accept by unanimous consent and that all those that are not germane fall. They could bring them up, we could raise germaneness. The Chair already ruled they would be struck down. We will have wasted 2 hours of time, and we would end up with exactly the same result. I am not going to vote on some of these germane ones they would pass. But it is almost midnight. I want to propose that all of the items on the list that are germane be adopted by unanimous consent or as modified—in the form that the Chair has it—on some of them, and those that are not germane we drop, and we would finish our business.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

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

The PRESIDING OFFICER. The Senator from Nevada is recognized.

The legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, we have a list of amendments. We have all gone to the Parliamentarian and gone over them individually. They have looked at these several times to determine whether or not they are germane. I will call up each individual amendment, ask whether or not it is germane, and that will leave some, as the Chair already ruled, and the order will fall.

I ask if amendment No. 3595 offered by the Senator from Rhode Island, Mr. REED, is germane.

Mr. STEVENS. Is the Senator asking consent?

Mr. REID. No.

The PRESIDING OFFICER. That amendment would not be germane.

Mr. REID. That amendment falls; is that right, Mr. President?

The PRESIDING OFFICER. If the amendment were called up, the Chair would rule that it is not germane.

Mr. REID. I make the point of order that it is not germane.

The PRESIDING OFFICER. The amendment is not pending. If the amendment were called up and pending, the Chair would rule that it is not germane.

AMENDMENT NO. 3595

Mr. REID. Mr. President, I call up amendment No. 3595 by Senator REED of Rhode Island.

Ms. LANDRIEU. I object.

The PRESIDING OFFICER. There is no objection to calling up an amendment. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. REED, proposes an amendment numbered 3595—

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

The amendment is as follows:
Mr. DOMENICI. Mr. President, I want to say to all of you that what happened to me should not happen to any of you. I have been here almost 30 years. If some of you were here 60 years, I hope it doesn’t happen to you. I don’t care why a Senator leaves the floor at the end of a bill, or whether Senator JOHN MCCAIN, who is objecting now, had some reason to leave the floor, or if he didn’t like the process and he stomped out of here mad like he does sometimes.

The truth is that a managers’ amendment with 20 or 30 managers’ amendments in it, with my name on the list, and Senator BINGAMAN, incidentally—Senator BINGAMAN was sitting right behind me, and I catch it, as the manager read it. We thought it was included in the long list.

We got up the next day and to our surprise, something that we had accomplished, that we thought was very important, was not in the bill and did not get attached, and the conferees said they could not consider it. But they said the next appropriations bill that comes, we will help you.

I could not get help because we entered into a structure, which we do not do. I should have expected it, but it never happens that early. It happened, and all of us got shut out, and we were urged by our leadership to help with that. I thought we should not. I thought we should have 3 days. But the leader asked me, and I said: OK, let’s close it down early.

I got closed down, and now I have a Senator or two, because they do not like my amendment, sitting here telling you they do not believe me—that is what they are saying—or they do not believe TED STEVENS who believed me.

Is that what they are saying? I hope they are not saying that. And you can smile if you like, but there is nothing to smile about. It is very serious, and you get a frown on your face like me more frequently than I do.

Excuse me for violating the rules for addressing him in the singular. I should say the senior Senator from Arizona. I said that in any way diminished the stature of the Senator from Arizona. I think as well with him in the future, I think as well.

Mr. MCCAIN. I ask the Senator from New Mexico if I can have a point of personal privilege to respond to my name being used?

Mr. MCCAIN. I ask the Senator from Nevada if I can have a point of personal privilege to respond to my name being used?

Mr. MCCAIN. I ask the Senator from New Mexico if I can have a point of personal privilege to respond to my name being used?

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turbo fan aircraft. I am proud to be a member of the Commerce Committee and proud to have worked with Senator Hollings as we, working with the administration and the airline industry, came up with the airline and airport security bill, which was an important piece of legislation through the authorization committee, and we rejected that idea. So I certainly objected because we had gone through scrutiny of this issue in the proper authorizing process.

I objected to an expansion of the program without authorization or without a hearing, and I will continue to object to changes in authorizing legislation on which we worked very hard in the committee of jurisdiction. That is the reason why I objected to an expansion of the program in Texas which was unwarranted by the legislation that was passed by this body by a vote of 98 to 0. It has nothing to do with my feelings toward Senator Domenici or any other Senator in this body.

If I have offended Senator Domenici, obviously I deeply regret that. I do have a higher obligation to do what I can to make sure the people I represent are adequately represented and according to my best judgment. I thank the Chair and Senator Reid for allowing me to respond.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. Reid. Mr. President, we are now at the point in the proceedings where I think we have a good offer from the Senators from Texas and Arizona. There are certain amendments in this list that have been ruled germane tentatively by the Parliamentarian, and the Chair would rule that way. There are some that are nongermane.

The proposal is that those amendments that have been ruled germane will in effect be accepted upon voice vote. Those not germane will fall. They will fall anyway. There is nothing we can do if the Parliamentarian rules them nongermane. Then they are gone. There is no need to go through that process.

I ask everyone’s patience and cooperation that we accept by unanimous consent the proposal made by the Senator from Texas.

May I have the attention of the Senator from Texas? I would like the attention of the Senator from Texas. It is my understanding the Senator from Texas has said those amendments the Parliamentarian has tentatively ruled as being germane would be accepted; those that are nongermane would fall.

Mr. Gramm. That is right.

Mr. Reid. I ask my friend, on amendment No. 3691, what is the pleasure of the Senator from Texas?

Mr. Gramm. No. 3691: That amendment is, as far as I know, germane. Mr. Reid. It is germane.
Mr. REID. I would—
Mr. LOTT. Mr. President, I believe I have the floor.

The PRESIDING OFFICER. The Republican leader has the floor.

Mr. LOTT. I will yield.

Mr. GRAMM. I was going to ask, is what we agreed to that we were going to take all the germane ones and drop the nongermane ones? Mr. LOTT. That is what we have done.

Mr. REID. That is right.

Mr. LOTT. Mr. President, I will yield the floor so others can be recognized.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, parliamentary inquiry: if we go to third reading, are we not still under cloture? Could Members not make statements up to their eligible time before the bill is called up for actually a final vote?

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. My suggestion is we go to third reading and let people talk and find out when you want to have the final vote.

Mr. REID. Will the Senator from Alaska yield?

Mr. STEVENS. Yes.

Mr. REID. Tomorrow is another day. We will pass the bill and people can come and talk all day tomorrow if they want.

Mr. STEVENS. Either way, I think Members are still entitled to their time on cloture.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I want to make a very brief point. If my colleague from Arizona, Senator McCain, would listen, I say to the Senator, a while back he talked about a managers' amendment should be purely technical amendments. I wanted to make it clear that you make a distinction of nongermaneness at this late hour is something I think is going to throw away some amendments that should have been adopted. An amendment, for example, that I offered, 3689, was offered prior to cloture. It is purely technical, has no money attached to it, is out of previously appropriated funds that deals with two transmission studies. It corrects an error that existed in prior legislation. So it is purely technical and no one would argue it is not technical. Creating an arbitrary distinction of saying those things that are nongermane shall not be considered means that those small issues I have offered previously, for example, in this amendment, was approved by both the minority and the majority, they said to me, yes, this is fine, we accept the amendment, this kind of an amendment that is purely technical now falls because of an arbitrary distinction that we say nongermane amendments are gone.

I only want to make the point to my friend from Arizona, I agree with him on a lot of issues but this clearly is technical; it is clearly something that should be a part of the managers' package and was agreed to by both the minority and minority now is going to fall under this arbitrary distinction at midnight. I do not think that is fair.

Mr. McCaIN. I am in sympathy with the Senator. I vote against cloture. It was your leader who filed cloture and we voted on it long before I wanted cloture to be invoked. You would not have that problem if it had not been for your leadership that filed cloture at the earliest I have ever seen on a appropriation bill.

I am in sympathy and would like to work with the Senator to get this worthwhile technical amendment approved.

The PRESIDING OFFICER. The Republican leader.

Mr. LOTT. Mr. President, to try to assist Senator Reid in bringing this to a conclusion—

Mr. DORGAN. Mr. President, I thought I yielded to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from North Dakota still has the floor.

Mr. DORGAN. I understand the point the Senator made. My point is if we are talking the point if, in fact, the managers' amendment is for technical amendments, really purely technical amendments, and I offered this prior to cloture, was told by the majority and the minority, yes, we accept it, there is no problem, this is not spending, it is spending previously appropriated money, a total of $400,000, and deals with an error when, in fact, the distinction on the nonreimbursable portion of it should be in bill language, or the managers' language, which is where it was, this corrects that. It is exactly what, in my judgment, the Senator said ought to be in the managers' package. I hope the Senator will reconsider at least on 3689 and allow this to be put in the managers' package this evening or allow it to be approved this evening.

Mr. President, I would make that request to ask my two colleagues would agree to that—I know they have reviewed it. The majority and minority have reviewed it and approved it. It is not spending a dime. It simply corrects an error. I would hope very much that they would agree to approve this amendment.

My point is this, an arbitrary distinction of nongermane at this point is unfair to those who offered their amendments prior to cloture. I understand the point my friend from Arizona made about cloture, but I hope he understands that those of us who came prior to cloture, offered our amendments and were told by the Republican and the Democratic leaders on the floor, yes, we accept it, it is a good amendment, we approve it, at that point I would have expected that this amendment would be approved and not now at midnight be objected to by someone on the floor of the Senate.

So I again ask if we might have some cooperation at least on an amendment
Mr. DORGAN. Well, I am asking consent if my colleagues might not agree to include 3889. The Republicans and the Democrats have previously accepted it. It does not spend a dime. Can we not, with respect to this distinction, agree to accept this amendment?

Mr. DORGAN. Yes. Mr. President, exceptions will require some judgment I agree, but the migraine headache around here for a number of people has been that managers’ packages include things other than technical amendments. My point is, this amendment is technical, it has been agreed to by everybody, was offered precloture. I understand it would require some judgment, amendment by amendment, to deal with these non-germane amendments. That is what it is to me that is why we are here. But if the objection stands, I guess I accept that. We will be back, and I guess we will pass it at some point in the future.

Mr. REID. The objection has been heard. Is that right?

Mr. DORGAN. Mr. President, do I still have the floor?

Mr. DORGAN. I understand objection has been heard. I still have the floor.

The PRESIDING OFFICER. The objection has been heard. Mr. DORGAN. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. DORGAN. Again, let me make the point that coming to this point in time and saying that the amendments that the Parliamentarian says are not germane represents some distinction that has relevance when we have offered these prior to cloture, I understand technically why this is being done but substantively it is unfair in my judgment.

The Senator talks about the unfairness of coming to the end of this process and having a managers’ package that has a bushel of paper attached to it. There is another unfairness that exists as well, and that unfairness is being perpetrated by those who come to the floor and create artificial distinctions at the twelfth hour and they say, oh, now, by the way, something that has previously been approved to we object to, especially in circumstances where we thought this amendment had already been approved. I think we can get by with this once, but not if it happens again, in my judgment, because there are other ways to deal with it.

I say to my colleague from Texas, I think it is unfair. He has a right to object, of course, but I think it is unfair, and I hope he will not ask similar consideration some day.

Mr. GRAMM. Will the Senator yield?

Mr. DORGAN. Of course I will yield.

Mr. GRAMM. The way we were able to draw the delineation at the end of business tonight was the decision that we would take all the germane amendments and we would drop all the non-germane amendments. The problem is, when we take that delineation and start making exceptions, then everybody gets unhappy.

Mr. DORGAN. Yes. Mr. President, exceptions will require some judgment I agree, but the migraine headache around here for a number of people has been the managers’ packages include things other than technical amendments. My point is, this amendment is technical, it has been agreed to by everybody, was offered precloture. I understand it would require some judgment, amendment by amendment, to deal with these non-germane amendments. That is what it is to me that is why we are here. But if the objection stands, I guess I accept that. We will be back, and I guess we will pass it at some point in the future.

Mr. REID. The objection has been heard. Is that right?

Mr. DORGAN. Mr. President, do I still have the floor?

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who will suffer the consequences of being the losers. I encourage my colleagues to think about the current structures of the farm bill and how it pits neighbor against neighbor. The farm bill perhaps unintentionally set the wrong priorities for losses that will be lost to the marketplace. It set up a scenario in which one homestead’s rent will be paid and the children in another home will end up watching their belongings go to the highest bidder in an auction.

Wyoming livestock producers are facing a third year of drought. In response, some have begun liquidating their stock while others face the loss of their homes. Just days ago, USDA Secretary Ann Veneman declared all but three Wyoming counties primary and secondary disaster areas for 2002. That’s an important step, but the amendment before us was written to address the 2001 disaster year! Producers that sold or reduced their herds in the drought-stricken public grazing lands due to the prohibitively expensive price of hay and their ejections from drought-stricken public grazing lands. A forced livestock sale significantly decreases a rancher’s future profitability because the number of production units, sheep and cattle on the ranch. A forced sale also dilutes genetic quality. Many ranchers utilize stringent genetic improvement plans to differentiate their product. A forced sale can flush years of careful record keeping and genetic improvements out through the sale barn in 1 day.

In its refusal to acknowledge this grave disaster, the farm bill conference report did not accurately represent the priorities of the Senate. It did not fund emergency disaster assistance to the nation’s livestock producers and it included a payment limitation that favors the corporate producer over the family farmers and ranchers who make this country great. Our amendment reinstates the Senate’s position on payment limitations on farm bill payments and uses the savings to offset emergency feed assistance to livestock producers for drought disaster.

The Livestock Assistance Program is a program available to livestock producers in counties that have been declared disaster areas by the President or Secretary of Agriculture. It provides minimal financial relief to livestock producers that are experiencing livestock production loss due to drought and other disasters—but only if there is money in the fund. Once LAP is funded, producers apply for relief and a formula splits the available monies accounting to their needs. It assists all producers that qualify, but the limit of the assistance that is available is limited by the program funding and the number of applicants. The more applicants there are across the country, the smaller the individual payment.

In fiscal year 2001, the Livestock Assistance Program was funded at approximately $430 million for fiscal year 2000 drought assistance. In Wyoming, 392 producers received assistance from those funds at an average of $8,313 per producer. Nationally, it provided assistance to about 186,000 producers at 88 percent of their grazing loss for drought and other disasters experienced in 2000. The need was similar in 2001, but the program was not funded in appropriations.

The farm bill conference report did include an amendment I offered to authorize the livestock feeding assistance. With its passage, the Secretary of Agriculture now has the authority to use that program to provide assistance to livestock producers. The program is no longer ad hoc. Using this authorization and funding from the Enzi-Grassley-Hagel amendment, Secretary Ann Veneman will be able to initiate and authorize the livestock feeding assistance program to provide assistance from those funds at an average of $8,313 per producer. The amendment equalizes this assistance that is needed while large multi-million dollar corporations are subsidized and other cattle states that receive supplemental spending over the administration..

Farm Bill payments were not intended to subsidize every acre of every farm nor every bushel produced. The American taxpayer should not be asked to keep large corporations or weekend hobby farmers in silk overalls and gold-plated pitchforks. Farm assistance was intended for and must continue to be directed at small and medium producers, family farmers who truly need help. Our rural communities depend on farms and the farms, in turn, depend on their farmers. Today, too many small farms are not receiving the assistance that is needed while large corporations continue to receive federal funds for every acre they take over. Payments to large corporations have nothing to do with good farm policy but good farm policy has everything to do with family farms.

As a fiscal conservative, the last thing I want to do is further increase supplemental spending over the administration. Rather than authorize additional emergency spending, we have worked with the President’s request to fund this urgent need without using new monies. We are doing this by using an offset the Senate has already approved by rollcall vote.

On February 7 of this year, the Senate voted in support of farm bill payment limitations 61-33. The amendment limited total dollar payments to an average of $250,000. The farm bill conference report too generously increased the limitation to $360,000. It is important to ensure federal agricultural aid is available to those who need it most. My personal philosophy supported targeting federal assistance to the neediest farmers and those with greatest risk of losing their livelihoods. I have difficulty accepting the notion that farmers require assistance to the tune of $360,000 when I know there are struggling ranchers in Wyoming and other cattle states that receive almost nothing. The Enzi-Grassley-Hagel amendment equalizes this wide gap in farm bill payments and directs federal agricultural aid to ranchers in dire need.

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I hope the leaders will propound a universal consensus that allows these amendments to be brought up, statements to be placed in as though given live, and then withdrawn, so we can make sure we have statements in the RECORD. That would save time.

Mr. LANDRIEU. I yield to Senator LANDRIEU.

Ms. LANDRIEU. I appreciate the patience of this body. The reason I have been tenacious about this is that this amendment affects 37 States. It is a technical correction to disability councils. The Senator from Texas and the Senator from Arizona, because of rule XXVIII, there is no way to correct this. It is a technical amendment. If it is not fixed tonight, it will not get fixed; it will be fixed at the conference, but it will affect 37 States. These are not huge amounts of money, but these councils do not have a lot of money for the disability councils in 37 States.

It was passed and agreed to by the managers and ranking members. Again, because of the germinness issue, we have been left out, which is unfortunate.

I thank you for your patience, but I wanted to clarify this amendment. The supplemental appropriations bill includes authorizing language that will address a technical error in the Developmental Disabilities Assistance and Bill of Rights Act of 2000. The language will reestablish a hold harmless provision that was included prior to its inadvertent omission from the reauthorizing bill enacted in 2000. The bill also includes $2.5 million for this purpose. However, this additional budget authority is fully offset by a reduction in funding for NIH buildings and facilities.

This amendment is needed to address the funding formula error recently identified by the Department of Health...
and Human Services. For the past 2 years, the Department of Health and Human Services allocated funds to states councils on developmental disabilities as if a hold harmless provision still was in effect. In fiscal year 2001, this error caused 17 councils to receive higher grant awards than allowed under the statute. Last year, 23 councils were overpaid. The additional funding provided in this amendment will hold these states harmless from reductions.

Mr. SCHUMER. Mr. President, the Senate Appropriations Subcommittee on Transportation, Housing, and Urban Development, with the leadership of Senators BYRD and STEVENS, has shown great commitment to improving transit infrastructure. The Metropolitan Transportation Authority serves roughly one third of the entire Nation’s commuters. Twelve of its subway stations below Chambers Street were incapacitated as a direct result of the attack, and the current, damaged state of the MTA’s systems affects many of its 360,000 riders each day.

Mr. TORRICELLI. Mr. President, my own State of New Jersey was severely impacted by the disruption to major transportation systems caused by the terrorist attacks. Before September 11, 66,000 New Jersey residents had commuted daily to Lower Manhattan through the World Trade Center PATH Station. The loss of this station has severely straitened New Jersey’s rail, bus, and ferry systems, which will continue to operate above capacity for the foreseeable future.

Mr. CORZINE. Mr. President, providing free transportation for workers into and out of New York City is vital to the economic recovery of the region. We are pleased that the Committee has provided $2.8 billion that will be dedicated solely to rebuilding the infrastructure connecting New York and New Jersey residents with Lower Manhattan.

Mr. SCHUMER. Mr. President, this funding will be directed to the construction of a new intermodal station, which is a critical component of the recovery effort for the New York Metropolitan Area. Such a facility will be essential not only to the residents and employees based in Lower Manhattan, but for the thousands of families who will visit whatever memorial will be erected in memory of those men and women who were killed in the attack on the World Trade Center.

Mr. BYRD. I thank my colleagues for their thoughts on this matter, and am gratified that we are able to provide such critical support for this inter-modal transportation center.

CHEMICAL DEMILITARIZATION

Mr. BAYH. Mr. President, the Senators from Maryland, Senators SARANES and MIKULSKI and I would like to express our strong support for the Defense Appropriations Subcommittee, Senator INOUYE, in colloquy on funding for the chemical demilitarization program.

I rise today to express my strong support for funding to be included in the Emergency Supplemental Appropriations bill to accelerate the destruction of chemical weapons stored at U.S. Army facilities. Following the tragic events of September 11, I worked with a number of my colleagues, including Senators MIKULSKI and SARANES of Maryland, to prevail in the Senate for alternative methods for accelerating the disposal of our Nation’s chemical weapons stockpile consistent with the highest safety and environmental standards. Since that time, the Army has come forward with proposals to accelerate the neutralization of chemical weapons stored at the Newport Chemical Depot in my home State, and the Aberdeen Proving Ground in Maryland. There are presently 1.269 tons of VX agent located at Newport, and 1.621 tons of bulk mustard agent stored at Aberdeen. Let us be clear, the nearly 3,000 tons of chemical agent stored at these two U.S. stockpiles poses a dangerously attractive terrorist target and a grave threat to millions of citizens.

The Army has plans to accelerate disposal of these chemical agents by more than 2½ years but needs additional funding in the supplemental to do so. If funding is provided in the supplemental, the Army can alleviate the fears of these communities, and millions of our constituents, by the end of next year. I firmly believe this request falls within the purview of enhancing homeland security in the post-September 11 world in which we live.

Ms. MIKULSKI. I join with the Senator from Indiana in urging additional funding to accelerate the chemical demilitarization program. This is an urgent homeland security need.

There is no question whether the United States should destroy the chemical weapons stockpiles at Aberdeen Proving Ground and other sites around the country. Congress made that decision in 1986. The United States is also a signatory of the Chemical Weapons Convention. That treaty binds the United States and 26 other countries to destroy chemical weapons stockpiles. We have 10 years from the time the Chemical Weapons Convention came into force—until 2007—to complete destruction.

I have worked for decades to ensure that we destroy chemical weapons in a way that is safe for the workers, safe for nearby communities, and safe for the environment. After extensive resource allocation, the Army decided to proceed with the chemical demilitarization process to destroy the bulk mustard agent stored at Aberdeen Proving Ground.

Last October, I joined with Senator BAYH and Senator SARANES and other colleagues in urging President Bush to strengthen the security of the nation’s chemical weapons storage sites. We recommended several measures, including expediting construction of agent destruction or neutralization facilities, consistent with the highest environmental and safety standards.

We now have National Guard troops guarding chemical weapons storage sites. I am grateful for that added security, but that’s not a long-term solution. In fact, it adds to the cost of delay.

The Army also came up with plans to accelerate chemical demilitarization. Under that plan, all of the mustard agent stored at Aberdeen Proving Ground would have been destroyed by the end of this year. The Defense Department wanted funding for this effort
included in the President’s supplemental request, but OMB rejected that proposal. I am not sure why OMB would reject an effort to make our country safer and save money, but that is what happened.

We have the opportunity here to address that deficiency. I am pleased to join Senator BAYH and Senator SARBANES in this effort.

Mr. SARBANES. I am pleased to join with my colleagues, Senator BAYH and Senator MIKULSKI, in calling for the funds necessary to expedite the Army’s chemical demilitarization effort. Clearly, this is a matter of great importance to ensuring the continued health and safety of millions of Americans.

I have long recognized the environmental and health hazards posed by the chemical agents stored at Aberdeen Proving Ground and Army facilities throughout the country and I have been a strong and consistent supporter of the Army’s chemical weapons demilitarization program. I am pleased that the Army has determined the high risk associated with storing these agents in a highly populated region results in considerable savings for the Department. Further, it eliminates costs associated with continued National Guard protection and the construction of new structures to protect stored agents. Finally, it helps us meet our obligations as signatories to the Chemical Weapons Convention.

Like my colleagues, I am most concerned with the decision of the Office of Management and Budget not to include the Department of Defense’s proposal for funding for chemical demilitarization in the President’s supplemental request. In my view, expeditiously removing the threat posed by these chemical agents is a critical step in the efforts to ensure our domestic security.

Mr. BAYH. While we are prepared to offer an amendment to provide funding for the Army to accelerate chemical demilitarization, we would be willing to withdraw the amendment if the Chairman of the Defense Appropriations Subcommittee would be supportive of funding for the Army’s Chemical Demilitarization program during the conference on the supplemental.

Mr. INOUYE. I support the Army’s decision to expedite destruction of our Nation’s chemical weapons stockpile in a safe and cost efficient manner. As the Senators from Indiana and Maryland know, the Army planned to reprogram existing funds this year to accelerate destruction of chemical agents stored at Newport and Aberdeen, and I would have supported such a request. However, I would ask my colleagues to refrain from offering their amendment, and want to assure them that I will support funding for the accelerated destruction of chemical agents stored at Newport and Aberdeen in conference when the opportunity arises.

Mr. BAYH. I appreciate the chairman’s willingness to be of help on this matter and am aware of his concerns. In my view, expediting the Army’s failure to reprogram existing funds this year. I also want the chairman to know that we appreciate how hard he worked to ensure that the defense title of the supplemental was consistent with the administration’s request.

Ms. MIKULSKI. I appreciate the support of the Senator from Hawaii and look forward to working together with him in conference to fund the accelerated chemical demilitarization effort.

Mr. SARBANES. I thank the chairman for his continued assistance in this regard.

REBUILDING THE EIGHTH AIR FORCE HEADQUARTERS AT BARKSDALE AIR FORCE BASE

Ms. LANDRIEU. Again, I thank the distinguished chairman of the Defense Appropriations Subcommittee, Senator INOUYE, in a colloquy on the importance of rebuilding the 8th Air Force Headquarters at Barksdale Air Force Base, LA. This historic building, which housed the Mighty 8th Air Force, was devastated on March 12, 2002, by a fire that burned for more than 12 hours. It is imperative that the Mighty 8th see its headquarters restored as possible. Over 53,000 airmen served in the Eighth Air Force, including the B-52, B-1, and B-2 crews who have provided air superiority over the skies of Afghanistan in Operation Enduring Freedom. Additionally, key National Guard units rotating the skies in Operation Noble Eagle also call the 8th Air Force home.

I believe that it is critical to the Air Force to rebuild the 8th Air Force Headquarters at Barksdale Air Force Base. The 8th Air Force is crucial to our warfighting capabilities, and it is imperative that construction begin to rebuild the 8th Air Force Headquarters immediately. I think my colleague would agree on the need.

Mr. INOUYE. I certainly do agree that construction must not be delayed. I am also aware of the tremendous role the 8th Air Force has played in the war in Afghanistan.

Ms. LANDRIEU. I appreciate your kind words for the 8th Air Force. They are welcome at this time of need for the 8th Air Force. I have been notified that the facility repair costs for the 8th Air Force Headquarters will total $19.3 million for fiscal year 2002. I am concerned as to how this money will be made available, especially when service budgets have been stretched thin because of the war on terrorism. Will the Air Force be able to fund and begin construction in fiscal year 2002?

Mr. INOUYE. I would say to my friend from Louisiana, that I understand her concern that such an important military resource be rebuilt as soon as possible. I want to let you know that the Air Force has notified the Senate Appropriations Committee by letter that the Air Force will commit $19.3 million to an operation and maintenance project at Barksdale Air Force Base, LA, to repair the 8th Air Force Headquarters Facility.

Ms. LANDRIEU. That certainly is welcome news. I received a similar letter, but I have seen little action from the Air Force leadership. The men and women in the 8th Air Force have diligently worked to destroy their headquarters, despite the fact that they have been displaced for several months. Much like so many of us in the Senate, I call the 8th Air Force headquarters the feeling of being left without adequate office space, but the Senator from Louisiana should be pleased to know that the Air Force has committed to rebuilding the 8th Air Force Headquarters beginning in fiscal year 2002.

Ms. LANDRIEU. I agreed with the Senator that those of us with offices in the Hart Building know the feeling of being left without adequate office space, but the Senator from Louisiana should be pleased to know that the Air Force has committed to rebuilding the 8th Air Force Headquarters. In fiscal year 2002, an additional $5.5 million is required, and funds for clean-up costs from the fire. Furthermore, as you can imagine, the fire destroyed hundreds of computers, expensive communications equipment, and office furniture. The Air Force estimates $3.5 million will be needed in fiscal year 2003 and fiscal year 2004 to replace this valuable equipment. How will the men and women at the 8th Air Force Headquarters see that the site is cleaned up this year and that office and communication equipment are purchased and installed in the next two years?

Mr. INOUYE. I assure the Senator from Louisiana that within Air Force appropriations for fiscal years 2002 and 2003, sufficient resources will be available to fund the requisite outfitting of the restored 8th Air Force Headquarters.

Ms. LANDRIEU. Again, I thank the Chairman for his assistance and taking this time to address my concerns. The people at Barksdale Air Force Base, the people of Louisiana, and I appreciate your efforts, and I look forward to working with you on other vital issues in the future.
is encouraged to meet its obligations to New Jersey health care providers.

Mr. DORGAN. I agree with both my colleagues that this matter needs to be resolved. I understand that the Postal Service has been in contact with the hospital and arranged a meeting to review the data supporting the reimbursement request. The Postal Service informs me that this is a necessary step as any funds the Postal Service pays to any entity are subject to an audit by the Postal Inspector General. Once this review is completed, this issue will be resolved to the satisfaction of the parties involved.

Mr. TORRICELLI. I thank the Senator from North Dakota for his clarification of this issue and his leadership on this vital homeland security supplemental appropriations bill.

Mr. CORZINE. I, too, thank the Senator from North Dakota for his assistance on this matter that is so important to New Jersey health care providers.

FOREIGN ASSISTANCE SPENDING

Mrs. FEINSTEIN. President, as the United States fights this war against terrorism—and puts in place the protocols called for in this emergency supplemental for homeland defense and on-going military operations in Afghanistan and elsewhere—we can’t overlook the fact that global poverty is a contributing factor and a breeding ground for terrorism, and that if we are to be successful in this war the United States must significantly increase its foreign assistance spending commitments.

Several of my colleagues and I had hoped to be able to do so on this emergency supplemental. Unfortunately, this does not appear to be possible.

But we want to be clear that we remain committed to this goal, and intend to work through the normal appropriations process to see this happen. It is in our country’s national interest to bring aid and functioning, free-market democratic institutions to countries and regions that might otherwise wallow in poverty, be preyed on by fanatics, or provide safe havens for terrorists.

I see one of my colleagues in these efforts, Senator DWINE, and would ask him his thoughts on the importance of this issue in safeguarding U.S. national interests.

Mr. DWINE. I would like to echo what my colleague from California has said. Providing humanitarian assistance is in our national interest, and it is also the right thing to do. We have a moral obligation to help ease the suffering that billions of people are facing around the world. We have an obligation to help those in the world who are suffering at the hands of evil leaders and corrupt governments.

We have a moral obligation to end poverty, hunger, political uncertainty, and social instability which are the root causes of violence and conflict around the world. We also know that if used correctly, our foreign assistance is a vital foreign policy tool to prevent violence and conflict. Our foreign aid can be used to fight global terrorism and foster political stability, food security, rule of law, democracy, and ultimately peace around the world. When applied effectively, foreign assistance works.

One of the many lessons of the tragic September 11th terrorist attacks is that we must not wait for a nation to implode before we take action. We must not wait for a nation’s people to die of an epidemic caused by poverty, disease, hunger, despotic leaders, or corrupt governments.

Yet, tragically, despite its importance and immeasurable value, our overall foreign affairs budget has been stagnant for the past 20 years. And in real dollars, it has gone down. That is a mistake.

I ask my colleague from California, what level does U.S. foreign assistance spending stand at today?

Mrs. FEINSTEIN. United States foreign assistance spending today is just eight-tenths of 1 percent of the budget with less than six-tenths of 1 percent going to humanitarian assistance and economic development.

But while 2.5 billion people on this planet live in abject poverty—getting by on $2 a day or less. That’s less than a cappuccino at Starbucks. Close to 1 billion people are undernourished; 1.2 billion lack access to even safe drinking water; and 2.5 million do not have access to adequate sanitation.

In the wake of September 11, I introduced a resolution to triple our foreign aid budget over the next 5 years, a resolution which was passed by the Senate just this week.

So I was pleased when president Bush committed to increasing the United States foreign aid by an additional $10 billion over 4 years, beginning in 2004. The President is to be commended for this initiative.

But although this additional funding represents a significant increase in foreign aid, it is still well short of historic levels, and well short of the level I believe is needed to engage and win the war against terrorism.

In 1946, the United States devoted 3 percent of its Federal budget to foreign assistance—a high water mark which was reached again under the Kennedy administration. But since then, spending has gone downhill. According to a Congressional Budget Office report entitled “The Role of Foreign Aid in Development,” United States spending on foreign assistance has fluctuated from year-to-year but has been on a downward path since the 1960′s. A tripling of our foreign aid budget—a level that I consider to be appropriate and which the Senate is now on record as supporting—would simply bring it back in line with historic levels.

If the United States is to be successful in the war on terrorism—if we are to be successful in helping to spread democracy and free-markets around the

Mr. Chairman, it is my understanding that the committee believes that the Postal Service has received adequate funding to address the anthrax crisis and that the Postal Service
globe—we must be willing to step up and bear the burden of leadership.

Even looking beyond the humanitarian rationale—which I believe is sufficient reason alone for action—the United States will never be secure in a world in which Sub-Saharan Africa, ravaged by the AIDS pandemic; more than half the people of the world go to bed hungry every night; civil wars are a constant; and where failed or failing states, unable to meet the needs of their peoples, and allow terrorists and terrorism to thrive.

Reducing poverty, promoting equitable economic growth, and developing democratic institutions advances United States national security interests. The failure to address these issues through a significant increase in foreign assistance spending, and the resulting risk of social, economic, and political instability and violence, places United States national security interests and the welfare and safety of United States citizens at risk. I look forward to working with my colleagues in the days and years ahead to address this important issue, and to assure that U.S. foreign assistance spending levels are appropriate to the challenges that our nation faces and our leadership position in the international community.

Mr. DASCHLE. I thank my colleague. Our foreign assistance is absolutely critical to the security of war-ravaged, politically unstable, impoverished nations. The children, the elderly, and the civilian people are not responsible for the political and economic turmoil in their homelands, but they are the ones who always end up suffering the most. I look forward to working with you to continue to help these folks around the world. We have a moral obligation to stay committed to these people.

LITENING PODS

Mr. DASCHLE. I wish to briefly discuss with the distinguished chairman of the Senate Defense Appropriations Committee the LITENING targeting pods—an issue of some concern to the Air National Guard in my state and many others around the country.

Mr. INOUYE. I am aware of the testimony to which you refer and the importance the Guard attaches to acquiring additional targeting pods. I will gladly work with the Majority Leader to assure that additional LITENING pods for the Air National Guard are provided to the Air National Guard.

Mr. DASCHLE. I thank the Senate for his support on this important matter.

STATES DEVASTATED BY FLOODING

Mr. BAYH. Mr. President, I rise today to express my concern with language contained in the report accompanying the Emergency Supplemental Appropriations Act, specifically under the Water and Flood Prevention Program. During the month of May, much of the Midwest, and the State of Indiana in particular, was devastated by heavy rain and flooding. In our home state, a disaster declaration has been requested for a total of 33 counties. Many of these areas were under water for weeks and FEMA has recently completed its assessment of damages.

I hope my friend from Wisconsin will add Indiana to the list of states under the Water and Flood Prevention Program that have been adversely affected by flooding.

Mr. LUGAR. I join with my colleague from Indiana to express my concern about the flooding situation in Indiana. A number of Indiana communities are working to recover from damages caused by recent flooding. Should the Conference Committee include a listing of specific states in the final Conference report under this program, I hope Indiana will be included.

Mr. KOHL. I understand and am aware of the concerns expressed by my colleagues from the State of Indiana, and want to assure them that Indiana is among the states for which NRCS has identified need and for which assistance is provided through this appropriation.

Mr. BAYH. I thank the Senator from Wisconsin and ask him, as well as my colleagues, to provide the House with any information that he might need to ensure that Indiana’s concerns are adequately addressed in the conference.

MEDICARE RECLASSIFICATION AMENDMENTS

Mr. BAUCUS. Mr. President, I have just reviewed over a list of amendments to the supplemental appropriations bill and noticed that several fall within the jurisdiction of the Finance Committee. I am most concerned about several hospital reclassification amendments that were filed. The House bill included reclassifications for hospitals in New York and Pennsylvania counties, and that has only fueled the fire of other members to get their “rifleshot” fixes in the bill too.

I believe these provisions, and I believe that Ranking Member GRASSLEY shares my policy concerns.

Mr. GRASSLEY. Absolutely. There is an administrative structure already in place for hospitals and counties to seek reclassification. The process was put into the Medicare statute specifically to review and adjust payments to hospitals that might be disadvantaged under the current system.

Unfortunately, hospitals often seek a legislative remedy rather than to the supplemental appropriations bill. As we wrap up debate on this important measure and begin preparing for conference, I hope we will do all we can to provide our military with all the resources and tools they need to fight terrorism. Given the combat performance of the LITENING II pods and the high priority the ANG places on acquiring more, I hope we can reach an agreement to procure 24 additional targeting pods for the Guard.

Mr. INOUYE. I am aware of the testimony to which you refer and the importance the Guard attaches to acquiring additional targeting pods. I will gladly work with the Majority Leader to assure that additional LITENING pods for the Air National Guard are provided to the Air National Guard.

Mr. DASCHLE. I thank the Senate for his support on this important matter.
That might help bring some discipline to this issue.

Mr. BAUCUS. That is not a bad idea, and something that maybe the Finance Committee ought to look into.

Let me close by adding that the Finance Committee, the Appropriations Committee or any other Committee, should be making these policy decisions.

The Finance Committee has worked to safeguard and improve the programs under its jurisdiction. Any requests for additional changes to these programs, including further increases in provider payments or changes in payment for individual hospitals or counties, need to be examined with great care.

Our committee intends to address Medicare payment policy issues this year. Given that there is an opportunity to consider legislation to change Medicare provider payment policies in the coming months, we do not believe there is any reason to take action on any legislation that is not of a time-sensitive nature at this time.

Therefore, we will object to the consideration by the Senate until the material in question is removed.

As I look forward to working together in a bipartisan fashion on all of the other Medicare, Medicaid, and health issues that the Congress will be working on this summer and fall.

MISCELLANEOUS STATISTICAL AREAS

Mr. SPECTER. Mr. President, I would like to engage the Chairman of the Committee, Senator BYRD, in a colloquy regarding the inequities in Medicare reimbursement rates that many hospitals in Pennsylvania are experiencing.

Many Northeastern Pennsylvania hospitals are facing substantial operating losses. This region’s hospitals are extremely dependent on Medicare reimbursements and are experiencing one of the worst and most dramatic shifts to managed care in the country. While almost no hospital in the Nation has been left untouched by the cost pressures inflicted by the Balanced Budget Act, hospitals in Schuylkill County, Scranton-Wilkes Barre-Hazleton, Williamsport and Sharon, Pennsylvania face unique situations.

Scranton-Wilkes Barre-Hazelton and Williamsport are being reimbursed at 12% less than their neighbor—the Geisinger Medical Center. Geisinger has been reclassified as part of the Harrisburg Metropolitan Statistical Area. The Sharon medical center is having difficulty hiring skilled workers because they are located only 12 miles from the Ohio border. The Sharon reimbursement rate is unacceptably low compared to the reimbursements received by the Ohio hospitals.

Last year, during conference deliberations on the FY 02 Labor, Health and Human Services and Education Appropriations bills, the conference was prepared to include the provision to correct the inequities faced by these hospitals. However, during that conference, word came that if the provision was included, the conference report would be subject to a point of order under Rule XVIII and on those grounds, you objected to the provision. At that time, I left the conference and came down to talk to you. You understoodly said that you could not agree to the provision because Rule XVIII had to be observed. At my request, you did state that you would give very serious consideration to including it in the FY 02 Supplemental Appropriations bill.

Mr. BYRD. The Senator is correct. You and I had a discussion regarding the unique situation facing the Pennsylvania hospitals and I sympathized with the plight of these hospitals. However, because your recategorization provision would have violated Rule XXVIII, which precludes matter from being included in conference agreements unless relevant language was contained in the Senate amendment, this provision was not included in the FY 02 Supplemental Appropriations bill.

Mr. SPECTER. This year, Mr. Chairman, this Senate and the House on May 24, 2002, does include two Medicare provisions which would reclassify some Pennsylvania and New York Hospitals.

Mr. BYRD. This is a matter that is in conference. I will give it serious consideration. However, I shall point out that the Chairman and Ranking Member of the Senate Finance Committee have written to me, opposing inclusion of any items in this Supplemental that fall within their committee’s jurisdiction.

Mr. SPECTER. I thank the Chairman of the Committee. I intend to work out language in the conference that will be acceptable to all parties and include the reclassification provisions for these Pennsylvania and New York hospitals.

ARKANSAS RIVER BRIDGE

Mr. INHOFE. Mr. President, I would like to thank Senators BYRD, STEVENS, SHELBY and MURRAY for their help in providing the necessary funding for the repair and reconstruction of the Arkansas River bridge on Interstate 40 which was hit by a barge on the morning of May 26. As my colleagues are aware, the accident caused a catastrophic failure of the bridge structure and resulted in several sections of the bridge collapsing. Tragically, 14 lives were lost before the traffic crossing the bridge was stopped.

Interstate 40 is a major east-west route for personal vehicle traffic as well as commercial trucking. According to transportation statistics, approximately 40% of the traffic on I-40 each day is trucks. The estimated cost to just the trucks delayed by the detour is estimated by ATA to be $480,000 per day. That does not even consider the increased truck traffic as a result of the delay. Lengthy travel delays are exaggerated by the fact that the immediate area around the bridge is rural and alternate routes are only two lanes.

According to transportation statistics, the chances of an accident occurring on a narrow two lane road is double when compared to a four lane divided highway. Complicating that of course is the problem of the increased truck traffic.

Mr. President, we are facing not only a major east-west traffic disruption and all the corresponding economic consequences, but the elements are in place for a serious safety hazard. The potential for further loss of life cannot be overstated.

It is because of these reasons that I was happy to work with the Appropriations Committee in securing the emergency spending for Oklahoma to reconstruct the bridge.

This reconstruction is eligible for reimbursement under the Emergency Relief program with the Federal Highway Administration. Unfortunately, that program has a $10 million glitch which means that Oklahoma could not reasonably expect to be reimbursed in a timely manner. Because Oklahoma highway resources are fully committed, it would be impossible to get the money to the people on the ground quickly if they could not on a quick reimbursement. This language addresses not only the Oklahoma emergency but also the backlog of existing needs in the Emergency Relief program.

I am happy to work with my colleagues in Senator Nickles is also wanting to speak on this, so I yield the floor to him.

Mr. NICKLES. Mr. President, I would first like to thank President Bush for providing the down payment of $3 million to begin the process of the recovery. I would also like to thank Senators BYRD, STEVENS, SHELBY and MURRAY for their help in providing the remaining $12 million. This is the appropriate way to respond to an emergency. Interstate 40 is one of the nation’s vital east-west links. This tragedy not only took lives, but also is causing hardships and major economic disruptions in surrounding communities.

I applaud Senator Inhofe for his efforts. I am pleased that we could work together to secure the additional funds for the bridge repair and all other associated costs.

Mr. McCONNELL. Mr. President, included in the supplemental is foreign assistance for Turkey. My colleagues and I recognize and appreciate Turkey’s contributions to our war on terrorism and the reconstruction of Afghanistan.

We are also aware of a recent meeting in Iceland between the foreign ministers of Turkey and Armenia, and encourage additional efforts to improve bilateral relations. I fully support the President’s April 24, 2002 statement calling for Turkey to restore economic, political and cultural links with Armenia. My colleagues and I have communicated to both the Secretary of State and the Secretary of Defense my hope that confidence building measures—including
opening a rail link between Kars, Turkey, and Gyumri, Armenia—can be agreed upon and implemented. Opening the border is in America’s national interests, as I believe it may help America in our war on terrorism.

The only way to resolve outstanding disputes outweigh the maintenance of the status quo. In short, regional stability not only enhances U.S. security interests, but also contributes to economic, political, and social development in Turkey and throughout the Caucasus.

Turkey and Armenia have an opportunity to make meaningful progress in their relations—and they have my support and encouragement. I ask unanimous consent that a copy of the President’s statement be printed in the RECORD following my remarks.

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

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Today, we commemorate an appalling tragedy of the 20th century, the massacre of as many as 1.5 million Armenians by the Ottoman Empire. These horrific killings left us with an emblem of, and an honor to, the human spirit that Armenians have overcome great suffering and proudly preserved their centuries-old culture, and religion. The United States is also deeply grateful for Armenia’s swift and decisive cooperation in the war against terrorism.

Just as the United States reached out to the Armenian people to provide shelter and freedom early in the last century, so did Armenia help the American people in the immediate aftermath of September 11. Our two peoples stand together in this fight in support of values that define civilization itself.

Today is an occasion for the world to reflect upon and draw lessons from these terrible events. It is a day for recognizing that demonizing others lays the foundation for a dark cycle of hatred. Transcending this venomous pattern requires painful introspection about how we got to where we are and determine the best way to forge a new future based on truth and reconciliation. In this spirit, I look forward to Turkey restoring economic, political, and cultural links with Armenia.

The United States greatly values the contributions that Armenians make to our national life. With faith and courage, generations of Armenians have overcome great suffering and proudly preserved their centuries-old culture, and religion. The United States is also deeply grateful for Armenia’s swift and decisive cooperation in the war against terrorism.

Just as the United States reached out to the Armenian people to provide shelter and freedom early in the last century, so did Armenia help the American people in the immediate aftermath of September 11. Our two peoples stand together in this fight in support of values that define civilization itself.

I am also very proud of America’s strong support for a free Armenian state, whose citizens enjoy the fruits of peace and increasing prosperity. In the months to come, America will continue to increase its security cooperation with Armenia and with Armenia’s neighbors to combat terrorism, and pursue a lasting and just settlement to the September 11 attacks on our country. It was a prudent request and one that is strongly supported by the American people and the Administration. The legislation passed on May 21 by the House of Representatives closely tracked the President’s request. Unfortunately, the majority in the Senate has chosen a much different course of action and constructed a wasteful amalgamation of pork.

The President asked for emergency funding for critical resources to support the war on terrorism and secure the homeland as we recover and rebuild. Yet the product before the Senate includes scores of unneeded items that cost billions of dollars—all classified as an “emergency.” The numbers speak for themselves. The Senate Appropriations Committee reported out a bill that spends $3.8 billion more than requested by the President, for a total of over $31 billion. More significantly, the Senate Appropriations Committee failed to fund $10.4 billion in emergency spending items that the President had requested, and instead decided to fund $13.6 billion in spending items not included in the President’s request. The fact is that each Federal agency is allocated more money than the President requested except for one—the Department of Defense. I cannot support this bill.

Fortunately, it will never be enacted into law. On June 4, the administration sent the Senate a Statement of Administration Policy. Pointedly, the letter says that, “[i]f the supplemental appropriation bill is presented to the President in its current form, his senior advisors would recommend that he veto the bill.” Our efforts to improve this legislation have been thwarted by the Senate. As a result, the legislation should be vetoed by the President if it reaches his desk.

It is important to remember the context here: that the Federal Government is facing a potential deficit somewhere in the range of $100 to $150 billion. Spending needs must be met, but they must be met in a responsible manner. This bill truly fails the test of fiscal restraint. In fact, this bill costs—in spending for this year alone—30 times more than what it would cost to make repeal of the death tax permanent. It is deeply disappointing to me that these Senators who reflexively label tax relief “fiscally irresponsible” are the quickest to turn right around and spend it on unnecessary items in the name of an “emergency.”

The fact is that the great majority of these questionable add-ons are for purposes that have absolutely nothing to do with national defense, homeland security, or antiterrorism efforts—for example, $11 million to the National Oceanic and Atmospheric Administration, NOAA, for economic assistance to New England fishermen and fishing communities; $2 million for the Smithsonian to begin design of an alcohol storage facility for specimens; $50 million for renovating the Ames, IA animal research lab; $30 million for monitoring animal health and enhancing pest detection; and $2.5 million for charting the Hawaiian coral reefs. This is just a small sample of an exhaustive list of funding for programs totally unrelated to homeland security.

As the administration’s SAP accurately states, “[t]he President’s FY 2002 emergency supplemental request was targeted at this year’s immediate emergency needs and funding in addition to this request is not warranted at this time.” The SAP continues by stating that the legislation includes scores of unneeded items that total billions of dollars—all classified as “emergency.” The bill adds requested funds for numerous programs and projects throughout nearly all of the Federal agencies.

What’s more, the bill, by requiring that the President designate as emergency items “all or none” of its nondefense funding items, unduly restricts the President’s authority. Under the Budget Enforcement Act, the President is supposed to have control over the release of emergency funds added by the Congress to ensure that the funds respond to critical emergency needs. By contravening this long-established budget enforcement mechanism, the Senate would require the President to spend needed funds in order to access high priority homeland security and recovery funding. Thus, this legislation prohibits the President from designating anything for defense—such as ammunition and medical stocks—as an emergency, unless requested items—like alcohol collections and coral reef charting—are also designated as emergencies.

Expansion of government often occurs during times of war. We have a fundamental responsibility to the American people, however, to use only those additional resources necessary to counter the threat to our country. It is not our place to use the current emergency as a veil for our own special interest initiatives. Unfortunately, the Senate supplemental appropriation funding bill breaks faith with the American people, and accordingly, I vote my conscience. I vote no.

Mr. McCONNELL. Mr. President, yesterday’s terror attack in the Middle...
East is tragic and heartbreaking. A car packed with explosives and driven by a Palestinian terrorist blew up next to a bus near the town of Afula in northern Israel, killing at least 17 people and wounding dozens more.

This act of terrorism came on the 35th anniversary of the 1967 Mideast War.

The Palestinian terrorist group “Islamic Jihad” claimed responsibility for the attack, which occurred during CIA Director George Tenet’s trip to the region. It is clear that extremists are actively undermining any prospects for peace with Israel.

PLo Chairman Yasser Arafat—by virtue of his inability to reign-in extremists and terrorists—is becoming increasingly irrelevant in the peace process. It is time for Arafat to lead the Palestinians to peace, or to pass the mantle to someone who will.

The amendment I offer will allow Israel to use the funds appropriated in the supplemental bill in the most targeted and effective manner to counter terrorism that is claiming innocent lives and destroying prospects for peace in that region.

As this aid is provided through the Economic Support Fund (ESF) account, its use is restricted in a manner that does not address our ally’s most pressing counterterrorism needs—non-lethal equipment vital to defending civilian populations from terrorist attacks.

Section 531(e) of the Foreign Assistance Act of 1961 expressly prohibits the use of ESF funds for “military or paramilitary purposes”. I do not believe that it is the intention of the Senate to hamstring the ability of Israeli authorities to counter the clear and present danger posed to Israeli civilians by homicide bombers.

My amendment provides for the transfer of ESF funds for Israel in this bill to the “Nonproliferation, Anti-Terrorism, Demining and Related Programs” account, which will allow for the purchase of non-lethal equipment that will contribute to countering acts of terrorism against the Israeli people. This includes bomb detection, x-ray, and personnel protection equipment, among other essential items.

Let me be clear that the defensive nature of the assistance provided to Israel in this supplemental bill is unchanged by my amendment, as is the overall amount provided for counterterrorism programs and activities.

Mr. President, Americans understand the devastation caused by extremists bent on waging jihad against the world’s democracies. We know the pain of surprise attacks, and the collective suffering of a nation following the slaughter of innocent civilians.

During these difficult times, the people of Israel should know that they do not stand alone. We have a common enemy in terrorism. And we will fight—and win—as many battles as it takes to protect the freedom and democracy both the American and Israeli people enjoy.

Mr. President, I hope my colleagues will join me in keeping in our thoughts and prayers the victims and their families of this latest terrorist attack.

President Bush, in his emergency supplemental request to Congress. And even though the Senate bill we are considering is almost $4 billion more than what President Bush requested in his emergency supplemental request to Congress. And even though the Senate bill we are considering is billions more than what the President requested, we still aren’t even fully funding $10.4 billion in emergency spending requested by the President.

We are giving President $10.4 billion in this bill from his emergency spending request to help fight the war on terrorism, yet we are piling on $4 billion in new funding in special projects which is not at all designated as emergency spending by the President.

The bill’s priority funding of non-emergency measures, while ignoring the President’s full request for emergency funding to fight terrorism and ensure the safety of our citizens, just doesn’t make sense. The real kicker is this, Mr. President, despite the $4 billion of overfunding in this bill, only one federal agency did not receive more money than requested by President Bush—the Department of Defense. The purpose of this bill is to provide the President with emergency funding to help fight the war on terrorism, and in this bill we are refusing to fully fund the Department of Defense’s needs to help us fight this war. That point baffles me.

As well, I am disappointed that we were unable to address some serious budgetary issues facing the Senate. We have no fiscal year 2003 budget resolution or discretionary spending caps as we venture towards committee and floor consideration of our 13 appropriations bills. For the first time since 1974 the Senate has failed to pass a budget resolution. This is embarrassing and a bit disgraceful. It is not simply a problem of lack of a budget resolution, but rather the lack of a budget resolution is the potential problem of every American. For without a budget resolution and discretionary allocation limits, we are essentially walking Americans down a path scattered with deficit and debt landmines.

Let me just touch on how bad things have gotten lately with our Nation’s checkbook. Last year, CBO anticipated and predicted a $133 billion surplus for fiscal year 2002. And now, we all know we are facing a gaping deficit. We will have to pay all of the $168 billion in Social Security surplus and at the same time have to borrow about another $137 billion from the private market. So the bottom line is that we are going to have to borrow over $300 billion. And this new debt stacked on top of the whopping $6 trillion debt we already have.

Now we can all cross our fingers and hope that we are going to experience a bumper economic season which will allow us to balance our federal checkbook and say goodbye to deficits and debt, but that just isn’t smart and fiscally prudent. If there is no timely recovery with the growth rate we all would like to experience, these deficits are going to get bigger and bigger and make it all the harder in the future to curb spending and get any reign on fiscal restraint. I know some of these choices aren’t easy to make, but we have to make them.

Earlier today we had the opportunity to pass a provision on this bill to institute some fiscal discipline by imposing some enforceable discretionary spending caps. Unfortunately, this provision failed. Hopefully, somehow soon before we break down the appropriations process, we can set some limits on spending and live within our means.

The White House has released a Statement of Administration Policy for the Senate on this bill. President Bush says he will veto this bill outright because of the lack of fully funding his emergency requests, and because there are many extraneous spending provisions in the bill that he did not request.

In fact, here is a quote from President Bush regarding the supplemental bill. He says, “It’s important that we get a supplemental out and, frankly, a supplemental that doesn’t bust the budget. And we’ll be looking forward to working with senators, to explain to them that the supplemental ought to focus on emergency measures that are needed to fight the war, to button-up the homeland. But the supplemental shouldn’t be viewed as an opportunity to load it up with special projects.”

I am hopeful that when we eventually get to conference with the House of Representatives, that the conference work to report a bill out which removes the non-emergency spending, fully funds the President’s emergency spending request, and addresses the fact that we have set no limits on discretionary spending for fiscal year 2003.

Mr. President, I thank you for time allotted to me to address my concerns with this bill.

Mr. MILLER. Mr. President, before we invoked cloture on the supplemental appropriations bill today, it had been my intention to offer a sense-of-the-Senate resolution, which I believed was a very important statement about our commitment to fiscal constraint and responsibility. Senate rules now prevent my amendment from being on the record regarding the amendment, our budgetary situation and the need to tighten our belts.
The bill we are considering, S. 2551, a bill making supplemental appropriations for Further Recovery From and Response to Terrorist Attacks on the United States, was scored at $30.9 billion or roughly $4 billion over the President’s request of $27.1 billion. While this bill recognizes the need to fund emergency homeland requirements and has many worthwhile things in it, one could argue that some of its contents are questionable at best.

Now, I want to point out that the “ pork” and other unfavorable terms for specific projects are clearly in the eyes of the beholder. But where does it all stop?

I am sure that we could all justify, even enthusiastically, promote projects in our own states that most members might think loony or wasteful. Whether it is Federal marshals, summer school, hospitals or jars of alcohol on the Mall, they are all important, but where does it stop? It is one thing to spend money for these types of things, even approve money, but another when your broke or in debt.

That is why we must have strong controls and a cap on what we can spend. I was disappointed that the Senate rejected such controls yesterday voting down the Feingold-Gregg amendment. I hadn’t been here long, but I do know that if we don’t enact some spending controls, things will get out of control quickly.

There is a general acknowledgement that our short-term budget deficit may be necessary to provide the appropriate resources to fight the war on terrorism. But at the same time, we need to look at the impact of this very supplemental appropriations bill on our domestic spending and our budget deficit.

Therefore, I had intended to offer a sense-of-the-Senate resolution which basically said that the total of the fiscal year 2003 appropriations bills should have been reduced by the amount we spend over the President’s request as determined by the Congressional Budget Office. If this supplemental ends up being $3.8 billion higher or $4.2 billion, or whatever the number is over the President’s $27.1 billion request, then the Senate should agree that we would reduce our total appropriations figure by that amount in the upcoming appropriations cycle. It is not a scientific formula, just a start the path of fiscal responsibility a concept which seems to have lost its preeminence.

So, while I will not offer this amendment today, I will promote this idea in the coming weeks and fight for real progress during the upcoming appropriations process.

Mr. KERRY, Mr. President, I strongly support helping New England fishermen and their communities, and by that I mean helping them now, when they need it, not later this year or next year, but now. And I want to thank our distinguished Chairman of the Appropriations Committee Senator BYRD and the Ranking Member Senator STEVENS.

I would also like to thank Chairman HOLLINGS of the Senate Appropriations Subcommittee on Commerce, Justice, State and the Judiciary and the Subcommittee Ranking Member, Senator GREGG, for their steadfast support of the New England fishing industry and for including provisions to help fishermen and fishing communities in New England recover from the effects of a devastating lawsuit which is already having severe economic consequences in New England.

The entire New England groundfish industry is reeling from a lawsuit that was finally decided on May 23. I would like to point out that the fishing season starts on May 1, so the fishermen and the shore side industry learned the rules by which they must live less than a month into the season. It’s hard to plan a fishing season under those circumstances. And the ramifications reach beyond just our fishermen.

We have over 1,000 active groundfish boats in New England. These thousands of fishermen, and economists estimate that for each job on a fishing vessel we have four jobs on shore to support the industry.

In Massachusetts Bay, the prime inshore fishing grounds for the small day boats from our North Shore, South Shore and Provincetown fleets have been closed since January 1. The area was scheduled to open in May, but the court order extended that closure. These people and their families are struggling and have barely made it through the winter. Now, when May comes around they are unable to go fishing, earn some money and pay the bills. These families need help now!

I want to be clear. We are not backing away from our obligation to protect New England’s fisheries. I know as much as anyone that this is a federal resource. We have an obligation to protect it and preserve it, to ensure that generations of New Englanders have the opportunity to fish and to protect a Federal, natural resource that belongs to all Americans.

But at the same time, we are seeking some help for the people and communities who bear the brunt of these necessary conservation rules. These people need some financial assistance while we make the transition to sustainable fishing.

I would like to point out that it is not just the New England fishermen who are burdened by this lawsuit. For every job at sea in Massachusetts, economists estimate that we have four shore side jobs to support the industry. This includes net makers, processors, ice dealers and boat maintenance facilities. I should add that part of the court order increased the mesh size from 6 inches to six and ⅜ inches for all nets used to catch groundfish. This is great for conservation because it reduces the catch of undersized fish, however overnight every fisherman bears this burden. That means that all of the net makers with 6 inch mesh were now sitting on hundreds of thousands of dollars of worthless inventory. For the typical gillnetter in New England this means they all have to come up with $10,000 before they can go fishing. Remember, these are all small, family-owned businesses and in some cases these are people that have not been working since January 1. These people need some help!

Again I wish to thank Senators BYRD, STEVENS, HOLLINGS and GREGG for their stalwart support of these hardworking fishermen and their families.

Ms. SNOWE. Mr. President, I rise today to express my strong support for the provisions in this supplemental that provide financial aid to the New England groundfish fishery. This crisis is not caused by natural disaster, but by the failure of our fisheries management system to effectively manage marine resources and dependent industries.

I worked with my colleagues from Massachusetts, Rhode Island and New Hampshire to get this funding in the bill. And I want to thank the Chairman, Senator BYRD, and the Ranking Member, Senator STEVENS, for understanding the need for this funding.

The bill includes $11 million for economic assistance to fishermen and fishing communities affected by Federal closures and restrictions on fishing. My State of Maine will receive $2 million as a result of this provision. States have the option of developing locally-appropriate spending plans for this money or asking NMFS to distribute the money to ensure that it goes to those who need it most.

It also provides $5 million for direct economic assistance to those in the industry affected by court-ordered management measures, in return for their participation in activities that support port and coastal security. In this way, we can meet two important goals, helping fishermen who temporarily cannot fish and helping coastal communities participate in national security efforts.

Over the past several months New England fishermen have been watching their livelihoods disappear. Litigation was brought against the National Marine Fisheries Service for not rebuilding stocks fast enough, and this litigation ended in court-ordered management measures that would have resulted in more than 4,000 lost days at sea for Maine’s fishermen alone. The court ignored the negotiated settlement reached by the interested parties and issued its ruling five days before the fishing season started.

These numbers pale in comparison to the economic, cultural, and historical value of the New England groundfishery. In Maine alone, 7,000 people have jobs directly related to the fishing industry and last year groundfish alone accounted for $17.7 million in fish landings. Nationally, the fishing industry contributes over $7 billion to the U.S. economy.

While the Judge reconsidered her original ruling and adopted the negotiated settlement, the number of days
that fishermen can target groundfish is reduced by a minimum of 20 percent. And that translates into thousands of lost fishing days and millions of dollars lost to the regional economy.

The economic assistance in this bill will help provide a return to normal operations in the management system, but it will help our fishermen through a difficult transition period while we fix the management problems that left NMFS facing 106 lawsuits and being labeled by the American People for Fisheries Reform as Failing to Do Its Job. I am working with Chairman KERRY to get the Magnuson-Stevens Fisheries Act preauthorized so that we can stop managing our fisheries by litigation.

Mr. ENSIGN. Mr. President, I would like to address the Senate today with regards to the amendment offered by Senators KENNEDY, SMITH, and BOXER on Wednesday. As drafted, this amendment would provide $150 million in emergency spending for the Fishery Conservation program for summer school programs. While I do support this program, I do not support the amendment because the Senate to determine the appropriateness of the funding requested.

Mr. ENSIGN. Mr. President, I would like to address the Senate today with regards to the amendment offered by Senators KENNEDY, SMITH, and BOXER on Wednesday. As drafted, this amendment would provide $150 million in emergency spending for the Fishery Conservation program for summer school programs. While I do support this program, I do not support the amendment because the Senate to determine the appropriateness of the funding requested.

The supplemental appropriations bill is designed to be a vehicle for emergency spending measures, most often funding for the defense of the United States. I am particularly disappointed with the Senate’s version of the supplemental appropriations bill because it contains increased appropriations for every Federal department except for the Department of Labor while we are at war against terrorism.

In my opinion, funding for summer school programs simply does not qualify as emergency spending worthy of placement in the supplemental appropriations bill. It is highly likely that school districts and other eligible grantees would not even get the funds in enough time to effectively utilize them. I do recognize that many States have been faced with difficult financial decisions for constrained budgets and that many have had to cut summer school programs. The regular appropriations process for education programs is the appropriate time for the Senate to determine the appropriateness for the 21st Century Community Learning Centers program.

Mr. REED. Mr. President, I rise today to briefly describe an amendment that I filed to the fiscal year 2002 Emergency Department of Defense Appropriations bill currently before the Senate. Simply, my amendment dealt with the Food and Drug Administration’s ‘Pediatric Rule,’ which the agency issued in 1999 to require that agencies conduct clinical trials of drugs and biological products approved for claimed indications. The rule and the Best Pharmaceuticals for Children Act, which was enacted in January of this year, have different provisions, though they complement each other in important respects. The Best Pharmaceuticals for Children Act provides incentives for companies to test products in children and provides them with six month pediatric marketing exclusivity for products approved for pediatric use. The statute does not require any pediatric testing. In addition, the rule includes biological products in its requirements whereas the statute does not. Many of the new products that may provide significant benefits to children are products approved for issues of immigration, discrimination, and profiling. It is a controversial issue that is being addressed in the Supplemental. This decision was made without any consideration of the impact on the agency’s discretion to determine which of its residents is eligible for a drivers license. Indeed, there is no statute on the books authorizing the Department of Transportation to limit, entice, or otherwise influence a state’s discretion to issue licenses to immigrants. Moreover, there are no funds in the bill itself or elsewhere that have been authorized for such purposes.

Finally, the language does not authorize the Department of Transportation or the Immigration and Naturalization Service to publish regulations or guidelines for States to follow, nor does it require any particular action either by the Department of Transportation or the Immigration and Naturalization Service.

Everyone agrees that drivers licenses must provide accurate and reliable proof of one’s identity and ability to operate a motor vehicle. However, tying drivers licenses expiration dates to visa expiration dates will not enhance our security. Sophisticated terrorists with substantial financial resources are likely to have the ability to obtain drivers licenses when necessary regardless of any external restrictions like those discussed in the Supplemental. Moreover, State drivers license agencies should not be in the business of verifying immigration status, as determining immigration status is very complicated with serious ramifications for all non-citizens. The term nonimmigrant itself is a technical legal term that leads to much confusion. Errors will likely result as motor vehicle personnel attempt to interpret complicated immigration law provisions. Distinguishing between immigrant, nonimmigrant, and other applicants, as well as understanding when visas expire, is complicated and very difficult without proper training. Furthermore, nonimmigrant visas do not have uniform documentation nor do they have a simple expiration date.

Experience has shown that when public officials are required to check immigration status, Latinos, Asians, and others who appear to be foreign are asked to produce additional documentation or have their documents more closely scrutinized. This behavior often results in civil rights violations, frequently involving U.S. citizens and legal permanent residents.

While security concerns are extremely important, we need to consider the negative consequences of linking drivers licenses to immigration status. Mr. President, this legislation on supplemental appropriations for further recovery from and response to terrorist attacks on the United States for fiscal year 2002 provides $15 million for the State Department to create a new
high school exchange program for students from predominantly Islamic countries. The program that will be established with this funding is based on S. 2505, the Cultural Bridges Act, which Senators Lugar, Leahy, Chafee, Dodd, Hagel, Feingold, Brownback, Jeffords, Durbin, Feingold, and I introduced on May 10.

One of the clear lessons of September 11th is that our government needs to do more to ensure that future generations in the Islamic world understand America, and American values and culture. A recent Gallup poll in nine predominantly Muslim countries revealed strong anti-American attitudes. Nearly 1.5 billion people live in the Islamic world, and if we ignore these sentiments, we do so at our own peril. If we try to address the problem directly, by teaching American values to students from the Islamic world, we have a chance, in the long run, of changing negative attitudes. It’s a long process, but the September 11th has taught us we must begin now.

There are no better ambassadors for American values than Americans themselves, and student exchange programs have proven to be an effective tool for this purpose. As Secretary Powell said in his August 2001 Statement on International Education Week, “I can think of no more valuable asset to our country than the friendship of our future world leaders who have been educated here.”

In October of last year, President George W. Bush spoke eloquently about the need to reach out in friendship to children and the Islamic world. In a speech to students at Thurgood Marshall Extended Elementary School, the President said that America is “determined to build ties of trust and friendship with people all around the world—particularly with children and people in the Islamic world.”

To facilitate the President’s goal of reaching out to children, this supplemental appropriations bill provides the funding that is essential for the State Department to create a new program for high school students from the Islamic world to study in the United States. No federal program currently exists to facilitate such student exchanges with ever-increasing numbers of youth in the Islamic world.

There are many benefits to reaching out to students while they are young and open-minded to enhance mutual cultural understanding and tolerance. Today’s high school students are tomorrow’s leaders, and we need to begin working with them now to inform their attitudes about our country.

In January 20, 2002 op-ed in the Washington Post, a former Fulbright scholar from Egypt expressed concern that his university in Egypt was and continues to be fertile ground for recruiters from terrorist or extremist organizations. Our challenge is to provide young students with the opportunity to learn about America, participate in all aspects of American family life, and understand our values before they reach that stage.

The high school student exchange program that will be developed with this funding will be modeled on the Future Leaders Exchange Program (FLEX), which brings approximately 1,000 students ages 15-17 from the Newly Independent States to the United States each year to attend an American high school for a year and live with an American family.

The FLEX program has been extremely effective in shaping attitudes among the students selected to participate from the Newly Independent States. A 1998 U.S. government study, which compared Russian FLEX alumni with other Russian youth of the same age, indicated that the FLEX alumni are more open to and accepting of Western values and democratic ideals. They are more likely to want to be American citizens and to make a contribution to their society. They tend to be more optimistic about the future of their country—especially its evolution to a more democratic, rule-of-law society—than other Russian youths.

Significant outcomes of the program have been successful in the six predominantly Islamic countries from the Newly Independent States—Azerbaijan, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan. More than 1,500 students from these Muslim countries have studied and lived in the United States since the program began.

FLEX alumni in Azerbaijan and Turkmenistan are teaching English in their home countries, and alumni in Kyrgyzstan and Tajikistan have been involved in activities to develop democratic practices. Given the track record in these countries, there is every reason to believe that a high school student exchange program would succeed throughout the Islamic world.

Like the existing student exchange program for the Newly Independent States, and consistent with the Cultural Bridges Act, this new program should require participating students in high school exchanges from the Islamic world to be selected competitively and in a manner that ensures geographic, gender, and socio-economic diversity. To qualify, students should be tested extensively and interviewed by independent organizations. As with the FLEX program, the State Department should work with experienced American non-governmental organizations to recruit, select, and place students and will remain in close contact with the public high school, American host family, and American non-governmental organizations while the students are in the United States.

Importantly, consistent with the Cultural Bridges Act, all students and visitors participating in programs authorized in this legislation should be admissible under all immigration laws and procedures. Furthermore, legislation recently signed into law improves our ability to screen foreign students by requiring increased communication among the State Department, the INS, and the schools enrolling foreign students and by closing gaps in the existing foreign student monitoring program.

The high school exchange program included in this supplemental appropriations bill has been endorsed by the Alliance for International Education and Cultural Exchange, AMIDEAST, the Academy for Educational Development, the American Councils for International Education, the American Institute for Foreign Study, the Institute of International Education, the National Council for International Visitors, the National Visitors Center International Education Week, World Learning, and World Study Group.

America must respond to the terrorist threat on many levels. We need to address the problem directly, by making our borders secure, and our relationships with allies are vibrant. We also need to do more in the area of public diplomacy.

It is clearly in America’s national security interest to promote more people-to-people contacts throughout the Muslim world. Indeed, in a May 3rd speech to the World Affairs Council in California, Deputy Secretary of Defense Paul Wolfowitz spoke about the need to reach out and strengthen the voices of moderation in the Islamic world and to bridge the “dangerous gap” between the West and the Muslim world. He said America must “begin now . . . the gap is wide and there is no time for delay.”

After September 11, many of the Muslim countries condemned those acts and pledged to help the United States fight terrorism. As we have seen in Afghanistan, Pakistan and elsewhere in the Muslim world, some individuals and factions within a country can support terrorists and terrorist organizations, while others seek to resolve issues peacefully. America must reach out in friendship to all individuals in the Islamic world who share our worldview.

The Koran says, “O Mankind! We created you from a single pair of a male and a female, and made you into nations and tribes, that ye may know each other.” These words speak eloquently of the need for this legislation. Building bridges of understanding and tolerance across cultures will help ensure that Americans and people of the Islamic world will better understand and know each another.

I am grateful to Senator L EAHY for recommending that funding for this new student exchange program be included in the supplemental appropriations bill. I am grateful as well to Senators McConnell, Byrd, and Stevens for their support. I urge my colleagues to support funding for this program, and I hope it will be preserved during the conference on the supplemental appropriations bill.

The PRESIDING OFFICER. The question is on the engrossment of the
amendments and third reading of the bill. The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time. Mr. WELSTONE. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The bill having been read the third time, the question is, Shall it pass?

The clerk will call the roll. The legislative clerk called the roll.

Mr. REID. I announce that the Senator from New Mexico (Mr. BINGAMAN), the Senator from South Dakota (Mr. DASCHLE), the Senator from Minnesota (Mr. DAYTON), and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

Mr. NICKLES. I announce that the Senator from South Carolina (Mr. THRUMOND), the Senator from North Carolina (Mr. HELMS), and the Senator from Colorado (Mr. CAMPBELL) are necessarily absent.

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

The result was announced—yeas 71, nays 22, as follows:

[Roll Call Vote No. 145 Leg.]

YEAS—71

Akaka Domenici McConnell
Allen Durbin Miller
Baucus Edwards Murkowski
Biden Feinstein Murray
Bond Frist Nelson (FL)
Boxer Graham Nelson (NE)
Breaux Gregg Reid
Burns Harkin Reid
Byrd Hollings Roberts
Cantwell Hutchinson Rocksteieller
Carnahan Hutchinson Sarbanes
Carper Inhofe Schumer
Chafee Inouye Shelby
Cleland Jeffords Smith (OR)
Clinton Johnson Stevenson
Cochenour Kerry Specter
Collins Kohl Stabenow
Conrad Landrieu Stevens
Corzine Leahy Torricelli
Craig Levin Warner
Craigo Lincoln Wyden
Dodd Lugar

NAYS—22

Allard Gramm Santorum
Bayh Grassley Sessions
Brownback Hagel Smith (NH)
Bunning Hatch Thomas
Ensign Kyi Thompson
Enzi Lott Voinovich
Feingold McCain Nickles
Fitzgerald McCain Nickles

NOT VOTING—7

Bingaman Dayton Thurmond
Campbell Helms
Daschle Kennedy

The bill (H.R. 4755), as amended was passed.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I take the floor at this late hour to express my appreciation to the senior Senator from Alaska, Mr. STEVENS, for his cooperation in securing this bill and for his masterful handling of the bill on the floor. I thought it best to let him do that without any action or work on my part. The problem was on his side. I believed that Chairman STEVENS was the man to deal with those things. He did it to perfection. I thank him. We couldn’t have gotten to this point had it not been for Senator STEVENS and his support.

Let me also thank HARLEY REID. Senator REID is a whip sui generis. He has been a real asset to the leadership, and to the managers of the bill in getting this bill passed. It has taken hours on his part. For his willingness to stay until the last, for his willingness to take our statements and get them in the RECORD, I want to personally thank him for a job well done. It is a hard job. I have been a whip. I have not been whipped, but I have been a whip around here. So I know the kind of work he did.

I also thank the wonderful staff on both sides of the aisle. They worked hard. They worked during the hours after some of us went home to sleep. But at the end, they will still be here after we go home tonight. We can’t thank them enough. They are excellent.

I thank Members on both sides of the aisle for the courtesies they extended.

I think this is a good bill. I am glad we passed it. We need to get it to conference. Perhaps there will battles there.

I thank all Senators, and I thank the floor staff—the people who are here who work many hours. I thank you all.

Again, I thank Mr. STEVENS. He couldn’t be a better Senator from Alaska. He is the “Senator of the 20th century” from Alaska. I salute him.

Mr. STEVENS. Mr. President, I thank the Senator from West Virginia. The Senator from West Virginia is not only a great chairman, he is a great friend. I thank him for the privilege of trying to deal with the problems that occurred on this side of the aisle.

I also thank Senator REID, I think he has shown persistence in trying to get this bill through. I don’t criticize the concept of having gone to cloture, but I do criticize the conduct of some under cloture. We will have to deal with that later.

It is a difficult process. But I will say this: I think this bill is important to the country. It is very important to the President. It is a bill which I think is very important to those of us who work so hard to get it through. We are now going to go to conference with the House. Many of the provisions in this bill the House is not aware of yet, but I am sure they will be controversial. It is my hope we can move in the conference committee next week and hopefully try to address some of the issues that are not in this bill today. They are in the House bill. We have cut out some of them.

I am still bothered by the debt ceiling. I hope that leadership will look to the debt ceiling limitation. I am not sure we can get a stand-alone bill or some way to address that issue. I remember so well in days past when it would fester and get to the point where people were being threatened of being put into jail and all of that because Congress had not acted. The debt ceiling being lifted reflects the fact that the economy of this country has expanded enormously. We have been through a period of inflation and we roll over our debt, we end up with an imbalance by the passage of time rather than expenditures of money.

I believe we ought to accommodate the situation so that people who are administering our laws downtown don’t feel fearful of what might happen to them because of expenditures over which they really cannot maintain total control. As we get close to these debt ceiling limitations, I think Government slows down out of fear. This is no time to have that kind of reaction when we are at war.

I look forward to working with everyone with the hope that we can address the problems that are before us sometime before the end of this month. Again, I thank my colleagues. I thank the Chair and everyone for their patience. I thank the Parliamentarian for his impartiality.

I was happy to see yesterday come to an end.

Thank you very much.

Mr. REID. Mr. President, very briefly, I have spoken to Senator DASCHLE about the debt limit. We have a free-standing debt limit bill. We are going to work as hard as we can to get it to the floor as quickly as we can. I have spoken to Senator DASCHLE several times in that regard.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and also join in thanking Senator REID. Perhaps there will be no pornos in conference on the part of the Senate.

The Presiding Officer (Mr. DURBIN) appointed Mr. BYRD, Mr. INOUYE, Mr. HOLLINGS, Mr. LEAHY, Mr. HARKIN, Ms. MIKULSKI, Mr. REID of Nevada, Mr. KOHL, Mrs. MURRAY, Mr. DORGAN, Mrs. FEINSTEIN, Mr. DURBIN, Mr. JOHNSON, Ms. LANDRIEU, Mr. REED of Rhode Island, Mr. STEVENS, Mr. COCHRAN, Mr. SPECHTER, Mr. DOMENICI, Mr. BOND, Mr. MCCONNELL, Mr. BURNS, Mr. SHELBY, Mr. CRAIG, Mr. BENNETT, Mr. CAMPBELL, Mr. GORE, Mr. HUTCHISON of Texas, and Mr. DEWINE conferees on the part of the Senate.

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

The PRESIDING OFFICER. The clerks will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, we are going to wrap up things here in just a
minute, I would like to say publicly, as I have said to the Senators privately, and to the Presiding Officer, that we have been through a very difficult time while you have been presiding. It really is most helpful, where there is confusion on the floor, to have someone who understands what is going on and who has absolute control of the Senate. You did an outstanding job of presiding. That is not easy.

We have Parliamentarians who help. But it certainly is a tremendous help if you have someone such as the Presiding Officer who makes the decisions on his own. They were all right. I extend my appreciation and our appreciation for the way in which you presided over the Senate during consideration of a most important bill. We have had enough talk about it.

But this is an important bill. It is an emergency supplemental appropriations bill which will help our troops, help homeland defense, and help veterans.

UNANIMOUS CONSENT AGREEMENT—S. 625

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to the consideration of S. 625, the hate crimes bill, Friday, tomorrow, June 7, at 11 a.m. That is today, I guess.

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

Mr. REID. For the information of Members, the next vote will be on Monday, at approximately 5:30 p.m. Today there will be no more votes.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business with Senators allowed to speak therein for a period not to exceed 5 minutes each.

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

VOTE EXPLANATION

Mr. LIEBERMAN. I was not able to vote on the Helms-Frist amendment (Number 3725) to the Supplemental Appropriations bill, which was unavoidably detained. I would like to express my support for this measure and applaud its passage. I co-sponsored the defeated Durbin amendment that would have provided an additional $500 million towards the global fight against AIDS, malaria, and tuberculosis. I was disappointed that it did not pass tonight. In the absence of the Durbin provisions, I agree with the Senator from Tennessee that we must at least provide the additional $100 million called for in the Helms-Frist amendment. I ask that the record show that I would have voted in favor of the Helms-Frist Amendment and I support its passage.

PERFORMANCE GOALS FOR THE PRESCRIPTION DRUG USER FEE AMENDMENTS OF 2002

Mr. KENNEDY. Mr. President, on May 23, 2002, the Senate passed the Conference Report to H.R. 3448, the Public Health Security and Bioterrorism Preparedness and Response Act of 2002. One provision of this Conference Report is the reauthorization of the Prescription Drug User Fee Act, “PDUFA”.

Performance goals, existing outside of the statute, accompany the reauthorization of these goals represent a realistic projection of what the Food and Drug Administration Center for Drug Evaluation and Research and Center for Biologics Evaluation and Research can accomplish with industry cooperation. The Secretary of Health and Human Services forwarded these goals to the chairman of the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate, in a document entitled “PDUFA Reauthorization Performance Goals and Procedures.” According to Section 502 of the Conference Report, “the fees authorized by amendments made in this subtitle will be dedicated towards expediting the drug development process and the process for the review of human drug application as set forth in the goals in the CONGRESSIONAL RECORD.”

Today I am submitting for the RECORD this document, which was forwarded to the Committee on Health, Education, Labor and Pensions on June 4, 2002, as well as the letter from Secretary Thompson that accompanied the transmittal of this document. I ask unanimous consent it be printed in the RECORD. There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEAR CHAIRMAN KENNEDY: As you are aware, the Prescription User Fee Act of 1992 (PDUFA), as reauthorized by the Food and Drug Administration Modernization Act of 1997, expires at the end of Fiscal Year 2002. Under PDUFA, the additional revenues generated from fees paid by the pharmaceutical and biological prescription drug industries have been used to expedite the process for the review of prescription drugs, in accordance with performance goals that were developed by the Food and Drug Administration (FDA) in consultation with PDUFA stakeholders.

FDA has worked with various stakeholders, including representatives from consumer, patient, and health provider groups, and the pharmaceutical and biological prescription drug industries, to develop a reauthorization proposal for PDUFA that would build upon and enhance the success of the current Prescription Drug User Fee Act (PDUFA). The goals in the PDUFA Reauthorization Performance Goals and Response Act of 2002, as passed by the House on May 22, 2002, and by the Senate on May 23, 2002, reflects the fee mechanisms and other improvements developed in these discussions. The performance goals reflected in Section 502 are specified in the enclosure to this letter, entitled “PDUFA Reauthorization Performance Goals and Procedures.” I believe they represent a realistic projection of what FDA can accomplish with industry cooperation and both the additional resources identified in the bill and annual FDA appropriations that fully cover the costs of pay and inflation increases for the drug and biologics review process each year.

This letter and the enclosed goals document contain only to Section 502 of PDUFA (Prescription Drug User Fees) of H.R. 3448, the Public Health Security and Bioterrorism Preparedness and Response Act of 2002. OMB has advised that there is no objection to the presentation of these views from the standpoint of the Administration’s program. We appreciate the support of you and your staffs, the assistance of other Members of the Committee, and that of the Appropriations Committees, in the reauthorization of this vital program.

Sincerely,

TOMMY S. THOMPSON.
II. NEW MOLECULAR ENTITY (NME) PERFORMANCE GOALS

A. The performance goals for standard and priority original NMEs in each submission cohort will be the same as for all of the original NDAs (including NMEs) in each submission cohort but shall be reported separately.

B. For biological products, for purposes of this performance goal, all original BKs will be considered to be NMEs.

III. MEETING MANAGEMENT GOALS

A. Responses to meeting requests

1. Procedure: Within 14 calendar days of the Agency’s receipt of a request from industry for a formal meeting (i.e., a scheduled face-to-face, teleconference, or videoconference) CRER and CDER should notify the requester in writing (letter or fax) of the date, time, and place for the meeting, as well as any external Center participants.

2. Performance Goal: FDA will provide this notification within 14 days for 90% in FY 2003-2007.

B. Scheduling meetings

1. Procedure: The meeting date should reflect the next available date on which all applicable Center personnel are available to attend, consistent with the component’s other business obligations. The meeting should be scheduled consistent with the type of meeting requested. If the requested date for any of these types of meetings is greater than 30, 60, or 90 days (as appropriate) from the date the request is received by the Agency, the meeting date should be within 30 calendar days of the date requested.

Type A Meetings should occur within 30 calendar days of the Agency receipt of the meeting request.

Type B Meetings should occur within 60 calendar days of the Agency receipt of the meeting request.

Type C Meetings should occur within 75 calendar days of the Agency receipt of the meeting request.

2. Performance goal: 90% of meetings are held within the timeframe (based on cohort year of request) from FY 03 to FY 07.

C. Meeting minutes

1. Procedure: The Agency will prepare minutes which will be available to the sponsor 30 calendar days after the meeting. The minutes will clearly outline the important agreements, disagreements, issues for further discussion, and action items from the meeting in bulleted form and need not be in great detail.

2. Performance goal: 90% of minutes are issued within 30 calendar days of date of meeting (based on cohort year of meeting) in FY 03 to FY 07.

D. Conditions

For a meeting to qualify for these performance goals:

1. A written request (letter or fax) should be submitted to the review division;

2. The letter should provide:
   a. A brief statement of the purpose of the meeting;
   b. A listing of the specific objectives outcomes the requester expects from the meeting;
   c. A proposed agenda, including estimated times needed for each agenda item;
   d. A listing of planned external attendees;
   e. A listing of requested participants/disciplines representative(s) from the Center;
   f. The approximate time that supporting documentation (i.e., the "30-day supplements") for the meeting will be sent to the Center (i.e., "X" weeks prior to the meeting, but should be received by the Center at least 3 weeks in advance of the scheduled meeting for Type A meetings and at least 1 month in advance of the scheduled meeting for Type B and Type C meetings); and
   g. The Agency concurs that the meeting will serve a useful purpose (i.e., it is not premature or clearly unnecessary). However, requests for a "Type B" meeting will be honored except in the most unusual circumstances.

IV. CLINICAL HOLDS

A. Procedure: The Center should respond to a sponsor’s complete response to a clinical hold within 30 days of the Agency’s receipt of the submission of such sponsor response.

B. Performance goal: 90% of such responses are provided within 30 calendar days of the Agency’s receipt of a sponsor’s complete response in FY 03 to FY 07 (cohort of date of receipt).

V. MAJOR DISPUTE RESOLUTION

A. Procedure

For procedural or scientific matters involving the review of human drug applications, the goals are designed to address the intended clinical dosage: are the clinical endpoints adequate to support a specific efficacy claim.

2. Within 45 days of Agency receipt of the protocol and specific questions, the Agency will provide a written response to the sponsor that includes a succinct assessment of the protocol and answers to the questions posed by the sponsor. If the agency does not agree that the protocol design, execution plans, and data analyses are adequate to achieve the goals of the sponsor, the reasons for the disagreement will be explained in the response.
3. Protocols that qualify for this program include: carcinogenicity protocols, stability protocols, and Phase 3 protocols for clinical trials that will form the primary basis of an efficacy claim. For such Phase 3 protocols to qualify for this comprehensive protocol assessment, the sponsor must have had an end of Phase 2/Pre-Phase 3 meeting with the review division of the Agency and be familiar with the developmental context in which the protocol is being reviewed and the questions being addressed.)

4. N.B. For products that will be using Sub-Part E or Subpart H development schemes, the Phase 3 protocols mentioned in this paragraph are not intended to mean that the protocols for trials that will form the primary basis of an efficacy claim no matter what phase of drug development in which they have been conducted.

5. If a protocol is reviewed under the process outlined above and agreement with the Agency is reached on design, execution, and analyses and if the results of the trial conducted under the protocol substantiate the hypothesis of the protocol, the Agency agrees that the data from the protocol can be used to support a primary basis of approval of the product. The fundamental agreement here is that having agreed to the hypothesis of the protocol, the Agency views providing early review of a protocol as a significant promise as a therapeutic advance in clinical trials.

6. After completion of review of the “reviewable unit” by the appropriate discipline review team, FDA will provide written feedback to the sponsor of the review findings in the form of a discipline review letter (DRL).

7. The DRL will provide feedback on the individual “reviewable unit” from the discipline review team, and not final, definitive decisions relevant to the NDA/BLA.

8. If an application is to be presented to an advisory committee, the final DRL on the “reviewable unit” that is still open, will be issued prior to the completion of the advisory committee meeting and internal review and consideration of the advice received.

B. Performance goal

90% of special protocols assessments and agreement requests completed and returned to appropriate discipline review teams for the regulatory review process are in FY 03 to FY 07.

VII. CONTINUOUS MARKETING APPLICATION

To test whether providing early review of selected applications and additional feedback and advice to sponsors during drug development for selected products can further shorten drug development and review times, FDA agrees to conduct the following two pilot programs:

A. Pilot 1—Discipline review letters for pre-submitted “reviewable units” of NDAs/BLAs

1. This pilot applies to drugs and biologics that have been designated to be Fast Track drugs or biologics, pursuant to section 112 of the FDA Modernization Act (21 U.S.C. 356), have been the subject of an End-of-Phase 2 and/or NDA/BLA meeting, and have demonstrated significant promise as a therapeutic advance in clinical trials.

2. For drugs and biologics that meet these criteria, FDA may enter into an agreement with the sponsor to accept pre-submission of one or more “reviewable units” of the application in advance of the submission of the complete NDA/BLA.

3. If following an initial review FDA finds a “reviewable unit” to be substantially complete for review (i.e., after a “filing review” similar to a Phase 3 meeting on an NDA/BLA), FDA will initiate a review clock for the complete review of the “reviewable unit” of the NDA/BLA. The review clock would start from the date of receipt of the “reviewable unit.”

4. To be considered fileable for review under paragraph 3, a “reviewable unit” cannot be substantially complete when submitted to FDA. Once a “reviewable unit” is “filed” by FDA, except as provided in paragraph 5 below, only minor information amendments submitted in response to FDA inquiries or requests and routine stability and safety updates will be considered during the review cycle.

5. Major amendments to the “reviewable unit” are strongly discouraged. However, in rare cases, and with prior agreement, FDA may accept and consider for review a major amendment to a “reviewable unit.” To accommodate these rare cases, a major amendment is understood to mean an amendment with 21 calendar months or more (in the last three months of a 6-month review cycle may, at FDA’s discretion, trigger a 3-month extension of the review clock for the division and the sponsor, or more than 6 months, however, would a major amendment be accepted for review and the review clock for the “reviewable unit” extended if the ex- perience as an NDA/BLA, if the review clock for the “reviewable unit” exceeded the review clock for the complete NDA/BLA. (See paragraph 10 below).

6. After completion of review of the “reviewable unit” by the appropriate discipline review team, FDA will provide written feedback to the sponsor of the review findings in the form of a discipline review letter (DRL).

7. The DRL will provide feedback on the individual “reviewable unit” from the discipline review team, and not final, definitive decisions relevant to the NDA/BLA.

8. If an application is to be presented to an advisory committee, the final DRL on the “reviewable unit” that is still open, will be issued prior to the completion of the advisory committee meeting and internal review and consideration of the advice received.

B. Pilot 2—Frequent scientific feedback and interactions during drug development

1. This pilot applies to drugs and biologics that have been designated to be Fast Track drugs or biologics pursuant to section 112 of the FDA Modernization Act (21 U.S.C. 356), that are intended to treat serious and/or life-threatening diseases, and for which has been the subject of an end-of-phase 1 meeting. The pilot program is limited to one Fast Track product in each CDER and CBER review division over the course of the pilot program.

2. For drugs and biologics that meet these criteria, FDA may enter into an agreement with the sponsor to initiate a format program of frequent scientific feedback and interactions regarding the development of the drug product. The feedback and interactions may take the form of regular meetings between the division and the sponsor at appropriate points during the development program, written feedback from the division following review of the sponsor’s drug development plan, written feedback from the division following review of a major amendment to the product development plan, the nature of the study, and the potential value of limited (i.e., based on summaries) versus more thorough division review (i.e., based on complete study reports).

3. Decisions regarding study reports would be reviewed as summaries and what study reports would be reviewed as complete study reports under this pilot program would be based on the importance of the comparisons between the division and the sponsor of the proposed drug development program. In making these decisions, the review division will consider the impact of the study to the drug development program, the nature of the study, and the potential value of limited (i.e., based on summaries) versus more thorough division review (i.e., based on complete study reports).

4. Guidance: FDA will develop and issue a joint CDER/CBER guidance on how it intends to implement this pilot program by September 30, 2003. The guidance will describe the principles, processes, and procedures that will be followed during the pilot program. The guidance will also define what documents would be considered an acceptable “reviewable unit” for pre-submission and review and how many individual “reviewable units” may accept and consider for review a major amendment to a reviewable unit. NDA/BLA can be pre-submitted and reviewed subject to separate review clocks under this program at any given time. The pilot program will be implemented in FY 2004, after the final guidance is issued and will continue through FY 2007.

5. B. Pilot 2—Frequent scientific feedback and interactions during drug development

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The full (unredacted) study report will be provided to the FDA along with a redacted version of the study report redacted to remove confidential commercial information or other information exempt from disclosure, will be made available to the public.

C. Evaluation of the pilot programs

1. In FY 2004, FDA will contract with an outside expert consultant(s) to evaluate both pilot programs.

2. The consultant(s) will develop an evaluation study design that identifies key questions, data requirements, and a data collection plan, and conduct a comprehensive study of the pilot programs to help assess the value, costs, and impact of these programs.
VIII. PRE- AND NDA/BLA RISK MANAGEMENT

A. Submission and Review of pre-NDA/BLA meeting package: A pre-NDA/BLA meeting package may include a summary of relevant safety and efficacy data, industry questions or discussion points regarding proposed risk management plans and discussion of the need for any post-approval risk management studies. The elements of the proposal may include:

1. assessment of clinical trial limitations and disease epidemiology
2. assessment of risk management tools to be used to address known and potential risks
3. suggestions for phase IV epidemiology studies, if such studies are warranted
4. post-approval post-approval surveillance (this would include attempts to quantify background rates of risks of concern and thresholds for actions)

The pre-NDA/BLA meeting package will be reviewed and discussed by the review divisions as well as the appropriate safety group in CDER or CBER.

B. Pre-NDA/BLA meeting with industry: This meeting will include a discussion of the preliminary risk management plans and proposed observational studies, if warranted, as outlined above. The meeting will include product safety experts from the respective Center. The intent of these discussions is to gain a fuller understanding of the safety issues associated with the particular drug/biologic and the proposed risk management plans, and to provide industry with feedback on how these plans can be included in the NDA/BLA submission. It is the intent of this proposal that such risk management plans and the discussions around them would focus on specific issues of concern, either based on already identified safety issues or reasonable potential focused issues of concern.

C. Review of NDA/BLA: The NDA/BLA submitted by industry may include the proposed risk management tools and plans, and protocols for observational studies, based on the discussions that began with the pre-NDA/BLA meeting, as described above, and may be amended as appropriate to further refine the proposal. These amendments would not normally result in major amendments. Both the review division and the appropriate safety group will be involved in the review of the application and will try to communicate comments to the sponsor as the risk management plan as early in the review process as practicable, in the form of a discipline review letter. Items to be included in the risk management plan submitted by FDA in the safety data submission are the expected major adverse events, and FDA will remain responsible for making a decision on the risk management plan.

The risk management plan may contain additional items that can be used to help refine the risks and actions (e.g., background rates and observational studies) and these items may be further defined and completed after approval in an amendment with time frames agreed upon at the time of product approval.

D. Per-Approval Submission of Observational Study Reports and Periodic Safety Update Reports (PSURs): For NDA/BLA applications, and supplements containing clinical data, submitted on or after October 1, 2002, FDA may use user fees to review an applicant’s involvement in the risk management plan for a period of up to two years post-approval for most products and for a period of up to three years for products that require the completion of a post-approval study or labeling (e.g., a black box or bolded warning, medication guide, restricted distribution). This period is defined for purposes of the user fee goals as the peri-approval period. In the initial review, the per-approval user fee goals as the peri-approval period.

For drugs approved under PDUFA III, FDA may use user fees to independently evaluate produce utilization for drugs with important safety concerns, using drug utilization databases, for a period of up to two years. The purpose of such utilization evaluations is to evaluate whether these products are being used in a safe manner and to work proactively with companies during the peri-approval period to accomplish this. FDA will allocate $70,900,000 in user fees over 5 years to the activities covered in this section. FDA will track the specific amounts of user fees spent on these activities and will include in its annual report to Congress an accounting of this spending.

E. Guidance Document Development: By the end of Fiscal Year 04, CDER and CBER joint will develop and finalize guidance documents that address good risk assessment, risk management, and pharmacovigilance practices.

IX. INDEPENDENT CONSULTANTS FOR BIOTECHNOLOGY CLINICAL TRIAL PROTOCOLS

A. Engagement of expert consultant

During the development period for a biotechnology clinical trial protocols, the sponsor may request that FDA engage an independent expert consultant, selected by FDA, to participate in the Agency’s review of the protocol for the clinical study. The consultant will be requested to serve as the primary basis for a claim.

B. Conditions

1. The product must be a biotechnology product (for example, DNA plasmid products, synthetic peptides of fewer than 40 amino acids, monoclonal antibodies for in vivo use, and recombinant DNA-derived products) that represents a significant advance in the treatment, diagnosis or prevention of a disease or condition, or have the potential to address an unmet medical need;
2. The product may not have been the subject of a previously granted request under this program;
3. The sponsor must submit a written request for the use of an independent consultant, describing the reasons why the consultant should be engaged (e.g., as a result of preliminary discussions with the Agency the sponsor expects substantial disagreement over the proposed protocol); and
4. The request must be designated as a “Request for Appointment of Expert Consultant” and submitted in conjunction with the appropriate user fee request (for example, during the end-of-Phase II meeting or a Type A meeting).

C. Recommendations for consultants

The sponsor may submit a list of recommended consultants for consideration by the Agency. The Agency will either a special government employee, or will be retained by FDA under contract. The consultative role is advisory and the consultant is not responsible for any scientific and regulatory decisions regarding the clinical protocol in question.

D. Denial of requests

FDA will grant the request unless the Agency determines that the engagement of an expert consultant would not serve a useful purpose (for example it is clearly premature). FDA will engage the services of an independent consultant, of FDA’s choosing, as soon as practicable. If the Agency denies the request, it will provide a written rationale to the sponsor and may issue a receipt.

E. Performance goal change

Due to the time required to select and screen the consultant for potential conflicts of interest and to allow the consultant sufficient time to review the scientific issues involved, this performance goal (a) scheduling the formal meeting (see section III) may be extended for an additional sixty (60) days.

F. Evaluation

During FY 2006, FDA will conduct a study to determine the costs associated with the program for both sponsors and the Agency.

X. FIRST CYCLE REVIEW PERFORMANCE PROPOSAL

A. Notification of issues identified during the review

1. Performance Goal: For original NDA/BLA applications and efficacy supplements, FDA will report substantive deficiencies identified in the initial filing to the sponsor by letter, telephone conference, facsimile, secure e-mail, or other expedient means.
2. The timeline for such communication will be within 14 calendar days after the 60 day filing date.
3. If no deficiencies were noted, FDA will so notify the sponsor.

B. First cycle review performance

FDA’s first cycle review represents a preliminary review of the application and is not indicative of deficiencies that may be identified later in the review cycle.

C. Performance goal change

Due to the time required to select and screen the consultant for potential conflicts of interest and to allow the consultant sufficient time to review the scientific issues involved, this performance goal (a) scheduling the formal meeting (see section III) may be extended for an additional sixty (60) days.

D. Evaluation

FDA will retain an independent expert consultant to undertake a study to evaluate issues associated with the conduct of first cycle reviews.
A. Performance fund
The Commissioner will use at least $7 million over five years of PDUFA III funds for initiatives targeted to improve the drug review process.

1. Funds would be made available by the Commissioner to the Centers based on identified gaps in process improvements as well as on achievement of previously identified objectives.

2. Funds also could be used by the FDA to support a comprehensive assessment of electronic submission processes and or other information exempt from disclosure, which will be made available to the public.

3. Development and implementation of the study of first cycle review performance will be a component of the Performance Management Plan conducted out of the Office of the Commissioner (see section X).

4. Oversight of the study will rest in the Office of the Commissioner. The Office of the Commissioner will convene a joint CBER/CDER review panel on a quarterly basis to provide feedback for ongoing assessment of the application of Good Review Management Principles to actions taken on original NDA/BLA applications.

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within three months of the goal date, extends the goal date by three months. A major amendment to a manufacturing supplement submitted within two months of the goal date extends the goal date by two months. C. A resubmitted original application is a complete response to an action letter addressed deficiency.

D. Class I resubmitted applications are applications resubmitted after a complete response letter (or a not approvable or approvable letter) that include the following items only (or combinations of these items):

1. Final printed labeling
2. Draft labeling
3. Safety updates submitted in the same format, including tabulations, as the original safety submission with new data and changes highlighted (except when large amounts of new information including important new adverse experiences not previously reported with the product are presented in the resubmission)
4. Stability updates to support provisional or final dating periods
5. Commitments to perform Phase 4 studies, including proposals for such studies
6. Assay validation data
7. Final release testing on the last 2 lots used to support approval
8. A minor reanalysis of data previously submitted to the application (determined by the agency as fitting the Class I category)
9. Other minor clarifying information (determined by the Agency as fitting the Class I category)
10. Other specific items may be added later as the Agency gains experience with the scheme and will be communicated via guidance documents to industry.

E. Class II resubmissions are resubmissions that include any other items, including any item that would require presentation to an advisory committee.

F. A Type A Meeting is a meeting which is necessary for an otherwise stalled drug development program to proceed (a "critical path" meeting).

G. A Type B Meeting is a 1) pre-IND, 2) end of Phase 1 (for Subpart E or Subpart H or similar products) or end of Phase 2a-Phase 3, or 3) a pre-NDA meeting. Each request should usually only request 1 each of these Type B meetings for each potential application (NDA). Each request should be accompanied by a proposal describing the specific issue to be addressed, including the following:

1. Computer generated data
2. Final release testing on the last 2 lots used to support approval
3. Assay validation data
4. Final release testing on the last 2 lots used to support approval
5. A minor reanalysis of data previously submitted to the application (determined by the agency as fitting the Class I category)
6. A pre-NDA meeting. Each request should usually only request 1 each of these Type B meetings for each potential application (NDA). Each request should be accompanied by a proposal describing the specific issue to be addressed, including the following:

7. Final release testing on the last 1 lots used to support approval
8. Assay validation data
9. Final release testing on the last 2 lots used to support approval
10. A minor reanalysis of data previously submitted to the application (determined by the agency as fitting the Class I category)

G. A Type C Meeting is any other type of meeting.

1. The performance goals and procedures also apply to original applications and supplements for human drugs initially marketed on an over-the-counter (OTC) basis through an NDA or switched from prescription to OTC status through an NDA or supplement.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our country.

I would like to describe a terrible crime that occurred July 23, 2001 in Thibodaux, LA. A black woman was shot in the face with a paintball gun outside her home. Two teens were arrested and charged for aggravated battery in what police called a hate crime. The assailants were heard to have made comments about wanting to shoot black people.

I believe that the government’s first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation and changing the law we can change hearts and minds as well.

TRIBUTE TO THE HEROES OF D-DAY

Mr. BAUCUS. Mr. President, I rise today in commemoration of the 58th anniversary of the largest air, land, and sea invasion ever undertaken: D-Day.

This monumental task involved over 150,000 American, British, Canadian, Free French, and Polish troops. Each of these individuals took great risks, sacrificing themselves for the sake of freedom and democracy.

For many years, Americans storming the Utah and Omaha beach, D-Day offered their first glimpse of the enemy and death. Although, there had been extensive training and planning of the invasion, this was a challenge unlike any other. Facing incredible odds, natural obstacles and man-made fortifications, the allied troops secured a beachhead in Nazi occupied Europe from which to begin a western frontal attack. D-Day was a colossal moment where freedom and democracy regained a foothold in Europe at the cost of many brave individuals.

There are many heroes of D-Day; many we honored and remembered just a little over a week ago during Memorial Day weekend and others who are passing each day. I know it is my wish, as it must be for the other members of our Nation’s fighting men and women are not forgotten. Each generation deserves to understand the important events that shaped the world we live in. I’m happy to see construction underway with the World War II monument on the National Mall. This will serve as another reminder to those of today and tomorrow of those who came before us as well as for God and Country, “the ultimate sacrifice.

On the anniversary of possibly the most difficult military invasion, I tip my hat in solemn remembrance to those who fought so bravely to protect freedom and liberty here and abroad. I ask that all Americans take a moment to remember their sacrifices, which allowed the world to enjoy a greater freedom.

In conclusion, it is evident that following the attacks of September 11, new sacrifices lie ahead of us. As America rises to meet these challenges we can take solace in the model of courage and determination of those who gave their lives on the beaches of Normandy to protect our freedom.

Mr. JOHNSON. Mr. President, on this day 58 years ago, Allied forces began the D-Day invasion of Normandy, France. Given the importance of this event, I believe that we should take a moment today to remember and honor those who sacrificed their lives on the beaches of France in the fight against the forces of fascism.

D-Day was the largest air, land, and sea invasion in history. More than 5,000 ships, 10,000 airplanes, and 150,000 troops participated in the invasion of June 6, 1944. Soldiers from America, Britain, Canada, and France worked in concert to storm the beaches of Normandy, overcome entrenched German defensive positions, and establish a beachhead from which France and all of Europe was liberated. The success of the D-Day invasion not only turned the tide of the war, but changed the course of history as well.

Exact casualties from the invasion have proven difficult to calculate. But upwards of 10,000 men were killed or wounded on the five beaches whose code names we have all come to know so well: Utah, Omaha, Gold, Juno, and Sword.

Today, we pause to honor all of those who participated in the Normandy invasion, including those who were killed, those who have died in the six decades since the invasion, and those who survive today to tell of their comrades’ bravery and sacrifices. We owe a debt to each of these men that can never be fully repaid. Yet, I believe one of the best ways for us to pay our respect to these heroes, is to honor our commitments to our veterans and to those serving in the active duty and reserve.

In an attempt to thank the U.S. servicemembers who participated in the liberation of France, the French government is offering certificates to U.S. veterans who served in France, its territorial waters, or airspace between June 6, 1944 and May 8, 1945. I am working to make my constituents aware of these Thank-You-America Certificates so that all eligible South Dakota veterans get the recognition for their service that they deserve.

I know that my colleagues will join with me in commemorating the 58th anniversary of the D-Day invasion and honoring the veterans who answered our Nation’s call to serve on that fateful day.

ADDITIONAL COSPONSOR TO S. RES. 281

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senator from Iowa, Mr. GRASSLEY, be added as a cosponsor to S. Res. 281. I ask unanimous consent that the Senator from Iowa be added as a cosponsor to S. Res. 281.

I believe that government should reflect that Senator GRASSLEY was inadvertently left off the list of original co-sponsors to S. Res. 281 due to an error.
BACKGROUND CHECKS ARE NEEDED

Mr. LEVIN. Mr. President, an op-ed column in Tuesday’s New York Times highlighted how fast, easy and unintrusive background checks for gun purchases can be if performed properly. Yet, this is not the story we are told by groups that oppose closing the gun show loophole. According to the National Rifle Association, background checks often take days to complete. But according to the Department of Justice, 95 percent of background checks are completed within two hours, and according to the Violence Policy Center, a vast majority of background checks are completed within a few minutes.

The New York Times op-ed also highlighted why it is so important that we conduct these checks at gun shows. The author, Nicholas Kristof, cited the availability of .50 caliber semiautomatic rifles and assault rifles which sellers claim are powerful enough to penetrate bulletproof glass. It is common sense to make sure that criminals and other restricted persons are prohibited from buying such lethal weapons. While any legitimate purchaser can buy a gun from a federal licensed dealer after an instant background check, they can also be purchased from an unlicensed dealer at any gun show without a background check. According to Bureau of Justice Statistics, between 1994 and 1999, over 22 million background checks were completed and more than 536,000 felons, fugitives and other prohibited persons were New York state residents. This gives the gun show loophole a vast amount of firearms. But convicted criminals and suspected terrorists have reportedly used the gun show loophole to purchase firearms and smuggle them out of the United States. For example, in Florida, a man accused of having ties to the Irish Republican Army was convicted of purchasing .50 caliber weapons.

I cosponsored Senator Feinstein’s Military Sniper Weapon Regulation Act. This bill would strengthen the regulation of long-range .50 caliber sniper weapons. I believe both pieces of legislation are common sense steps to ensure that guns do not get into the hands of criminals and other prohibited buyers. I urge my colleagues to join me in supporting them and other pieces of common sense gun safety legislation.

ADDITIONAL STATEMENTS

TRIBUTE TO JOLENE FRANKEN

- Mr. HARKIN. Mr. President, next week will mark a new beginning for the Iowa State Education Association. When Jolene Franken steps down as President, I would like to take this opportunity to recognize Jolene for her many accomplishments as a teacher and the outstanding job she has done as the head of the organization representing Iowa teachers. She has done Iowa proud.

We are all familiar with the expression that teachers touch the future. Whenever I see these words I think of Jolene. She is the kind of teacher who is passionate about education and our children. As an elementary teacher for thirty years in Iowa, she has touched the lives of thousands of children.

Jolene Franken earned her Bachelor of Science degree at Greenville College in Greenville, IL and Masters Degree from Northwest Missouri State University. Jolene exemplifies life long learning and has participated in additional professional development activities at the University of Northern Iowa and University of Iowa.

Most of Jolene’s career has been spent teaching first grade, but she is always open to new challenges. Most recently, she taught academically talented elementary students at the Denison Community School District’s Extended Learning Program. Jolene has also been active in the creative problem solving competition, “Destination Imagination,” and has served as coach of the Iowa team for five years. Her Destination Imagination teams have participated in two World Championships. She has also been a driving force behind the Iowa Academic Decathlon since its inception.

Jolene has also been an active member of the Iowa State Education Association and National Education Association throughout her career where she has held numerous offices. As President of ISEA for the past four years, she has been a tireless advocate for children and public education. She has fought to increase awareness of the teacher shortage in Iowa, fought to increase teachers’ salaries and has pushed for quality teacher mentor programs.

As a first grade teacher, Jolene understands the importance of reading and has been an avid participant in NEA’s Read Across America Day. Every year on Dr. Seuss’ birthday, Jolene dons a “Cat in the Hat” costume to visit Iowa schools and read to the children. I commend and thank Jolene for her hard work to improve Iowa schools and educate Iowa’s youth. Jolene’s community, her State and her country are better off because of her years as an educator and leader for the futures of all of our children. While I have highlighted some of her accomplishments and interests over the list is so much longer, and I speak from the heart when I say she will be missed. I know she will continue to be active on behalf of Iowa’s children.

I also know that ISEA will be in good hands. John Hieronymus takes over as President. John is a math teacher from Iowa City and has served as vice president of the organization for the past several years. Jolene Franken is a tough act to follow, but I know he is more than prepared to take on the challenging mission of leading ISEA.

COMMEMORATING THE 58TH ANNIVERSARY OF THE NORMANDY D-DAY INVASION ON JUNE 6, 1944

- Mr. THURMOND. Mr. President, I rise today to commemorate an event that took place 58 years ago today. Of course, I am speaking about the invasion of Normandy on D-Day, June 6, 1944. The battle that day was the largest amphibious invasion ever undertaken. The invasion force of over 150,000 soldiers was supported by over 5,000 ships and 10,000 airplanes. These troops were from the United States, Britain, and Canada and included Free French and Polish forces under the overall command of General Dwight David Eisenhower.

The invasion sites, from west to east, were designated as Utah, Omaha, Sword, Juno, and Gold. The British Second Army was responsible for Sword, Juno, and Gold, while the U.S. First Army was responsible for Utah and Omaha. The U.S. 1st and 29th Infantry Divisions landed at Omaha Beach, the U.S. 4th Infantry Division came ashore on Utah. The 82nd and 101st Airborne Division were dropped behind the beaches. I might add that some of the Airborne troops arrived by parachute, an operation in which I was a participant. Although the invasion was ultimately successful, it was a very hard
fought battle with many challenges. However, the individual initiative and courage of common soldiers saved the day. Many were teenagers or just in their twenties; most were frightened and on foreign soil under fire for the first time. Actions of courage and brav-ery were everywhere.

Now it seems so long ago, but I vividly remember this event. I remember these gallant men and their heroic ac-
tions. I remember those that paid the ultimate price for our freedom. During this military operation I landed at Normandy with the Glider Infantry of the 82nd Airborne Division. First U.S. Army. I am proud to have been a part of that endeavor and bear witness to the heroism and gallantry demonstrated that day.

One of the most challenging and re-
warding experiences of my life has been to serve my Nation as an Officer in the U.S. Army. Although it has been many years since I last wore an Army uni-
form, the service and pride in its heritage remain as strong today as it was when I was commissioned a Second Lieutenant. As I think about the sacrifice being made today by a new generation, I continue to remem-
ber the self-sacrifice made by so many young lives at Normandy.

They paid the ultimate price for the freedoms we continue to enjoy today.

With each passing year, the number of Normandy Invasion veterans grows smaller. This is the final opportunity that I will have, as a Member of the Senate, to mark the anniversary of this occasion. I call upon my Senate colleagues and all Americans to never forget what happened on those French beaches 58 years ago. I encourage all Americans to remember the courageous men who fought and those who died to defend our liberties.

TO COMMEMORATE THE DEDICA-
TION AND UNVEILING OF THE DETROIT ARSENAL TANK PLANT HISTORICAL MARKER

Mr. LEVIN. Mr. President, I rise today to call my colleagues’ attention to a significant event taking place in my home state of Michigan. On June 6, 2002 in the City of Warren, elected officials, business and community leaders, and members and staff of the Tank-Automotive and Armaments Command, will join with the Warren Historical Commission and the Michigan Historical Commission to dedicate and unveil a Historical Marker at the Detroit Ar-
senal Tank Plant site. Also joining them will be veterans and former work-
ers of the Tank Plant who well remem-
ber the contributions of this facility to the American war effort. Together, they will reflect back over 60 years ago, when on 113 acres of farmland in what was then Warren Township, the Detroit Tank Arsenal emerged as the nation’s Defense Plant. And they will note that the Tank Arsenal marked the beginning of a legacy of how government and business can

unite for the common purpose of equipping our military and advancing our defense capability.

The Detroit Tank Arsenal success story began in 1940 when the U.S. Army contracted with the Chrysler Corpora-
tion to create a secure armored force of ground vehicles. Albert Kahn was called upon to design the mammoth structure needed to mass produce the Army’s tanks and when it was com-
pleted it was the largest building of its type in all the world. The first proto-
type tank rolled off the line on Good Friday, April 11, 1941. By early December 1941, the plant had shipped its 500th tank. Production continued to increase to a total of five assembly lines, and in December 1942, the plant set an all-time monthly production record by delivering 907 Sherman tanks.

President Roosevelt visited the De-
troit Tank Arsenal in 1942 as part of his tour of the nation’s defense facilities. He made the plant his first stop, tour-
ing the operations and watching the tanks run along the arsenal’s test tracks. After returning to Washington, the president called the Detroit Tank Arsenal “an amazing demonstration of what can be done by the right organiza-
tion, spirit and planning.” FDR fur-
ther proclaimed the Detroit Arsenal Tank Plant in Warren “The Arsenal of Democracy.”

During World War II the Detroit Ar-
senal lived up to its motto “Enough and On Time” by delivering more than 22,234 tanks such as the Sherman. Pro-
duction continued through the Korean and Vietnam Wars, throughout the Cold War, and right into Desert Storm. By 1996, however, all tank manufac-
turing ceased at this facility. But the Tank-Automotive Center that was cre-
ated through the Arsenal in 1942 has evolved into the Tank-Automotive and Armaments Command which is housed close to the original plant site. I am proud of the efforts of Susan Abravanel, Education Coordinator at SOLV, a non-profit organization in Or-

gen, in advocating for service-learning. One of the most exciting edu-
cational initiatives taking place in our nation today.

Service-learning gives students the opportunity to learn through community service, but it is important to note that it is much more than just community service. Mr. President— it is a method of classroom instruction that engages a student’s intellect through hands-on work outside the classroom that benefits the community at large. Research shows that students participating in service-learning make gains on achievement tests, complete their homework more often, and increase their grade point averages.

In addition to producing academic gains, service-learning is also associ-
ated with both increased attendance and reduced dropout rates. It is clear to educators across the country that service-learning helps students feel more connected to their own education while strengthening their connection to their community and fellow citizens, for all of these reasons that Susan Abravanel is working so hard to advocate for serv-
vice-learning in classrooms in Oregon and across the nation.

Abravanel and I are working closely with my office and with education leaders in Oregon to ensure that my home state remains a national leader in service-learning. Just two months ago, I introduced a bill with my col-
league, Senator Edwards, to strengthen-
our nation’s commitment to service-
learning. I feel confident that this bill will soon become law and that with Ms. Abravanel’s continued efforts both here in Washington, D.C. and at home in Or-

gen, students will continue to benefit from an education tied to civic engage-
mnt.

Ms. Abravanel exemplifies the type of engaged citizen our schools must en-
deavor to produce, and her persistence will ensure that future generations of Americans will give back to their communities just as she has. I would also like to note that Susan isn’t just con-
cerned about education—her interests and efforts in Portland’s Jewish community are well known and highly ap-
preciated—she is the new President of the Oregon chapter of the American Jewish Committee. I look forward to working with Susan in her new role at the AJC and thank her for her con-

continuing devotion to service-learning.

COMMUNITY HEROES

Mr. SMITH of Oregon. Mr. President, today I salute a community leader in my home State of Oregon. Today, I want to recognize the efforts of Susan Abravanel, Education Coordinator at SOLV, a non-profit organization in Or-

gen, in advocating for service-learning.

Ms. Abravanel exemplifies the type of engaged citizen our schools must en-
deavor to produce, and her persistence will ensure that future generations of Americans will give back to their communities just as she has. I would also like to note that Susan isn’t just con-
cerned about education—her interests and efforts in Portland’s Jewish community are well known and highly ap-
preciated—she is the new President of

THE DEATH OF LEW WASSERMAN

Mrs. FEINSTEIN. Mr. President, I rise today to pay tribute to my dear friend and a true Hollywood legend: Lew Wasserman, a man who stood as a giant among giants. On Monday, June 3rd, Lew passed away at his home from complications of a stroke.

My heart goes out to his wife Edie, daughter Lynne Kay Wasserman, his grandson Casey and granddaughter Carol Leif, and to members of his ex-
tended family.

Lew was a great pioneer in the enter-
tainment industry. He began his career in show business while in high school, working as an usher at the Palace The-
ater in Cleveland.

Together Lew and Dr. Jules Stein built the world’s largest talent agency representing such legends as Bette Davis, James Stewart, Alfred Hitchcock, Tommy Dorsey, Kay Kyser, and Errol Flynn to name a few.

He also built a conglomerate of mo-
tion picture and television companies that produced the memorable hit mov-

ies “American Graffiti”, “BT—
Extra Terrestrial” and “Schindler’s List.”

Without question Lew Wasserman was one of the most powerful and influential people in the entertainment industry, and his presence and leadership will be truly missed.

I am sure that his memory and good works will live on and continue to touch and improve the lives of people everywhere.

To list Lew’s accomplishments does not come near to his contributions to our great nation.

Although Lew was unable to afford college, he was inspired to donate millions of dollars for undergraduate scholarships at UCLA. Indeed, few people have been as big-hearted and giving as Lew and his wife Edie.

Together they have given millions of dollars to a myriad of philanthropic causes including the Motion Picture & Television Hospital in Woodland Hills. Lew was instrumental in building the Dorothy Chandler Music Center in Los Angeles and served as a trustee of the John F. Kennedy Center for the Performing Arts and the California Institute of Technology.

I know that the Wasserman family will carry on the legacy of philanthropic giving.

Lew also was very active in the foundation, Research to Prevent Blindness for which he was awarded the Presidential Medal of Freedom, the country’s highest civilian honor, by former President Clinton.

Throughout his distinguished career, Lew was often called upon by important leaders in our country including former Presidents Clinton, Reagan, Carter and Lyndon B. Johnson, who wanted him as his Secretary of Commerce.

Despite his retirement, Lew was a man of tireless energy. He was an avid and effective mediator during the labor tensions when major studios were negotiating with writers and actors, Lew privately advised both sides to compromise, avoiding a strike that could have potentially paralyzed the economy of California.

Simply put Lew Wasserman was a great American. His legacy is one of inspiring leadership and extraordinary accomplishment.

I am proud to say Lew was a loyal and good friend. Lew set a high standard and his passing has left an enormous hole in the filing.

I know the next few weeks and months will be difficult for Edie and the rest of the Wasserman family. But as they grieve, I hope they find comfort knowing what a wonderful contribution Lew made to the world around him.

HOUSTON DIGITAL BROADCAST

• Mrs. HUTCHISON. Mr. President, I rise today to congratulate the city of Houston on its recent designation as a “Digital Television Zone.” Viewers in Houston are fortunate to be served by local television stations that are broadcasting in digital. These stations are: KPRC, the NBC affiliate; KHOU, the CBS affiliate; KRIV, the local FOX station; KTRK, the local ABC owned and operated station; KTXH, a FOX owned UHF affiliate; and KHUT, the local PBS station.

I would like to especially note KPRC, a Post-NewswEEK owned NBC affiliate, where I had the privilege to work in a former life as a journalist.

As the brode suggests as it undertakes its transition to digital television, I am proud to say all these local Houston stations are already fully on the air in digital.

For those not familiar with digital television, it is the next step in the evolution of television. Just as other communication mediums are moving from an analog to a digital format, television is too.

This year, coverage of the Olympics’ opening ceremonies and the NCAA Men’s Basketball Championship was broadcast in high definition digital television. Today, Houston viewers can watch popular programs like “Drew Carey,” “NYFD Blue,” and the “Tonight Show” in High Definition TV. Programming like this will propel the US to an age of mass digitalization where more and more consumers will be interested in digital technology and its benefits.

The local stations cooperated with electronics manufacturers and retailers to post digital sets in high traffic areas throughout the city.

Houston broadcasters are doing their part to launch the digital television future.

In the face of technological advances, there will be challenges before consumers can fully benefit from everything digital TV offers. There are issues about making digital television sets capable of communicating with digital VCRs and DVD players. There are questions about the availability of digital tuners in new TV sets. Importantly, American consumers will need to embrace digital television. Despite these remaining questions, I am proud to say that Houston broadcasters are ready for the digital future.

DEFENDING THE 939TH AIR RESCUE WING

• Mr. SMITH of Oregon. Mr. President, I rise today to introduce an amendment with Senator Wyden to preserve a truly invaluable search and rescue capability in the Pacific Northwest.

On May 30, all eyes in Oregon and across the Nation watched as brave Oregonians went to the rescue in a daring way to rescue climbers on Mt. Hood. The rescuers included members of the Oregon National Guard, the Portland Mountain Rescue, and the Air Force Reserve 939th Air Rescue Wing, whose members have been lauded for scores of rescues on Mt. Hood and the Oregon Coast, not to mention rescues in our neighboring state of Washington.

In the wake of September 11, the President established the White House Office of Homeland Security and the Homeland Security Council to ensure that our Federal response and protection efforts are coordinated and effective. The President also directed
Homeland Security Advisor Tom Ridge to determine if the current government structure allows us to meet the threats of today while anticipating the unknown threats of tomorrow. I question why the Air Force has not done the same.

I understand that my original amendment was not considered germane. This amendment would have prevented any funds from being made available for this conversion. The amendment the managers accepted required the Secretary of the Air Force to certify that a comparable search and rescue capability is available in the 939th Combat Search and Rescue Wing’s area of responsibility and that any new aircraft assigned to the unit will comply with local environmental and noise standards, and that the Air Force has developed a plan for the transition of personnel currently assigned to the unit.

I appreciate the assistance from Senators Stevens, Inouye, and Byrd and look forward to working with them on this important issue.

Let me close by illustrating why this is so important to me and all Oregonians. The pioneer spirit of the Oregon Trail did not end with the settlement of the valleys of Oregon. That spirit and bravery is very much still alive in my state. But Oregonians cannot go any further west. They can only go up into the skies and into the mountains. It is there—on the modern-day pioneers meet with both triumph and tragedy, and their lessons are learned.

The lessons of last week on Mt. Hood are harsh ones that remind us of human frailty and the unbending forces of nature. Not unlike the tragic events of the last year, what I saw in the recovery on Mt. Hood also illustrates the bravery and compassion inherent in us all, and I want that spirit to continue in Oregon.

That is the spirit that is the bedrock of America’s Armed Forces. It is clear to me that removing the 939th from Oregon would truly be a tragedy without a lesson.

THE RETIREMENT OF MAJOR GENERAL HAROLD TIMBOE, USA

Mr. THURMOND. Mr. President, I rise today to recognize an American who has honorably served our Nation for 39 years—Major General Harold L. Timboe, United States Army Medical Corps, Commanding General, North Atlantic Regional Medical Command and Walter Reed Army Medical Center, Washington, D.C.

A native of Long Beach, CA, General Timboe attended the United States Military Academy at West Point, New York, where he earned a Bachelor of Science Degree in 1968. He started his Army career as an Air Defense Artillery officer with assignments in Saudi Arabia, Vietnam, and Fort Sam Houston, TX; culminating as the Lead Agent, TRICARE Northeast Region 1, headquartered at Walter Reed Army Medical Center.

In his most recent position Major General Timboe directed the integration of the National Capital Area Composite Health Care System across the Army, Navy, Air Force, and Coast Guard services, which includes 77 work centers between National Naval Medical Center, Bethesda, Malcolm Grow Medical Center, Walter Reed Army Medical Center and their 41 Satellite facilities. Through his distinctive accomplishments, Major General Timboe reflected great credit upon himself, the United States Army, and the Department of Defense.

Major General Timboe’s accomplishments and service have been recognized in numerous military awards. He has been awarded the Legion of Merit with four Oak Leaf Clusters, Bronze Star with one Oak Leaf Cluster, Meritorious Service Medal with three Oak Leaf Clusters, Air Medal, Joint Service Commendation Medal, Army Commendation Medal, Army Achievement Medal, Vietnam Service Medal, Humanitarian Service Medal, Armed Forces Expeditionary Medal, Southwest Asia Service Medal, Expert Field Medical Badge, Flight Surgeon Badge, U.S., British, and German Parachutist Badges, and the Army Staff Identification Badge.

Major General Timboe and his wife Donna are to be commended for their dedication and contribution to our Nation. Major General Timboe’s service to his country and in the finest traditions of the United States Army. I extend my appreciation to General Timboe, and congratulate him as he retires from his distinguished military career. I wish him and his family well in their future endeavors as they enter a new phase of their lives in Texas.

TRIBUTE TO CLARENCE B. CRAFT

Mr. HUTCHINSON. Mr. President, it is with great pride, but with a heavy heart that I rise today to pay tribute to one of America’s greatest heroes and fellow Arkansan, Clarence B. Craft. Mr. Craft passed away on March 28, 2002, leaving General, Great Plains with a legacy of kindness and courage. Though he was born in California, he spent the last twenty-five years of his life in northwest Arkansas giving selflessly of his time as a volunteer for the Veterans Affairs Medical Center in Fayetteville. He will remain a dedicated friend to the veterans, one who lifted their spirits with personal visits, often visiting every patient in the hospital. After his passing, those who knew him characterized Clarence as a “special man.”

Clarence Craft was an extremely humble person, and rarely talked about the accolades that made this great American truly special. On May 31, 1945, then-Private First Class Craft faced a numerically superior Japanese force on the island of Okinawa. PFC Craft’s one-man attack against a Japanese defense that had repelled several heavy assaults by battalion-sized U.S. formations for 12 days, resulted in the entire defensive line crumbling. For these heroic acts Clarence Craft was recognized with our nation’s highest award for actions above and beyond the call of duty, the Congressional Medal of Honor.

Let the record show on behalf of a grateful nation, that the U.S. Senate pays tribute to Clarence B. Craft, an American hero. He will be sorely missed.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

NINTH BIENNIAL REPORT OF THE INTERAGENCY ARCTIC RESEARCH POLICY COMMITTEE FROM FEBRUARY 1, 2000 THROUGH JANUARY 31, 2002—PM 89

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Government Affairs:

To the Congress of the United States:

As required by section 108(b) of Public Law 98–373 (15 U.S.C. 4107(b)), I transmit herewith the Ninth Biennial Report of the Interagency Arctic Research Policy Committee (February 1, 2000, to January 31, 2002).

GEORGE W. BUSH.

The WHITE HOUSE, June 6, 2002.

REPORT OF THE CORPORATION FOR PUBLIC BROADCASTING FOR CALENDAR YEAR 2001—PM 90

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation:
To the Congress of the United States:

As required by section 19(3) of the Public Telecommunications Act of 1992 (Public Law 102-356), I transmit here-with the report of the Corporation for Public Broadcasting for calendar year 2001.

GEORGE W. BUSH,
THE WHITE HOUSE, June 6, 2002.

MESSAGE FROM THE HOUSE

At 1:40 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4664. An act to authorize appropriate-ions for fiscal years 2002, 2003, and 2004 for the National Science Foundation, and for other purposes.

ENROLLED BILLS SIGNED

The following enrolled bills, previously signed by the Speaker of the House, were signed on today, June 6, 2002, by the President pro tempore (Mr. BYRD).

H.R. 1366. An act to designate the United States Post Office building located at 3101 West Sunflower Avenue in Santa Ana, California, as the "Hector G. Godinez Post Office Building."

H.R. 1374. An act to designate the facility of the United States Postal Service located at 600 Calumet Street in Lake Linden, Michigan, as the "Philip E. Ruppe Post Office Building."

H.R. 3448. An act to improve the ability of the United States to prevent, prepare for, and respond to bioterrorism and other public health emergencies.

H.R. 3789. An act to designate the facility of the United States Postal Service located at 2629 Commercial Way in Rock Springs, Wyoming, as the "Teno Roncalio Post Office Building."

H.R. 3960. An act to designate the facility of the United States Postal Service located at 317 High Street, Ashland, Ohio, as the "Philip J. Neave Post Office Building."

H.R. 4486. An act to designate the facility of the United States Postal Service located at 1590 East Boulevard in Fayetteville, Arkansas, as the "Clarence B. Craft Post Office Building."

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 4664. An act to authorize appropriations for fiscal years 2003, 2004, and 2005 for the National Science Foundation, and for other purposes; to the Committee on Science, Technology, and Competitiveness.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 4800. An act to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the expansion of the adoption credit and adoption assistance programs.

H.R. 4823. An act to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the exclusion from Federal income tax for restitution received by victims of the Nazi Regime.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. TORRICElliI (for himself and Mr. CLELAND):
S. 2595. A bill to protect diverse and structurally complex areas of the seabed in the United States Exclusive Economic Zone by establishing a maximum diameter size limit on rockhopper, roller, and all other ground gear used on bottom trawls; to the Committee on Commerce, Science, and Transportation.

By Mr. REID (for himself, Mr. CRAPO, Mr. ENSIGN, Mr. BENNETT, Mr. AL- LARD, and Mr. CRAIG):
S. 2594. A bill to authorize the Secretary of the Treasury to purchase silver on the open market when the silver stockpile is depleted, to be used to mint coins; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CAMPBELL:
S. 2596. A bill to authorize the expenditure of funds on private lands and facilities at Mesa Verde National Park, in the State of Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. BOXER (for herself, Mr. CHAFEE, Mr. JEFFORDS, Mr. TORRICElliI, Mr. CORZINE, Mr. BIDEN, and Mr. DURBIN):
S. 2597. A bill to authorize the President to extend the boundaries of the Grand Canyon National Park; to the Committee on Energy and Natural Resources.

By Mr. CRAIG (for himself, Mr. MUR- RAY, Mr. BURNS, Mr. CRAPO, Mr. MUR- KOWSKI, and Ms. CANTWELL):
S. 2598. A bill to authorize the United States to prevent, prepare for, and respond to terrorist attacks; to the Committee on Homeland Security.

By Mr. LEAHY (for himself, Mrs. INOUYE, Mrs. CLINTON, Mr. BINGAMAN, and Mrs. BOXER):
S. 2599. A bill to authorize the United States to prevent, prepare for, and respond to terrorist attacks; to the Committee on Homeland Security.

By Mr. DOMENICI (for himself, Mr. KYL, and Mr. CRAPO):
S. 2600. A bill to authorize the United States to prevent, prepare for, and respond to terrorist attacks; to the Committee on Homeland Security.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (as agreed upon), as indicated:

By Mr. BURNS (for himself and Mr. INOUYE):
S. Con. Res. 119. A concurrent resolution that the Senate supports extending the sunset provisions of the Economic Growth and Tax Relief Reconciliation Act of 1993.

By Mr. BURNS (for himself and Mrs. BOXER):
S. 1867. A bill to authorize the United States to prevent, prepare for, and respond to terrorist attacks; to the Committee on Homeland Security.

ADDITIONAL COSPONSORS

S. 2595. At the request of Mr. GRASSLEY, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 2595, a bill to amend the Internal Revenue Code of 1986 to provide for the treatment of certain expenses of rural letter carriers.

S. 2596. At the request of Mr. TORRICElliI, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 2596, a bill to amend title XIX of the Social Security Act to permit States the option to provide Medicaid coverage for low-income individuals infected with HIV.

S. 2598. At the request of Mr. BINGAMAN, the name of the Senator from Missouri (Mr. BOXDER) was added as a cosponsor of S. 2598, a bill to amend title 10, United States Code, to provide for a Korea Defense Service Medal to be issued to members of the Armed Forces who participated in operations in Korea after the end of the Korean War.

S. 2599. At the request of Mr. KENNEDY, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2599, a bill to amend title 10, United States Code, to provide for a Korea Defense Service Medal to be issued to members of the Armed Forces who participated in operations in Korea after the end of the Korean War.

S. 1284. At the request of Mr. KENNEDY, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 1284, a bill to prohibit employment discrimination on the basis of sexual orientation.

S. 1379. At the request of Mr. KENNEDY, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 1379, a bill to amend the Public Health Service Act to establish an Office of Rare Diseases at the National Institutes of Health, and for other purposes.

S. 1459. At the request of Mr. LIEBERMAN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1459, a bill to authorize the United States to prevent, prepare for, and respond to terrorist attacks; to the Committee on Homeland Security.

S. 1868. At the request of Mr. DURBIN, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1868, a bill to provide for increasing the technically trained workforce in the United States.

S. 1867. At the request of Mrs. CLINTON, her name was added as a cosponsor of S. 1867, a bill to establish the National Commission on Terrorist Attacks Upon the United States, and for other purposes.
At the request of Mr. Hutchinson, the name of the Senator from Washington (Mrs. Murray) was added as a cosponsor of S. 2222, a bill to amend the Employee Retirement Income Security Act of 1974 to improve diversification of plan assets for participants in individual account plans, to improve disclosure, account access, and accountability under individual account plans, and for other purposes.

S. 216

At the request of Mr. Kerry, the name of the Senator from New Jersey (Mr. Torricelli) was added as a cosponsor of S. 2116, a bill to reform the program of block grants to States for temporary assistance for needy families in promoting family progress towards self-sufficiency, and for other purposes.

S. 213

At the request of Mr. Baucus, the names of the Senator from Mississippi (Mr. Cochran) and the Senator from Georgia (Mr. Miller) were added as cosponsors of S. 2135, a bill to amend title XVIII of the Social Security Act to provide for a 5-year extension of the authorization for appropriations for certain Medicare rural grants.

S. 212

At the request of Mr. McConnell, the name of the Senator from Colorado (Mr. Allard) was added as a cosponsor of S. 2194, a bill to hold accountable the Palestine Liberation Organization and the Palestinian Authority, and for other purposes.

S. 211

At the request of Mr. Hutchinson, the name of the Senator from Illinois (Mr. Durbin) was added as a cosponsor of S. 2211, a bill to amend title 10, United States Code, to apply the additional retired pay percentage for extraordinary heroism to the computation of the retired pay of enlisted members of the Armed Forces who are retired for any reason, and for other purposes.

S. 220

At the request of Mrs. Lincoln, the name of the Senator from New Jersey (Mr. Torricelli) was added as a cosponsor of S. 2218, a bill to amend title XVIII of the Social Security Act to provide coverage for kidney disease education services under the Medicare program, and for other purposes.

S. 223

At the request of Mr. Thomas, the names of the Senator from Delaware (Mr. Biden) and the Senator from Georgia (Mr. Miller) were added as cosponsors of S. 2233, a bill to amend title XVIII of the Social Security Act to establish a medical subvention demonstration project for veterans.

S. 229

At the request of Mr. Sarran, the names of the Senator from Connecticut (Mr. Dodd), the Senator from Arkansas (Mr. Hutchinson), the Senator from Maine (Ms. Collins), and the Senator from New Mexico (Mr. Bingaman) were added as cosponsors of S. 2239, a bill to amend the National Housing Act to simplify the downpayment requirements for FHA mortgage insurance for single family homebuyers.

S. 229

At the request of Mr. Corzine, the names of the Senator from Mississippi (Mr. Cochran) and the Senator from Nebraska (Mr. Nelson) were added as cosponsors of S. 2250, a bill to amend title 10, United States Code, to reduce the age for receipt of military retired pay for nonregular service from 60 to 55.

S. 245

At the request of Mr. Ensign, the name of the Senator from Idaho (Mr. Craig) was added as a cosponsor of S. 2455, a bill to amend the Small Business Act to direct the Administrator of the Small Business Administration to establish a pilot program to provide regulatory compliance assistance to small business concerns, and for other purposes.

S. 236

At the request of Ms. Stabenow, the name of the Senator from Missouri (Mrs. Carnahan) was added as a cosponsor of S. 2536, a bill to amend title XIX of the Social Security Act to clarify that section 1927 of that Act does not prohibit a State from entering into drug rebate agreements in order to make outpatient prescription drugs accessible and affordable for residents of the State who are not otherwise eligible for medical assistance under the Medicaid program.

S. 254

At the request of Mr. Bingaman, the names of the Senator from Washington (Mrs. Murray), the Senator from Idaho (Mr. Craig), and the Senator from Rhode Island (Mr. Reed), and the Senator from Connecticut (Mr. Dodd) were added as cosponsors of S. 2548, a bill to amend the temporary assistance to needy families program under part A of title IV of the Social Security Act to improve the provision of education and job training under that program, and for other purposes.

S. 254

At the request of Mr. Smith of New Hampshire, the names of the Senator from Arkansas (Mr. Hutchinson), the Senator from Idaho (Mr. Craig), and the Senator from Colorado (Mr. Campbell) were added as cosponsors of S. 2554, a bill to amend title 49, United States Code, to establish a program for Federal flight deck officers, and for other purposes.

S. 257

At the request of Mr. Kerry, the name of the Senator from Idaho (Mr. Craig) was added as a cosponsor of S. 2572, a bill to amend title VII of the Civil Rights Act of 1964 to establish provisions with respect to religious accommodation in employment, and for other purposes.

S. 291

At the request of Ms. Mikulski, the name of the Senator from Arkansas (Mr. Hutchinson) was added as a cosponsor of S. 2951, a bill to reauthorize the Mammography Quality Standards Act, and for other purposes.

S. RES. 270

At the request of Mr. Campbell, the name of the Senator from Georgia (Mr. Miller) was added as a cosponsor of S. 3480.
At the request of Mr. Levin, the names of the Senator from Iowa (Mr. Grassley) and the Senator from Virginia (Mr. Allen) were added as co-sponsors of S. Res. 281, a resolution designating the week beginning August 25, 2002, as "National Fraud Against Senior Citizens Awareness Week."

**AMENDMENT NO. 3560**

At the request of Mr. Bingaman, the names of Senator Frank H. Hatfield (Mr. Inouye) and the Senator from New Mexico (Mr. Domenci) were added as co-sponsors of amendment No. 3566 intended to be proposed to H.R. 4775, a bill making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes.

**AMENDMENT NO. 3707**

At the request of Mr. Stevens, the name of the Senator from Colorado (Mr. Campbell) was added as a cosponsor of amendment No. 3667 proposed to H.R. 4775, a bill making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes.

**AMENDMENT NO. 3671**

At the request of Mr. Reid, the name of the Senator from New Jersey (Mr. Torricelli) was added as a cosponsor of amendment No. 3667 proposed to H.R. 4775, a bill making supplemental appropriations for the fiscal year ending September 30, 2002, and for other purposes.

**AMENDMENT NO. 3724**

At the request of Mr. Wellstone, his name was added as a cosponsor of amendment No. 3729 proposed to H.R. 4775, supra.

**STABLEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS**

**By Mr. Torricelli (for himself and Mr. Cleland):**

S. 2593. A bill to protect diverse and structurally complex areas of the seabed in the United States exclusive economic zone by establishing a maximum diameter size limit on rockhopper, roll- er, and all other ground gear used on bottom trawls; to the Committee on Commerce, Science, and Transportation.

Mr. Torricelli. Mr. President, our oceans are one of America's most precious and valuable resources. For hundreds of millions of people, our coastal areas are a place of relaxation, recreation, and rejuvenation. The oceans are also a tremendous supply of fish and other seafood, many caught by commercial fishers and others by recreational sportsmen and hobbyists.

There is a growing concern, however, about protecting ocean habitat from the damaging effects of some types of commercial fishing gear. The manner in which these concerns are presently being handled by the National Marine Fishery Service has led to a great deal of confusion and litigation. Therefore, in an effort to protect important ocean substrates that are recognized as critical areas of marine habitat, I, with my colleagues from both coasts of Georgia, am introducing a bill today that takes a much more direct approach.

I have received many letters from constituents in my home State of New Jersey who are concerned about the use of "rock hopper" nets in the New York Bight area and elsewhere. They have chronicled the negative effects of this gear and the damage they see occurring as a result of its use. In response to their concerns I feel compelled to introduce in the Senate companion legislation to Congressman Joe Hefley's Sea Bed Protection Act of 2002, which he introduced recently in the House. This bill, named the Magnuson-Stevens Fishery Conservation Act by reining in the use of this damaging fishing gear.

Rock hopper nets are used in hard-bottom areas where naturally occurring hard-bottom areas are a place of relaxation, recreation, and rejuvenation. The rock hopper incorporates a series of rollers that act like the drum on the front of a steamroller. While operating, the rollers prevent the net from becoming entangled by guiding it up and over obstructions. While it is effective at catching fish, it is equally effective at damaging the sea floor where it is used.

It has been clearly documented that rock hopper nets kill clinging organisms and living corals, the very things that attracted the fish they were designed to catch in the first place. The heavy rollers and sweeps that guide the nets crush marine life and can even flatten bottom topography.

When a specific piece of equipment is demonstrated to be harmful to marine life or the marine environment, it is common sense to stop using it and find a more ecosystem-friendly method of harvesting our nation's marine resources. It is folly to allow the continued use of fishing gear that has an uncontrollable level of bycatch of that is damaging to the very habitat necessary for the fish it catches to grow and reproduce. Rock hopper nets are clearly a threat to fragile habitats that are particularly important to a healthy marine ecosystem. The Sea Bed Protection Act
Mr. CAMPBELL. Mr. President, today, I am introducing a very simple and important bill that will aid in our Nation’s understanding of an ancient time.

The 52,000 acre Mesa Verde National Park in southwestern Colorado holds one of the most unique archaeological sites in the world. The cliff dwellings represented at Mesa Verde reflect more than 700 years of history. People lived and flourished in communities in the area from around 400 A.D. through 1300 A.D.

Eventually, the people there build elaborate stone villages in the sheltered alcoves of the canyon walls that are today regarded as “cliff dwellings.” The villagers lived in the cliff dwellings during the last 100 to 125 years of occupation at Mesa Verde. Within the same general time in the late 1200s, the people left their homes and moved away. However, they left behind a literal treasure trove of artifacts in the ruins, artifacts that are still being collected and studied to this day.

Our Nation’s first conservationist and fellow Republican, President Theodore Roosevelt established the Mesa Verde National Park in 1906. Since that time, countless artifacts have been carefully excavated and catalogued.

Unfortunately, those priceless treasures have not had a suitable home, and instead have been housed in what effectively is a tin shed built in the 1950s, which has since become infested with mice. The tin shed lacks proper temperature and humidity controls in an area where the humidity can swing from seventeen to eighty percent in a short time. A tin shed is no place to store 800 year old corn and yucca leaves or clay pot artifacts, especially considering such drastic and damaging climate changes.

My bill provides the Secretary of the Interior with the authority to collect and expend donated funds for the design, construction, maintenance, and operation of a cultural center and related facilities to be constructed to accommodate visitors, to protect artifacts and archival materials, and for the administration of Mesa Verde National Park on privately owned lands located outside and adjacent to the boundary of the park.

By Mrs. BOXER (for herself, Mr. CHAFEE, Mr. JEFFORDS, Mr. TORRICELLI, Mr. CORZINE, Mr. BIDEN, and Mr. DURBIN):

S. 2595. A bill to amend the Internal Revenue Code of 1986 to extend the financing of the Superfund; to the Committee on Finance.

Mr. BOXER. Mr. President, today I am pleased to introduce a bill that addresses this critical gap in the funding for the clean-up of the Nation’s most toxic waste sites. The Toxic Clean-up Polluter Pays Renewal Act restores the fees on oil, chemical and other industries to ensure that the polluters, not the American Taxpayers, bear the burden of cleaning up sites that pose a threat to the health and safety of our communities.

I am also pleased to be joined in this effort by the ranking member of the Superfund Subcommittee, Senator CHAFEE as well as the chairman of the Environment and Public Works Committee, Senator JEFFORDS. As Chair of the Superfund Subcommittee, I thank them for joining me in this effort.

Senators TORRICELLI, CORZINE, and BIDEN are also cosponsors.

The threats posed by Superfund sites affect communities in every corner of the country. One in every four Americans lives within four miles of a Superfund site. That’s 70 million Americans, including 10 million children, who are at risk of cancer and other health problems.

My State of California has the second highest number of Superfund sites in the country after New Jersey. And more than 40 percent of Californians live within four miles of a Superfund site.

Anyone who lives anywhere near a Superfund site knows about the terrible damage these industrial sites do to the community. Parents worry if the kids are safe and they find out there is a toxic mess down the street; real estate values go down the drain; and major challenges must be overcome to get the responsible parties to own up to their responsibilities.

Fortunately, after the Superfund law was enacted in 1980, Congress enacted the Superfund law to address the serious threat posed by these sites. And this law has come to get the responsible parties to own up to their responsibilities.

Unfortunately, after the Superfund law was enacted in 1980, Congress enacted the Superfund law to address the serious threat posed by these sites. And this law has worked. Great progress was made. Since the creation of this program over 800 sites have been cleaned up. During the last four years of the Clinton Administration, there was an average of 87 final cleanups a year.

S. 2595
Unfortunately, this program has seen a sharp decline since the start of the Bush Administration. The pace of cleanups has slowed to a crawl. Instead of 87 National Priority List sites a year, less than half of that are now being cleaned-up. The number is projected to drop further, to just 40 sites, this year.

At the same time, the heart of the Superfund law is under attack: the principle that polluters must pay for cleanups and that is the issue that my bill addresses.

The Superfund trust fund, which includes funds from Superfund fees previously paid by oil, chemical, and other industries, is nearly gone. It will be depleted by 2004. Why? Because these fees expired in 1995.

The result is that a greater and greater share of the cost of Superfund cleanups is being borne by taxpayers instead of polluters. In fact, in 1995, taxpayers contributed just 18 percent to the Superfund trust fund. But by next year, American taxpayers will pay 54 percent of the Superfund budget. The trend must be reversed. We must return to the principle of “polluter pays.”

That is what the Toxic Clean-up Polluter Pays Renewal Act would do. It would reinstate the two Superfund fees, on oil and chemical companies as well as the corporate environmental income tax, as they existed from 1986 to 1995.

These fees are not large in scope. For example, for every barrel of oil, the excise tax is 9.7 cents. Chemical manufacturers pay $4.45 for every ton of arsenic or mercury they produce. This fee varies based on the frequency and toxicity of the chemical.

With regard to the corporate environmental income tax, corporations that have over $2 million in taxable income pay only 0.12 percent on taxable income above $2 million dollars. That means that a company that has $2,001,000 in taxable income would pay only $12.

These companies make millions on their sales. This fee is a small price to pay for a healthy, safe environment.

And, while the fees themselves are relatively small, the preliminary estimates indicate that they would generate $15 billion to $16 billion over the next 10 years for the Superfund Trust Fund. And that is $16 billion that the American taxpayer would not have to pay.

After the Superfund fees expired in 1995, President Clinton repeatedly tried to have them reinstated. Unfortunately, the Bush Administration is not supporting returning to the important principle of polluter pays. Polluters pays fair. Polluters pays works. And polluter pays must continue. To shift the burden to all taxpayers is wrong, and we will fight this Administration’s attempt to turn its back on the health of the American people.

Mr. CHAFEE. Mr. President, today I join with Senator BOXER to introduce a bill to fund the Superfund program for the 10 years. With the Superfund Trust Fund on the verge of insolvency and with a large number of Superfund sites still requiring cleanup, it is incumbent upon us to provide a stable source of funding for this important program. I am pleased that the bill I introduce today will ensure Superfund cleanups will continue without jeopardizing funding for other key programs.

The need for the Superfund program dates back to the late 1970s and the discovery of thousands of barrels of toxic waste buried illegally in a New York community outside of Buffalo. Congress responded to Love Canal and other sites by enacting Superfund. This law was intended to address the Nation’s worst sites and ensure that parties are held responsible for the contamination they created. Litigation ensued throughout the 1980s, which slowed down the pace of cleanups. By the 1990s, the pace of Superfund cleanups increased due to legislative reforms in the last 10 years have significantly improved the effectiveness and pace of the Superfund program.

The legislation which we have introduced today would reinstate the Superfund taxes for 10 years. It is true that these taxes will generate less revenue than those that expired in 1995. This is a deliberate effort to maintain balance between the amount of money paid into the trust fund and the amount of money appropriated by Congress. We do not want to create a situation in which we are putting more money into the trust fund than will be spent. At the same time, we must ensure that Superfund cleanups get done as quickly as possible. Despite some claims that Superfund cleanups will soon be complete, the U.S. Environmental Protection Agency testified recently before the Environment and Public Works Committee that the remaining Superfund sites are complex and costly. All evidence points to the fact that the Superfund program is not in jeopardy of winding down any time soon and that adequate funding will be needed.

In conclusion, I would like to say that I believe this to be a reasonable proposal. It is not perfect, because a perfect solution would ensure that the people responsible for the contamination pay to clean it up. In the future we may wish to look for more equitable ways to fund the Superfund program. However, with the Superfund Trust Fund on the verge of insolvency, a return to the previous funding mechanism is a prudent step.

By Mr. CRAIG (for himself, Mrs. MURRAY, Mr. BURNS, Mr. CRAPO, Mr. MURKOWSKI, and Ms. CANTWELL):

S. 2597. A bill to authorize a 3-year demonstration program to recruit and train physicians to serve in a rural setting; to the Committee on Health, Education, Labor, and Pensions.

Mr. CRAIG. Mr. President, I rise today to introduce the Rural Health Training Incentive Act. I am pleased that Senators PATTY MURRAY, CONRAD BURNS, MIKE CRAPO and FRANK MURKOWSKI are joining with me in this effort today.

We are all aware there is a nationwide shortage of health practitioners in rural America and that this shortage is affecting the availability of health care in those communities. This trend is aggravated by the upcoming retirement of 77,000 physicians and the overall aging of the rural populations. Unfortunately, there is no quick fix for the problem, and the solution will require a long-term investment in human resources. The bill that I am introducing today would begin work on this long-term investment through the regional Washington, Wyoming, Alaska, Montana and Idaho, WWAMI, program.

The WWAMI program has an excellent track record in its 30 year history of designing programs that work. It has a regionally focused medical school with a mission to train physicians for the communities in Washington, Wyoming, Alaska, Montana and Idaho. With 27 percent of the land mass of the U.S. and only 0.3 percent of the population it is truly a ready made laboratory for exploring the best ways to recruit and train rural health care professionals.

This legislation seeks to expand upon the existing WWAMI programs for the recruitment and training of all health care professionals in the five state rural settings and to develop and evaluate similar programs that could be used in other regions of the country. This legislation would be a step in preparing our young people to go into the medical professions and, importantly, would encourage them to practice in rural communities.

I am pleased to be able to introduce this legislation as part of an overall strategy to stabilize health care in rural communities. This session, I have introduced legislation that would provide rural health care facilities with much needed capital to build new or repair existing infrastructure and to purchase new equipment so that they can keep pace with changing technologies. I am also pleased to have worked with my colleague Senator HARKIN on two...
separate pieces of legislation that would provide Medicare equity to both providers and seniors in rural States. The bill that I am introducing today adds an integral element of this strategy by making sure that health professionals are available to serve in rural areas.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2597

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Rural Healers Throughout WWAMI Act.”

SEC. 2. WWAMI DEMONSTRATION PROJECT.

(a) GRANT AUTHORIZED.—

(1) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the Secretary) is authorized to award, during any fiscal year for which appropriations are made under this Act, grants to eligible entities, to support the growth of health care training programs in rural areas.

(b) USE OF FUNDS.—The grant awarded pursuant to subsection (a) may be used for activities including—

(1) developing new mechanisms for recruiting and mentoring rural youth with respect to all health professions;

(2) strengthening and stabilizing the system of training for the family physicians needed in rural areas; and

(3) expanding the network of rural training tracks in rural States.

(c) REPORT.—Not later than 6 months after the end of the grant period described in subsection (a)(2), WWAMI shall submit to the Secretary a report evaluating the results of programs funded under the grant authorized under subsection (a)(1) and any recommendations regarding the effectiveness of such programs.

SEC. 3. PROJECT EXPANSION.

(a) IN GENERAL.—After submission of the report required in section 2(c), the Secretary is authorized to award grants to eligible entities to expand the programs under section 2, and to implement the recommendations made in such report, in other geographic areas.

(b) ELIGIBLE ENTITY DEFINED.—As used in this section, the term “eligible entity” means a partnership between a regional university or college and the medical school associated with such university or college where such medical school has a rural area training track of at least 2 months.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this Act, except sections 3(c) and section 3, $4,400,000 for fiscal year 2005, $4,100,000 for fiscal year 2004, and $4,800,000 for fiscal year 2005.

(b) EVALUATION.—There is authorized to be appropriated to carry out the report described in section 2(c), $500,000 for fiscal year 2005.

(c) PROJECT EXPANSION.—There is authorized to be appropriated to carry out section 3, such sums as may be necessary beginning in fiscal year 2006.

By Mr. LEAHY (for himself, Mr. INOUYE, Mrs. CLINTON, Mr. BINGAMAN, and Mrs. BOXER):

S. 2598. A bill to enhance the criminal penalties for illegal trafficking of archaeological resources, and for other purposes;

Mr. LEAHY. Mr. President, I rise today to introduce the Enhanced Protection of Our Cultural Heritage, EPOCH, Act of 2002. This legislation will increase the maximum penalties for violations of three existing statutes that protect the cultural and archaeological history of the American people, particularly Native Americans. The United States Sentencing Commission recommended the statutory changes contained in this bill, which would complement the Commission’s strengthening of Federal sentencing guidelines to ensure more stringent penalties for criminals who steal from our public lands.

I welcome the Commission’s recommendation and am pleased to note that Senators INOUYE, CLINTON, BINGAMAN, and BOXER have joined me as co-sponsors.

This bill will increase the maximum penalty for the Archaeological Resources Protection Act, ARPA, 16 USC § 470ee, the Native American Graves Protection and Repatriation Act, NAGPRA, 18 USC § 1170, and for 18 USC § 1163, which prohibits theft from Indian Tribal Organizations. All three statutes currently impose a 5-year maximum sentence, and each includes a lower maximum for a first offense of the statute and/or a violation of the statute involving property of less than a specified value. This bill would create a 10-year maximum sentence for each statute, while eliminating the lower maximums under ARPA and NAGPRA for first offenses.

Such maximum sentences would be consistent with similar Federal statutes. For example, the 1984 Antiquities Act proscribing museum theft carries a 10-year maximum sentence, as do the general statutes punishing theft and the destruction of government property. Moreover, increasing the maximum sentences would give the Sentencing Commission greater discretion to impose punishments appropriate to the amount of destruction a defendant has done.

Making these changes will also enable the Sentencing Commission’s recent sentencing guidelines to be fully implemented. The Commission has increased sentencing guidelines for cultural heritage crimes, but the statutory maximum penalties contained in current law will prevent judges from issuing sentences in the upper range of the new guidelines. Those new guidelines have the enthusiastic support of the National Trust for Historic Preservation, the National Heritage Association, the Society for American Archaeology, and many others. Congress should take the steps necessary to see the guidelines take full effect.

Two of the three laws we amend with this legislation protect Native American lands and property. The third, ARPA, protects both public and Indian lands, and provides significant protection to my State of Vermont. For example, ARPA protects artifacts from the wrecked military vessels at the bottom of Lake Champlain that date to the Revolutionary War and the War of 1812. U.S. Attorneys can also use ARPA to prosecute criminals who steal items that are at least 100 years old from a protected site on Vermont State property without a permit, and then transport those goods into another State. In addition, ARPA protects artifacts from the ghost towns of Vermont land that is Federal property, land that includes many "ghost towns" that have long been abandoned but are an important part of our history.

Those who would pillage the rich cultural heritage of this Nation and its people are committing serious crimes. These artifacts are the legacy of all Americans and should not be degraded as garage sale commodities or fodder for private enrichment.

I would like to thank a number of people for their help and advice about this legislation. Charlie Tetzlaff, as well as the rest of the staff at the Sentencing Commission, helped us understand the importance of this issue and made protecting our cultural heritage a priority when he served as United States Attorney for Vermont.

Art Cohn, the director of the Lake Champlain Maritime Museum, and Giovanna Peebles, Vermont’s State Archeologist, were very helpful in explaining how our laws protect the cultural heritage of Vermont and the rest of the Nation, and I am grateful for their support for this bill.

Passage of this legislation would demonstrate Congress’ commitment to preserving our Nation’s history and our cultural heritage. I urge my colleagues to support this common-sense initiative.

I would ask that the text of this legislation be printed in the RECORD.

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

S. 2598

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Enhanced Protection of Our Cultural Heritage Act of 2002.”

SEC. 2. ENHANCED PENALTIES FOR CULTURAL HERITAGE CRIMES.

(a) ENHANCED PENALTY FOR ILLEGAL TRAFFICKING IN ARCHAEOLOGICAL RESOURCES.—Section 6(d) of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470ee(d)) is amended by striking “not more than $10,000” and all that follows through the end of the provision, and inserting “not more than $100,000, imprisoned not more than 10 years, or both.”

(b) ENHANCED PENALTY FOR EMBEZZLEMENT AND THEFT FROM INDIAN TRIBAL ORGANIZATIONS.—Section 1163 of title 18, United States
This bill will help with short term challenges like meeting arsenic mandates and longer term issues like cost-effective desalination technologies and better modeling to enable optimum utilization of the water in our major river basins.

There are good reasons for designating the Department of Energy to create these technologies. Energy is the second largest user of water, second only to agriculture. Furthermore, energy costs are a major component in purifying and transporting water and in treating wastewater. As scarcity of water intensifies, more and more energy will be needed to obtain and treat it. Water will be pumped from greater depths and over greater distances. More treatment will be needed as we use less pure resources.

As just one example, up to half the costs of desalination involve energy. Removal of arsenic will be one focus for this new program. In New Mexico, as in much of the Southwest, the natural occurrence of arsenic occurs in significant concentrations. This, coupled with the fact that New Mexico is not a wealthy State, has made the recent unfunded mandate imposed by the EPA insurmountable.

This new program to cost New Mexico around $400 million. More than 100 community water systems in the State will probably have to upgrade their water treatment facilities. Ratepayer are likely to see monthly rate increases averaging between $40 and $90, that’s simply unacceptable. Other States have similar problems.

Even worse, these costs may force people to shift from expensive treated water to cheaper domestic wells. Since these wells often contain even greater amounts of arsenic and pollutants, there may be unintended public health consequences created by this new mandate.

I introduced S. 1299 to provide grants to States to help them comply with these new standards. That will help, but grant dollars alone aren’t the answer to this issue. We also need to reduce the costs of arsenic removal.

This bill authorizes $8 million for research and development of cost effective strategies. The program will focus on reducing overall costs, including those for energy and will include demonstration projects in the arid southwest.

The bill also provides for a 4 year extension in the time by which municipalities must comply with the new EPA mandate, in addition to the extension that EPA has already committed to. This extension is open to any public water system that is in the process of utilizing technology franchised under this bill. Our national laboratories, especially Sandia, will be strong contributors to this program.

Another part of the bill deals with the challenges of providing adequate ground water to the growing populations of our southwest. These States face severe water shortages, which impact both our urban communities and our rural agricultural ones. Our fresh water supply will not increase, unless we take steps today and invest in new approaches to water supply and management.

To achieve this, my bill provides authority for the program director, in cooperation with the Commissioner of Reclamation, to coordinate desalination research for improved technologies. This program is authorized at $6 million.

The program will focus on development and demonstration of technologies appropriate for desalinating brackish water and encourages the use of renewable energy. Part of these funds will enable completion of a national desalination research center in the Tularosa Basin of New Mexico.

The bill also provides $7 million to implement programs to examine the relationships between water supplies and energy needs. It will focus on the availability of water and on opportunities for increasing our supplies. Hopefully, with this research we can turn our water future into something other than a “zero sum” game.

The program will develop comprehensive models to assess and manage competing demands for water by energy, agriculture and other sectors. To accomplish this, models will include a range of physical phenomena and a complete set of the major water uses. The bill provides for the development of these models for up to 3 domestic river basins, one of which addresses an international border.

Many Americans are under the illusion that water will always flow out of their tap each time it is turned on. And they continue to believe that there will always be an adequate supply of good quality water to meet all needs, energy, agriculture and domestic. I fear this may not always be the case.

I urge the development of a workable strategy for dealing with impending water shortages it could be too late.

I hope this bill starts us down the path of conquering water challenges in the 21st Century. I ask unanimous consent that the text of the bill be printed in the RECORD. There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2599

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

SECTION 1. SHORT TITLE.
This Act may be cited as the “Water Supply Technologies Act of 2002”.

SEC. 2. FINDINGS.
Congress finds that—
(1) the understanding, use, and protection of water resources are matters of national and global security;
(2) increasing demand for water supply may dramatically alter population patterns and strain international relations;
(3) the remediation of many sites of the Department of Energy and the treatment of domestic water supplies require cost-effective, efficient removal of contaminants from water supplies;
such remediation frequently involves knowledge and modeling of water transport at the surface and subsurface levels; (5)(A) energy costs; (i) is an important factor in the extraction, storage, treatment, and delivery of water; and (ii) are particularly high in the case of de- salination programs; and
(B) increased efficiencies in energy use, or use of renewable energy sources in treatment processes, can result in large cost savings; (6)(a) Energy production technologies are highly water intensive; (B) the energy industry is the second larg- est water user after agriculture; (C) energy production requires a reliable, predictable water supply; and (D) the limited availability of water is be- ginning to constrain construction of new powerplants; (7) having strong expertise in geosciences, hydrology, chemistry, energy options, sys- tem modeling, and security technologies, the Department of Energy is well positioned to contribute to national efforts relating to water issues; (8) modeling and simulation of water cycles on at least the scale of river basins can guide strategies affecting— (A) site cleanup; (B) agricultural use of land; (C) industrial use of land; and (D) population expansion; and (9) processes by which water systems are facing un- funded Federal mandates to remove heavy metals and other contaminants from water supplies; (10) in the future, as water supplies are fur- ther stressed, municipal water systems may be forced to use water supplies that cannot, using existing technologies, be cost-effec- tively purified to meet clean water stand- ards; (11) many components of technologies used in the remediation of heavy metals and other contaminants at sites of the Department would aid municipal water systems in water purification; (12) for municipal water systems, of the most economically and technically chal- lenging treatment processes are— (A) reduction of arsenic levels; and (B) disinfection. (13)(A) the security of water supplies is a growing concern; and (B) Desalination being need for real-time sensing, and reporting systems for early warnings to the public, of potentially haz- ardous contaminants in the drinking water supply; (14) major water shortages along the United States-Mexico border— (A) are projected to occur in the future; and (B) could contribute to many issues affect- ing the border region; and (15) research and development of the De- partment must be coordinated with research and development of other Federal agencies, each of which has responsibilities, interests, and capabilities to contribute to solving the important problems described in this section.

SEC. 3. DEFINITIONS.

In this Act:
(1) ARSENIC REMOVAL PROGRAM.—The term “arsenic removal program” means the pro- gram carried out under section 4(d).
(2) DEPARTMENT.—The term “Department” means the Department of Energy.
(3) DEPUTY ASSISTANT SECRETARY.—The term “Deputy Assistant Secretary” means the Deputy Assistant Secretary for Water Supply and Technology Research.
(4) DECONSTRUCTION PROJECT.—The term “de- construction project” means a project to be carried out under section 4(e).
(5) FOUNDATION.—The term “Foundation” means the Water and Energy Sustainability Research Foundation.
(6) INDIAN TRIBE.—The term “Indian tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Edu- cation Assistance Act (25 U.S.C. 450b).
(7) PROGRAM.—The term “Program” means the Water Supply Technologies Program es- tablished under subsection (d).
(8) SECRETARY.—The term “Secretary” means the Secretary of Energy.
(9) WATER AND ENERGY SUSTAINABILITY PRO- GRAM.—The term “water and energy sustain- ability program” means the program carried out under section 4(f).
(10) WATER SUPPLY SECURITY PROGRAM.—The term “water supply security program” means the program carried out under section 4(g).

SEC. 4. WATER SUPPLY TECHNOLOGIES PRO- GRAM.

(a) ESTABLISHMENT.—(1) IN GENERAL.—There is established with- in the Office of Energy Efficiency and Renewable Energy of the Department a pro- gram to be known as the “Water Supply Technologies Program”.

(b) DUTIES.—(1) IN GENERAL.—The Deputy Assistant Secretary for Water Supply and Technology Research shall carry out the Program, con- sisting of—
(A) the arsenic removal program under subsection (d);
(B) the desalination program under subsection (e);
(C) the water and energy sustainability program under subsection (f); and
(D) the water supply security program under subsection (g).
(2) CONTRACTUAL AUTHORITY.—In carrying out the duties of the Deputy Assistant Sec- retary, the Deputy Assistant Secretary may enter into contracts with—
(A) private industries;
(B) colleges and universities;
(C) national laboratories;
(D) nonprofit organizations.

(c) OVERSIGHT.

(1)(A) Site Activity and Oversight.—The Secretary shall ensure that the results of research and development activities under the arsenic removal program, the desalination program, the water and energy sustainability program, the water supply security program, the arsenic removal program, and the desalination program, are communicated to the Secretary.
(2)(A) Oversight of Research Projects.—The Secretary shall ensure that the results of research and development activities under the arsenic removal program, the desalination program, the water and energy sustainability program, the water supply security program, the arsenic removal program, and the desalination program, are communicated to the Secretary.
(3) PROGRAMS.—Not later than 1 year after the date of enactment of this Act, the Deputy Assistant Secretary shall enter into a contract with the Foundation to carry out activities in the Tularosa Basin, the Environmental Protection Agency, shall ensure that activities under the arsenic removal program are coordinated with appropriate programs of the Environmental Protection Agency.
(4) REPORT.—Not later than 1 year after the date of enactment of this Act, the Deputy Assistant Secretary shall submit to Congress a report on the results of the arsenic removal program.

(d) ARSENIC REMOVAL PROGRAM.—
(1) IN GENERAL.—The Deputy Assistant Secretary, in cooperation with the Commiss- ioner of Reclamation, shall carry out a de- salination program in accordance with the arsenic removal program.

(e) DESALINATION PROGRAM.

(1) IN GENERAL.—Under the desalination program, Sandia National Laboratories and the Bureau of Reclamation shall coordinate desalination research for next-generation desalination technology.

(B) REQUIRED RESEARCH ELEMENTS.—In con- ducting research under the desalination pro- gram, Sandia National Laboratories and the Bureau of Reclamation shall—
(i) focus on research relating to, and develop- ment and demonstration of, technologies appropriate for use in desalinating brackish groundwater and other saline water supplies; and
(ii) consider the use of renewable energy.
(2) CONSTRUCTION PROJECTS.—Under the de- salination program, funds made available to carry out activities in the Tularosa Basin, New Mexico, may be used for construction projects, including completion of 1 rep- resentative from the Program and 1 rep- resentative from the Bureau of Reclamation.
the availability of water.

(2) R EQUIRED ELEMENTS.—Under the water and energy sustainability program, the Deputy Assistant Secretary shall—

(A) in accordance with paragraph (3), develop a coordinated strategy to identify technology development and improved modeling capabilities needed to achieve the goal of continued water and energy sustainability;

(B) in accordance with paragraph (4), develop such advanced modeling and decision analysis tools as are necessary to assess and manage competing demands for water by various categories of water users specified in paragraph (1)(A); and

(C) in accordance with paragraph (5), carry out demonstration projects to test the models and tools developed under subparagraph (B).

(3) WA TER AND ENERGY SUSTAINABILITY STRATEGY.—In developing the strategy under paragraph (2)(A), the Deputy Assistant Secretary shall—

(A) collaborate with water management agencies, universities, industry, and stakeholder groups to define issues and needs; and

(B) develop a coordinated science and technology strategy to support future water use decisions that include issues of energy sustainability.

(4) ADVANCED MODELING AND DECISION ANALYSIS TOOLS—

(A) APPLICABLE SCALES.—Modeling and decision analysis tools developed under paragraph (2)(B) shall address water and energy availability issues—

(i) physically, on the scale of river basins; and

(ii) temporally, on scales ranging from seasons to decades.

(B) COORDINATION.—Modeling and decision analysis tools developed under paragraph (2)(B) shall be coordinated with global climate change predictive capabilities supported by the Federal Government.

(C) MODELING TOOLS.—Modeling tools developed under paragraph (2)(B) shall include tools for modeling the effects of—

(i) atmospheric, surface, and subsurface phenomena;

(ii) natural and urban populations and land use changes;

(iii) energy, agriculture, and other industrial demands;

(iv) energy impacts on water quality and quantity; and

(v) changing marketplace behaviors and other economic forces.

(D) DECISION ANALYSIS TOOLS.—Decision analysis tools developed under paragraph (2)(B) shall include tools to support water and energy resource planning through—

(i) provision of direct support for policy and planning decisions;

(ii) optimization of water use for the energy sector and other categories of water users described in paragraph (1)(A); and

(iii) assessment of the potential benefits of new technologies to improve water and energy sustainability.

(E) DEMONSTRATION PROJECTS.—Demonstration projects carried out under paragraph (2)(C) shall—

(A) test water and energy modeling and decision analysis tools for 3 river basins, at least 1 of which includes an international border;

(B) focus on assessing water resources and managing competing demands for, and impacts on, water by the energy sector and other categories of water users specified in paragraph (1)(A); and

(C) be conducted in collaboration with water resources management organizations in the basins described in subparagraph (A).

(4) R EQUIRED QUANTITIES.—Not later than 1 year after the date of enactment of this Act, the Deputy Assistant Secretary shall submit to the Secretary and Congress a report on the water and energy sustainability program that—

(A) describes the elements required under paragraph (2); and

(B) makes recommendations for a management structure and research and development plan for the water and energy sustainability program that—

(i) the Deputy Assistant Secretary shall carry out a program to enable security, with the goal of developing low-cost, mass-produced small water systems to provide early warning of potentially hazardous contaminants in municipal water systems;

(ii) REQUIRED ELEMENTS.—In carrying out the water supply security program, the Foundation shall, to the maximum extent practicable, develop—

(A) means of reducing monitoring costs, including technologies to replace expensive current or potential future regulation; and

(B) innovative, cost-effective monitoring technologies for detection of—

(i) chemical and biological threats; and

(ii) chemical and pharmaceuticals subject to current or potential future regulation; and

(C) rapid and effective methodologies to transform monitoring data into information for decisionmaking and automated response.

(5) MONITORING TECHNOLOGIES.—In carrying out the water supply security program, the Foundation, in conjunction with municipal water systems, shall carry out peer-reviewed projects to develop and demonstrate monitoring technologies.

(6) COST SHARING.—Not later than 1 year after the date of implementation of the water supply security program, and annually thereafter, the Secretary shall submit to Congress a report on the results of the water supply security program.

(7) AUTHORIZATION OF APPROPRIATIONS.—There are appropriated to carry out this section—

(A) $25,000,000 for fiscal year 2003, of which—

(i) $8,000,000 shall be used to carry out subsection (d); and

(ii) $17,000,000 shall be used to carry out subsection (e); and

(B) $7,000,000 shall be used to carry out subsection (f); and

(C) $4,000,000 shall be used to carry out subsection (g); and

(D) such sums as are necessary for each fiscal year thereafter.

SEC. 5. EXTENSIONS OF COMPLIANCE DEADLINES FOR SMALL PUBLIC WATER SYSTEMS.

Section 1412(b)(10) of the Safe Drinking Water Act (42 U.S.C. 300g–6(10)) is amended—

(1) by striking ‘‘A national primary’’ and inserting the following:

‘‘(1) IN GENERAL.—Except as provided in paragraph (2), a national primary’’; and

(2) by adding at the end the following:

‘‘(2) EXTENSIONS.—

(A) SMALL PUBLIC WATER SYSTEMS.—

(B) IN GENERAL.—In accordance with the report submitted to Congress by the Administrator entitled ‘‘Small System Arsenic Implementation Issues’’, in addition to any 2-year extension described in paragraph (1), the Administrator (or a State, in the case of an individual system) may renew an extension granted to a small public water system under clause (1)—

(i) ‘‘(1) the small public water system serves a population of not more than 3,300; and

(ii) ‘‘(2) the small public water system demonstrates, to the satisfaction of the Administrator (or the State), that the small public water system is taking all practicable steps to meet the requirements of this title.’’

(B) ALL PUBLIC WATER SYSTEMS.—In addition to any 2-year extension received under paragraph (1), the Administrator (or a State, in the case of an individual system) may provide to any public water system an extension of 4 years in which to comply with a maximum contaminant level or treatment technique described in that paragraph if the public water system is in the process of implementing arsenic removal technology developed under section 4(d) of the Water Supply Technologies Act of 2002.’’.

STATEMENTS ON SUBMITTED RESOLUTIONS

S NATE CONCURRENT RESOLUTION 119—HONORING THE UNITED STATES MARINES KILLED IN ACTION DURING WORLD WAR II WHILE PARTICIPATING IN THE 1942 RAID ON MAKIN ATOLL IN THE GILBERT ISLANDS AND EXPRESSING THE SENSE OF CONGRESS THAT A SITE IN ARLINGTON NATIONAL CEMETERY, NEAR THE SPACE SHUTTLE ‘‘CHALLENGER’’ MEMORIAL AT THE FORGONE OF VIRGINIA, AND FARRAGUT DRIVES, SHOULD BE PROVIDED FOR A SUITABLE MONUMENT TO THE MARINE RAIDERS

Mr. BURNS (for himself and Mr. INOUYE) submitted the following concurrent resolution; which was referred to the Committee on Veterans’ Affairs:

S. CON. Res. 119

WHEREAS Congress remembers with profound sorrow, gratitude, and respect the
United States Marines who were killed in action during World War II while participating in a combat raid on Japanese forces on Makin Atoll in the Gilbert Islands in August, 1942, and whose remains were recovered from Makin Atoll in 1999; and

Whereas Congress hopes and prays for the recovery of the remains of 9 additional United States Marines who, after surrendering in accordance with the law of armed conflict, were beheaded by their captors on Kwajalein Atoll: Now therefore be it

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

(1) the United States Marines killed in action or beheaded in captivity on Makin and Kwajalein Atolls during World War II gave hope to the world by offering up their lives; and

(2) a place of honor in Arlington National Cemetery near the Space Shuttle Challenger Memorial at the corner of Memorial and Far-Ragut Drives should be provided for a suitable monument to the Marine Raiders, both as a reminder of United States resolve during the dark, early days of World War II, and as a monument to the Marine Raiders by establishing a monument in Arlington National Cemetery.

This site would respectfully honor the Marine Raiders with a monument established at a point next to the Challenger Memorial, which will demonstrate to our country and to the world that America will never leave any of our fallen servicemen and women behind, either in memory or geographic location, and will bring them home to the American soil they preserved defending.

As a former Marine, I am proud to have served this great Nation. The call to service as a member of the armed forces is a strong and noble call. In light of the recent attacks upon America, we are reminded of the sacrifices we never forget that those make the ultimate sacrifice in protecting the liberty we as Americans hold so precious. We, as Members of Congress and as citizens of this country, must remain united in fulfilling this promise to those who make that sacrifice today and tomorrow, without forgetting the men and women who made it yesterday, and in every war of America’s past. We owe these heroes the honor of remembrance, both past and present, as we enjoy today and our freedom tomorrow.

Honoring the Marine Raiders presents us the unique opportunity to present to the world the love and respect we have for our fallen warriors. With the challenges of war looming for our servicemen and women today, this demonstration of respect seems particularly appropriate. I ask my colleagues to join Senator Inouye and me in honoring these men, and their sacrifice, with a memorial in Arlington Cemetery.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3787. Mr. FRIST (for Mr. HELMS (for himself, Mr. KERRY, Mr. WARNER, Mr. DeWINE, and Mr. SMITH, of Oregon)) submitted an amendment intended to be proposed by Mr. Frist to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3771. Mr. McCONNELL submitted an amendment intended to be proposed to amendment SA 3552 submitted by Mr. BAUCUS and intended to be proposed to the bill (H.R. 4775) supra, which was ordered to lie on the table.

SA 3772. Mr. BAUCUS submitted an amendment intended to be proposed to amendment SA 3552 submitted by Mr. BAUCUS and intended to be proposed to the bill (H.R. 4775) supra, which was ordered to lie on the table.

SA 3773. Mr. BAUCUS submitted an amendment intended to be proposed to amendment SA 3526 submitted by Mr. BAUCUS (for himself and Mr. BURRESS, and Mr. SMITH, of Oregon) and intended to be proposed to the bill (H.R. 4775) supra, which was ordered to lie on the table.

SA 3774. Mr. DASCHLE submitted an amendment intended to be proposed to him by the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3775. Mr. BINGMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3776. Mr. DOMENICI (for himself and Mr. BINGMAN) submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3777. Mr. DOMENICI (for himself and Mr. BINGMAN) submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3778. Mr. DOMENICI (for himself and Mr. BINGMAN) submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3779. Mr. DOMENICI (for himself and Mr. BINGMAN) submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3780. Mr. DOMENICI (for himself and Mr. BINGMAN) submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3781. Mr. DOMENICI (for himself and Mr. BINGMAN) submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3782. Mr. DOMENICI (for himself and Mr. BINGMAN) submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3783. Mr. DOMENICI (for himself and Mr. BINGMAN) submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3784. Mr. DOMENICI (for himself and Mr. BINGMAN) submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3785. Mr. DOMENICI (for himself and Mr. BINGMAN) submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3786. Mr. LEAHY (for himself and Mr. BINGMAN) submitted an amendment intended to be proposed to amendment SA 3597 proposed by Mr. Frist to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3787. Mr. Frist (for Mr. HELMS (for himself, Mr. KERRY, Mr. WARNER, Mr. DeWINE, and Mr. SMITH, of Oregon)) submitted an amendment intended to be proposed by Mr. Frist to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3788. Mr. WARNER (for himself, Mr. HELMS, Mr. MILLER, Mr. HATCH, Mr. KYL, Mr. ALLEN, Mr. RUSKIN, Mr. HUTCHINSON, Mr. CRAIG, Mr. SHEPPY, Mr. HAGEL, Mr. CRAPO, and Mr. FRIST) to the bill (H.R. 4775) supra; which was ordered to lie on the table.

SA 3789. Mr. DODD (for himself and Mr. WARNER) submitted an amendment intended to be

As Americans, we have become accustomed to the risks and losses incurred while defending the great American principles of democracy, liberty, and patriotism. Our strength and spirit continue to prevail, and our continuing efforts to honor those who make the ultimate sacrifice in maintaining America’s freedom, must not be lost upon the Marine Raiders. The bravery and heroism of these men has gone unsung for almost sixty years, and the time is now to honor the Marine Raiders by establishing a monument in Arlington National Cemetery.

In August, 1942, the United States Marines conduct a combat raid on Japanese forces on Makin Atoll in the Gilbert Islands. On August 17 and 18, 1942, these Marines raided Butaritari Island, in the Makin Atoll. These men were members of the 2nd Raider Battalion, a Marine unit trained to conduct guerrilla-style attacks behind enemy lines.

The unit was led by Lieutenant Colonel Evans Carlson; his second-in-command was Major James Roosevelt, son of President Franklin D. Roosevelt. The unit came under heavy Japanese resistance, and during the two-day battle, the raiders killed 83 Japanese soldiers. However, because of weather, were unable to evacuate the bodies of their fallen comrades. The valiant men, known as Marine Raiders, were recovered and brought home to a grateful nation, at long last, in 1999. A funeral ceremony was held in August 2001 for nineteen of these brave men.

In recent months, heroism and service to our great Nation have risen as qualities valued and held dearly in the hearts of all Americans, but the men and women of our armed forces are no strangers to these qualities. Our American servicemen and women were not introduced to the concepts of bravery, sacrifice, and patriotism on September 11. The men and women of our armed forces have dedicated their lives to serving this great country since its conception, and I rise today to honor some of this country’s greatest servants.
to be proposed to amendment SA 3597 proposed by Mr. WARNER (for himself, Mr. HELMS, Mr. MILLER, Mr. HATCH, Mr. KYL, Mr. BROWNBACK, Mr. ALLEN, Mr. ENSEN, Mr. HUTCHINSON, Mr. CRAG, Mr. SENS, Mr. HAGEL, Mr. CRAPO, and Mr. FRIST) to the bill (H.R. 4775) supra.

SA 3706. Mr. WOOD (for himself and Mr. LEAHY) submitted an amendment intended to be proposed to amendment SA 3597 proposed by Mr. WARNER (for himself, Mr. HELMS, Mr. MILLER, Mr. HATCH, Mr. KYL, Mr. BROWNBACK, Mr. CRAPO, Mr. SENS, Mr. HUTCHINSON, Mr. CRAIG, Mr. SHELBY, Mr. HAGEL, Mr. CRAPO, and Mr. FRIST) to the bill (H.R. 4775) supra; which was ordered to lie on the table.

SA 3708. Mr. BYRD submitted an amendment intended to be proposed to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3709. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3791. Mr. MILLER submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3792. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 3624 proposed by Mr. WILKIE (for himself, Mr. SENS, and Mr. CLINTON) submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3795. Mr. MILLER submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3796. Mr. MILLER submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3797. Mr. MILLER submitted an amendment intended to be proposed to amendment SA 3628 submitted by Mr. BAUCUS (for himself, Mr. BURNS, and Mr. BINGHAM) and intended to be proposed to the bill (H.R. 4775) supra; which was ordered to lie on the table.

SA 3798. Mr. MILLER submitted an amendment intended to be proposed to amendment SA 3696 submitted by Mr. McCaskill and intended to be proposed to the bill (H.R. 4775) supra; which was ordered to lie on the table.

SA 3799. Mr. ENZI (for himself, Mr. GRASSLEY, and Mr. HAGEL) submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3800. Mr. ENZI (for himself, Mr. GRASSLEY, and Mr. HAGEL) submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3801. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3802. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3803. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3804. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3805. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3806. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3808. Mr. Frist submitted an amendment intended to be proposed by Mr. Frist to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3810. Mr. Frist submitted an amendment intended to be proposed by Mr. Frist to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3811. Mr. Frist submitted an amendment intended to be proposed by Mr. Frist to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3812. Mr. Frist submitted an amendment intended to be proposed by Mr. Frist to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3813. Mr. Frist submitted an amendment intended to be proposed by Mr. Frist to the bill H.R. 4775, supra; which was ordered to lie on the table.

SA 3814. Mr. Frist submitted an amendment intended to be proposed by Mr. Frist to the bill H.R. 4775, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3767. Mr. FRIST (for himself, Mr. HELMS (for himself, Mr. KERRY, Mr. WARNER, Mr. DEWINE, and Mr. SMITH of Oregon)) 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 for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, 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 on, HIV/AIDS: Provided further, That funds appropriated by this paragraph, other than 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, shall not exceed the total resources provided, including on an in-kind basis, from other donors: Provided further, That not more than seven percent of the amount of the funds appropriated by this paragraph, in addition to funds otherwise available for such purpose, may be made available for the administration 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 by the President to Congress.

SA 3769. Mr. Frist 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 for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, 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 the 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 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; and, is transmitted by the President to Congress.
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 by the President to Congress.

SA 3770. Mr. FRIST (for Mr. HELMS (for himself, Mr. KERRY, Mr. WARNER, Mr. DEWINE, and Mr. SMITH of Oregon)) 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 for other purposes; which was ordered to lie on the table; as follows:

At the end, insert the following:

For an additional amount for the “Child Survival and Family Planning 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 and control of child mortality 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 the funds appropriated by this paragraph, the President, and the Secretary of State, shall 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, except that such contribution shall be not less than $100,000,000: Provided further, That such funds 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 not more than seven percent of the amount of the funds appropriated by this paragraph, in addition to funds made available for such purposes by the United States government agencies in carrying out programs funded under this paragraph, may be made available for the administrative costs of United States government agencies in carrying out programs funded under this paragraph, or in carrying out this section. The funds transferred under subsection (a), including losses due to army worms. (a) IN GENERAL. — 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 by the President to Congress.

SA 3771. 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:

In lieu of the matter proposed, insert the following:

SEC. 60. LIVESTOCK ASSISTANCE PROGRAM.

(a) IN GENERAL. — The Secretary shall make available to the 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 106-397; 114 Stat. 1549A–51).

(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 106-397; 114 Stat. 1549A–51).

SEC. 61. COMMODITY CREDIT CORPORATION. The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this title.

SEC. 62. ADMINISTRATION. — (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 be entitled to receive, shall accept, and shall use to carry out this provision the funds transferred under subsection (a), without further appropriation.

SEC. 63. REGULATIONS. — (a) IN GENERAL. — The Secretary may promulgate such regulations as are necessary to implement this title.

SEC. 64. BURDEN. — Any promulgation of the regulations and administration of this title shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code; and

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971
(36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and
(3) chapter 35 of title 44, United States Code (commonly known as the “Paperwork Reduction Act”).

(c) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this section, the Secretary of the Treasury, or the Secretary of Agriculture, as appropriate, shall ensure that any proposed rulemaking and public participation in rulemaking pursuant to section 251(b)(1) or 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(e)).

SA 3773. Mr. BAUCUS submitted an amendment intended to be proposed to the Senate amendment to S. 1665 (Public Law 105-175). This amendment was agreed to by the Senate by voice vote.

Mr. BAUCUS. Mr. President, I offer an amendment to make assistance available under this section in the same manner as provided under section 808 of title 5, United States Code.

SEC. 05. EMERGENCY REQUIREMENT.

The entire amount necessary to carry out this title is designated by Congress as an emergency requirement pursuant to section 251(b)(1) or 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(e)).

SEC. 06. EMERGENCY AGRICULTURAL ASSISTANCE.

(a) MANDATORY FUNDING.—The Secretary of Agriculture shall make assistance available under this subtitle in the same manner as provided under section 808 of title 5, United States Code.

(b) ADMINISTRATION.—The Secretary shall make assistance available under this subtitle in the same manner as provided under section 251(b)(1) or 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(e)).

The entire amount necessary to carry out this subtitle is designated by Congress as an emergency requirement pursuant to section 251(b)(1) or 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(e)).

(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. 07. REGULATIONS.

The Secretary shall be entitled to receive, shall accept, and shall use to carry out this title the funds transferred under this section in the same manner as provided under section 808 of title 5, United States Code.

SEC. 08. 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 made available by other laws, the Secretary of the Treasury shall transfer to the Secretary of Agriculture to pay the cost of the Secretary of Agriculture in carrying out this subtitle, an amount, estimated under the provisions of section 251(b)(1) or 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(e)), of $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. 09. CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this section, the Secretary shall make assistance available under this section in the same manner as provided under section 808 of title 5, United States Code.

SEC. 10. LIMITATION ON INTEREST.

In carrying out this section, the Secretary shall make assistance available under this subtitle in the same manner as provided under section 808 of title 5, United States Code.
"(i) became at birth a citizen of the United States and a citizen of another country and, as of the expiration date, continues to be a citizen of, and is taxed as a resident of, such other country; and  

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

(B)(i) the individual’s relinquishment of United States citizenship occurs before such individual attains age 18, and  

(ii) 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 4974(c)), other than any interest attributable to contributions which are in excess of any limitation or which violate any condition for tax-favored treatment.  

(B) FOREIGN PENSION PLANS.—  

(i) the individual shall be treated as a separate share in the trust, and  

(ii) the separate trust shall be treated as a separate trust consisting of the assets allocable to such share,  

(iii) the separate trust shall be treated as having recontributed the assets to the separate trust.  

Subsection (a)(2) shall apply to any income, gain, or loss of the individual arising from a distribution described in subparagraph (C)(i). In determining the amount of such distribution, proper adjustments shall be made for items allocable to an individual’s share in the trust.  

(2) SPECIAL RULES FOR INTERESTS IN QUALIFIED TRUSTS.—  

(A) IN GENERAL.—If the trust interest described in paragraph (1) is an interest in a qualified trust—  

(i) paragraph (1) and subsection (a) shall not apply, and  

(ii) in addition to any other tax imposed by this title, there is hereby imposed on each distribution with respect to such interest a tax in the amount determined under subparagraph (B).  

(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(e) for the taxable year which includes the day before the expiration date, multiplied by the allocable interest of the distribution, or  

(ii) the balance in the deferred tax account immediately before the distribution determined without regard to any increases under subparagraph (A), after the 90th 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 expiration gain with respect to such trust interest if such gain had been included in gross income under subsection (a).  

(ii) 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 increase accrues), for periods after the 90th day preceding the distribution, by using the rates and method applicable under section 6621 for underpayments of tax for such periods, except that section 6621(a)(3) shall be applied by substituting ‘5 percentage points’ for ‘3 percentage points’ in subparagraph (B) thereof.  

(D) ALLOCABLE EXPATRIATION GAIN.—For purposes of this paragraph, the allocable expatriation gain with respect to any beneficiary and the occurrence of all contingencies in favor of the beneficiary.  

(E) TAX DEDUCTED AND WITHHELD.—  

(i) IN GENERAL.—The tax imposed by subparagraph (B)(ii) shall be deducted and withheld by the trustees from the distribution to which it relates.  

(ii) EXCEPTION WHERE FAILURE TO WAIVE TREATY RIGHTS.—If an amount may not be deducted and withheld under clause (1) by reason of the distributee failing to waive any treaty right with respect to such distribution—  

(A) the tax imposed by subparagraph (B)(ii) shall be imposed on the trust and each such beneficiary shall be personally liable for the amount of such tax, and  

(B) any other beneficiary of the trust shall be entitled to recover from the distributee the amount of such tax imposed on such other beneficiary.  

(F) DISPOSITION.—If a trust ceases to be a qualified trust at any time, a covered expatriate distributes an interest in a qualified trust, or a covered expatriate holding an interest in a qualified trust dies, then, in lieu of the tax imposed by subparagraph (A)(ii), there is hereby imposed a tax equal to the lesser of—  

(i) the tax determined under paragraph (1) as if the day before the expiration date were the date of such cessation, disposition, or death, whichever is applicable, or  

(ii) the balance in the tax deferred account immediately before such date.  

Such tax shall be imposed on the trust and each beneficiary shall be personally liable for the amount of such tax and any other beneficiary of the trust shall be entitled to recover from the covered expatriate or the successor, the amount of such tax imposed on the other beneficiary.  

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

(A) QUALIFIED TRUST.—The term ‘qualified trust’ means a trust which is described in section 7701(a)(30)(E).  

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

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

(D) 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 avoid deferring the gain.  

(E) DETERMINATION OF BENEFICIARIES’ INTEREST IN TRUST.—
“(A) Determinations under paragraph (1).—For purposes of paragraph (1), a beneficiary’s interest in a trust shall be based upon all relevant facts and circumstances, including the instrument of the trust, the nature of the trust instrument, and any letter of wishes or similar document, historical patterns of trust distributions, and the existence and functions performed by a trust protector or any similar adviser.

“(B) Other determinations.—For purposes of this section—

(1) by constructive ownership.—If a beneficiary of a trust is a corporation, partnership, trust, or estate, the shareholders, partners, or beneficiaries shall be deemed to be the true beneficiaries for purposes of this section.

(2) Taxpayer return position.—A taxpayer shall clearly indicate on its income tax return—

(I) the methodology used to determine that taxpayer’s trust interest under this section,

(II) if the taxpayer knows (or has reason to know) that any other beneficiary of such trust is using a different methodology to determine such beneficiary’s trust interest under this section.

(3) Transfers in trust.—Any covered gift or bequest which is made in trust shall be treated as made to the beneficiaries of such trust according to their respective interests in such trust (as determined under section 877A(c)(3)).

(4) Covered expatriate.—For purposes of this section, the term ‘covered expatriate’ has the meaning given to such term by section 877A(c).

(5) Clerical amendment.—The table of chapters for subtitle B is amended by inserting after the item relating to chapter 14 the following new item:

‘‘Chapter 15. Gifts and bequests from expatriates.‘‘

SEC. 2801. IMPOSITION OF TAX.

(a) In general.—Section 212(a)(10)(E) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)(E)) is amended to read as follows:

‘‘(A) shall not apply to an individual who becomes a United States citizen before the date on which the individual’s citizenship is treated as relinquished under section 877A(a)(3).’’

(b) Dual citizens.—Under regulations prescribed by the Secretary, subparagraph (A) shall not apply to an individual who becomes a United States citizen and a citizen of another country.

(c) Ineligibility for visa or admission to United States.—

(1) In general.—Section 212(a)(10)(E) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)(E)) is amended by adding at the end the following new clause:

‘‘(F) TERMINATION OF UNITED STATES CITIZENSHIP.—An individual shall not cease to be treated as a United States citizen after the item relating to chapter 14 the following new item:

‘‘Chapter 15. Gifts and bequests from expatriates.‘‘

SEC. 2802. IMPOSITION OF TAX.

(a) General.—During any calendar year, any United States citizen or resident receives any covered gift or bequest, there is hereby imposed a tax equal to the product of—

(I) the highest rate of tax specified in the table contained in section 2201(c) as in effect on the date of such receipt, and

(II) the value of such covered gift or bequest.

(b) Tax to be paid by recipient.—The tax imposed by subsection (a) shall be paid by the person receiving such gift or bequest.

(c) Exception for certain gifts.—Subsection (a) shall apply only to the extent that the covered gifts and bequests received during the calendar year exceed the amount determined under section 2206(b)(2).

(d) Tax reduced by foreign gift or estate tax.—The tax imposed by subsection (a) on any covered gift or bequest shall be reduced by the amount of any gift or estate tax paid to a foreign country with respect to such covered gift or bequest.

(e) Covered gift or bequest.—

(1) In general.—For purposes of this chapter, the term ‘covered gift or bequest’ means—

(A) any property acquired by gift directly or indirectly from a covered individual or thereafter; or

(B) any property acquired by bequest, devise, or inheritance directly or indirectly from an individual who, at the time of death, was a covered expatriate.

(2) Exempt transfers otherwise subject to estate or gift tax.—Such term shall not include—

(A) any property shown on a timely filed return of tax imposed by chapter 11 of the estate of the covered expatriate, and

(B) any property shown on a timely filed return of tax imposed by chapter 11 of the estate of the covered expatriate in a taxable gift by the covered expatriate, and

(3) Transfers in trust.—Any covered gift or bequest which is made in trust shall be treated as made to the beneficiaries of such trust according to their respective interests in such trust (as determined under section 877A(c)(3)).

(f) Covered expatriate.—For purposes of this section, the term ‘covered expatriate’ has the meaning given to such term by section 877A(c).

(g) Clerical amendment.—The table of chapters for subtitle B is amended by inserting after the item relating to chapter 14 the following new item:

‘‘Chapter 15. Gifts and bequests from expatriates.‘‘

SEC. 2803. CONFORMING AMENDMENTS.

(1) Section 877 is amended by adding at the end the following new subsection:

‘‘(e) Exception for certain gifts and bequests.—This section shall not apply to any expatriate (as defined in section 877A(e)) whose expatriation date (as so defined) occurs on or after the date of first passage by the Senate of legislation adding section 877A to this title.’’

(2) Section 2107 is amended by adding at the end the following new subsection:

‘‘(b) Ineligibility for visa or admission to United States.—

(1) In general.—Section 212(a)(10)(E) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)(E)) is amended by adding at the end the following new paragraph:

‘‘(F) TERMINATION OF UNITED STATES CITIZENSHIP.—An individual shall not cease to be treated as a United States citizen after the item relating to chapter 14 the following new item:

‘‘Chapter 15. Gifts and bequests from expatriates.‘‘

SEC. 2804. EFFECTIVE DATE.

The amendments made by this Act shall apply to individuals who relinquish United States citizenship on or after the date of the enactment of this Act.

SEC. 2805. COMMISSIONER OF SOCIAL SECURITY.—

(a) In general.—The Commissioner of Social Security shall review such determinations made on or after the date of enactment by the Secretary of the requirements for the issuance of a determination that individuals who have attained 18 years of age are blind or disabled as of the date of such determination.

(b) In carrying out paragraph (1), the Commissioner of Social Security shall—

(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 and thereafter.

SEC. 12. REVIEW OF STATE AGENCY BLINDNESS AND DISABILITY DETERMINATIONS.

Section 1633 of the Social Security Act (42 U.S.C. 1383b) is amended by adding at the end the following:

‘‘(c) The Commissioner of Social Security shall review determinations made 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 the specified date and the expiration date of the determinations made by the State agency or the expiration date of the determinations made by the State agency or the expiration date of the determinations made by the Secretary of the Treasury, not to be in compliance with section 877A and 2801 of such Code (relating to expatriation).’’

(2) Availability of information.—

(A) In general.—Section 6103(j)(1) relating to disclosures to Federal officers or employees for administration of Federal laws not relating to tax administration is amended by adding at the end the following new paragraph:

‘‘(n) Disclosure to deny visa or admission to certain expatriates.—Except as provided in paragraph (6), upon written request of the Attorney General, the return of an individual or return information with respect to such individual shall be open to inspection by or disclosure to, officers and employees of the Attorney General responsible for making a determination under section 212(a)(10)(E) of the Immigration and Nationality Act for the purpose of, and to the extent necessary in, making such determination with respect to such individual.’’

(B) Conforming amendment.—Section 6103(j)(6) relating to confidential information; and

(c) In carrying out paragraph (1), the Commissioner of Social Security shall—

(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 and thereafter.

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 3774. Mr. DACSHLE 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:

"(1) the provision specifying $500,000 for the Prairie Lakes Education Cooperative in Madison, SD to advance distance learning for Native Americans in BIA and tribal schools shall be deemed to read as follows: ‘Sisseton-Wahpeton School Board in Agency Village, SD to advance distance learning for Native American students, $500,000’.

SA 3775. Mr. BINGAMAN (for himself and 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:

On page 1, beginning on line 2, strike "under this chapter for the Defense Emergency Response Fund" and insert "under title II of Public Law 107-117 under the heading ‘ARMY NATIONAL GUARD, OPERATION AND MAINTENANCE’."

SA 3776. 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:

In lieu of the matter proposed, insert the following:

"SEC. . For an additional amount for the Department of the Interior, Bureau of Reclamation, ‘WATER AND RELATED RESOURCES’ for emergency expenses related to compliance with activities required in the existing biological opinion on the Rio Grande in New Mexico, $4,000,000, 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 3779. 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:

In lieu of the matter proposed, insert the following:

"SEC. . For an additional amount for the Department of the Interior, Bureau of Reclamation, ‘WATER AND RELATED RESOURCES’ for emergency expenses related to compliance with activities required in the existing biological opinion on the Rio Grande in New Mexico, $4,000,000, 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 3780. 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:

In lieu of the matter proposed, insert the following:

"SEC. . For an additional amount for the Department of the Interior, Bureau of Reclamation, ‘WATER AND RELATED RESOURCES’ for emergency expenses related to compliance with activities required in the existing biological opinion on the Rio Grande in New Mexico, $4,000,000, 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 3781. 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:

In lieu of the matter proposed, insert the following:

"SEC. . For an additional amount for the Department of the Interior, Bureau of Reclamation, ‘WATER AND RELATED RESOURCES’ for emergency expenses related to compliance with activities required in the existing biological opinion on the Rio Grande in New Mexico, $4,000,000, 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 3782. 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:

In lieu of the matter proposed, insert the following:

"SEC. . For an additional amount for the Department of the Interior, Bureau of Reclamation, ‘WATER AND RELATED RESOURCES’ for emergency expenses related to compliance with activities required in the existing biological opinion on the Rio Grande in New Mexico, $4,000,000, 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 3783. 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:

In lieu of the matter proposed, insert the following:

"SEC. . For an additional amount for the Department of the Interior, Bureau of Reclamation, ‘WATER AND RELATED RESOURCES’ for emergency expenses related to compliance with activities required in the existing biological opinion on the Rio Grande in New Mexico, $4,000,000, 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 3784. 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:

In lieu of the matter proposed, insert the following:

"SEC. . For an additional amount for the Department of the Interior, Bureau of Reclamation, ‘WATER AND RELATED RESOURCES’ for emergency expenses related to compliance with activities required in the existing biological opinion on the Rio Grande in New Mexico, $4,000,000, 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."

In lieu of the matter proposed, insert the following:
SA 3785. Mr. DOMENICI (for himself and Mr. BINGMAN) 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 lieu of the matter proposed, insert the following:

SEC. 215. For an additional amount for the Department of the Interior, Bureau of Reclamation, “WATER AND RELATED RESOURCES” for emergency expenses related to compliance with activities required in the existing biological opinion on the Rio Grande in New Mexico, $4,000,000, 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 3786. Mr. LEAHY (for himself and Mr. INOUYE) submitted an amendment intended to be proposed to amendment SA 3785 by Mr. WARNER (for himself, Mr. HELMS, Mr. MILLER, Mr. HATCH, Mr. KYL, Mr. BROWNBACK, Mr. ALLEN, Mr. ENSIGN, Mr. HUTCHINSON, Mr. CRAIG, Mr. SHELBY, Mr. HAGEL, Mr. CRAPO, and Mr. FRIST) 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. 215. EXPIRATION OF AUTHORITY.

This title shall cease to be effective at the end of September 30, 2002.

SA 3787. Mr. DODD (for himself and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 3597 proposed by Mr. WARNER (for himself, Mr. HELMS, Mr. MILLER, Mr. HATCH, Mr. KYL, Mr. BROWNBACK, Mr. ALLEN, Mr. ENSIGN, Mr. HUTCHINSON, Mr. CRAIG, Mr. SHELBY, Mr. HAGEL, Mr. CRAPO, and Mr. FRIST) 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. 215. Nothing in this title shall prohibit the United States from rendering assistance to international efforts to bring to justice Saddam Hussein, Slobodon Milosovic and other foreign nationals accused of genocide, war crimes or crimes against humanity.

SA 3789. 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:

At the appropriate place in the bill insert the following: "Notwithstanding any other provision of this Bill, For an additional amount for “Operation and Maintenance, General”, $32,000,000, to remain available until expended: Provided, That using the funds appropriated herein the Secretary of the Army, acting through the Chief of Engineers is directed to repair, restore, and clean out area streams, provide emergency streambank protection, restore other crucial 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 flooding in eastern Kentucky, Illinois, the western Upper Peninsula of Michigan, Missoula County in Montana, West Virginia, and southwestern Virginia.

SA 3790. Mr. WYDEN 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 lieu of the matter proposed to be inserted, insert the following: SEC. 210. Of the amounts appropriated in Public Law 107-77, under the heading “Dept. of Commerce - National Oceanic and Atmospheric Administration, Administration, Operations, Research, and Facilities”, $500,000 shall be for the cost of a reduction loan of $50,000,000 as authorized under sections 1111 and 1112 of title XI of the Merchant Marine Act, 1936 (46 U.S.C. App. 1270f and 1279c) to carry out a West Coast groundfish fishing capacity reduction program under section 312(b) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a(b)).

SA 3791. 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. . 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 any import of such substances originating from a country or exporter if it appears that shipments of such seafood are likely to be adulterated with 1 or more substances listed in section 530.41(a) of the Federal Regulations. The Secretary may consider—

(A) the detection of such substances by the Secretary;

(B) the detection of such substances by a person commissioned to carry out examinations and investigations under section 702(a) of this Act.

(C) findings from an inspection under §704;

(D) the detection by other importing countries of such substances in shipments of seafood that originate from such country or exporter; or (E) 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 in that country or from that 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 country or exporter has shown to the satisfaction of the Secretary that the substance is no longer sold for use, in being used in, or being used in a manner that could contaminate 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 a drug.

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)"; and

(2) striking “subsection (b)” in subsection (d) and inserting “subsection (c)”; and

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

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

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

(6) striking “section 801(d)(1)” in subsection (b)(1)(A)(iii) and inserting “subsection (d)(1) of this section”; and

SA 3792. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 3624 proposed by Mr. WELLSTONE 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:

Amendment number 3624 is amended by striking the text and inserting the following:

"S5221. Whereas of the 40 million people living with HIV/AIDS, nearly 2.7 million are..."
children under 15, and 11.8 million are young people aged 15-24, more than 540,000 children were infected in mother-to-child transmission in 2000, and a baby born to an HIV-positive mother has a 25 to 35 percent chance of becoming infected;

Whereas targeted provision of dairy products for HIV/AIDS mitigation provides an economic and nutritional incentive to strengthen nutrition, ward off infectious diseases and extend the lives of HIV-positive individuals;

Whereas good nutrition including dairy products is critical to programs that provide and enhance anti-retroviral drugs to prevent mother-to-child transmission of HIV/AIDS, and nutrition experts recommend the use of dairy and anti-retroviral drugs to combat mother-to-child transmission;

Whereas in the diets of young children, growth promoting, and pregnant and lactating women, milk has been proven to provide a concentration of critical nutritional elements that promote growth and robust health, and the National Institutes of Health (NIH) recommends that dairy products be used to boost the nutrition of HIV-positive young children;

Whereas it is imperative that attempts to improve the availability of dairy products to the HIV/AIDS afflicted do not undermine the security and stability of the indigenous dairy production and processing sector;

Whereas the United States has more than one billion pounds (450,000 metric tons) of surplus non-fat dry milk in storage that has been carrying average costs of 30 cents per pound for a total cost approaching $1 billion, and storage costs are $1.5 million per month and growing;

Whereas this huge amount of milk overhangs U.S. and world markets and deteriorates rapidly, going out of condition in about three months must be sold for a salvage value of a few cents per pound;

The impacts of breast-feeding on MTCT remain marginal and appropriate interventions are not yet scientifically proven, especially in low-income communities where appropriate alternatives are not available and may be unsafe;

Whereas there is a need for non-fat dry milk in international relief to use in human feeding programs that target the most vulnerable in society, particularly those affected by war, drought, or other humanitarian disaster;

Resolved, That it is the sense of the Senate that the Secretary of Agriculture should—

(a) utilize the existing 410(b) authority of the Agriculture Department to sell surplus non-fat dry milk for direct feeding programs to mothers and children living with HIV/AIDS and communities heavily impacted by the HIV/AIDS pandemic;

(b) allow for the monetization of surplus non-fat dry milk to help fund market assessments that keep local dairy processing industries, support home care, provide for in-country fortification and carry out general nutritional campaigns to increase the demand for dairy products as well as income-generating jobs in communities affected by HIV/AIDS;

(c) Make available funds for the provision of 100,000 metric tons of surplus non-fat dry milk to combat HIV/AIDS, with a special focus on HIV-positive mothers and children, to include ocean and inland transportation, for accounting, monitoring, and evaluation expenses incurred by the Secretary of Agriculture, and for expenses incurred by private and voluntary organizations and cooperatives for market assessments, project design, fortification, distribution, and other project expenses;

(d) Give careful consideration to the local markets for dairy products and how these products can be donated or monetized into a local economy, so as not to undermine the security and stability of the indigenous dairy production and processing sector;

(2) Use none of these funds or commodities in any programs that would substitute dairy products for breast-feeding.

SA 3789. Mrs. MURRAY (for herself and Mr. STEVENS) submitted an amendment intended to be proposed to amendment SA 3628 submitted by Mr. BAUCUS (for himself, Mr. BURNS, and Mr. BINGAMAN) and intended to be proposed 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, insert the following:

(1) A dvance for Labrusca Grapes—

Section 286(e)(3) of the Immigration and Nationality Act (8 U.S.C. 1356(e)(3)) is amended by inserting before the period at the end ‘’, or international ferries that operate on the routes of the State of Alaska or the State of Washington and Canada. ‘’.

SA 3789. Mr. SCHUMER (for himself and Mrs. CLINING) submitted an amendment intended to be proposed to amendment SA 3628 submitted by Mr. BAUCUS (for himself, Mr. BURNS, and Mr. BINGAMAN) and intended to be proposed 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:

Where appropriate add the following:

(d) Assistance for Labrusca Grapes—

(1) In general.—Of the funds made available in paragraph (a), not less than $100,000,000 shall be used to make payments, as soon as practicable after the date of enactment of this Act, to producers of labrusca grapes for quantity, quality, or severe economic losses incurred for the 2001 and 2002 crops of labrusca grapes due to damaging weather and related conditions.

(2) Payment quantity.—The payment quantity of labrusca grapes for which the producers on a farm are eligible for payments under paragraph (d) shall be equal to the average quantity of the 1996 through 2000 crop of labrusca grapes produced by the producers on the farm, as determined by the Secretary of Agriculture.

(3) Limitations.—The Secretary of Agriculture shall not establish a payment limitation, or gross income eligibility limitation, with respect to payments made under this paragraph.

(4) Applicability.—This section applies only with respect to the 2002 and 2003 crops of labrusca grapes and producers of those crops.

SA 3789. 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:

In lieu of the matter proposed to be stricken, insert the following:

For an additional amount for emergency relief under section 125 of title 23, United States Code, for reconstruction of the portion of Interstate Route 40 spanning the Arkansas River in the State of Oklahoma that was destroyed as a result of a barge collision that occurred on May 26, 2002, and for costs associated with detours during the reconstruction, $12,000,000; Provided, That the entire amount necessary to carry out this paragraph 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 3797. Mr. HOLLINGS submitted an amendment intended to be proposed to amendment SA 3646 submitted by Mr. MCCAIN and intended to be proposed 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 lieu of the matter proposed to be stricken, insert the following:

SECTION 1. SHORT TITLE. Amended Title 49, Table of Contents.

(a) Short Title.—This Act may be cited as the “National Defense Rail Act.”

(b) Amendment of Title 49.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

(2) Table of Contents.—The table of contents for this Act is as follows:

Sec. 1. Short title; amendment of title 49; table of contents.

Sec. 2. Findings.

Title I—Rail Transportation Security

Sec. 101. Amtrak security assistance.

Sec. 102. Study of foreign rail transport security programs.

Sec. 103. Passport access, baggage, and cargo screening.

Sec. 104. Rail security.

Sec. 105. Rail transportation security risk assessment.

Sec. 106. Offset for emergency supplemental appropriations.

Title II—Interstate Railroad Passenger High-Speed Transportation System

Sec. 201. Interstate railroad passenger high-speed transportation policy.


Sec. 203. Implementation assessment.

Sec. 204. Designated high-speed rail corridors.

Sec. 205. Rail transportation security risk assessment.

Sec. 206. Railway-high-speed crossings in high-speed rail corridors.

Sec. 207. Authorization of appropriations.

Title III—National Railroad Passenger Corporation

Sec. 301. National railroad passenger transportation system defined.

Sec. 302. Extension of authorization.
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SEC. 305. Long distance trains.

(8) The Amtrak Reform and Accountability Act of 1997, and preceding statutes, resulted in creating conflicting missions for the National Railroad Passenger Corporation of both serving a public function by operating
unprofitable long-distance routes while also attempting to operate at a profit. This policy has also restricted Amtrak’s profit potential on the Northeast Corridor by limiting the capital expenditures to help defray other costs.

(9) Due to a lack of capital investment, the Northeast Corridor has accumulated a backlog of repair needs, including life safety and security needs. Investment in the capital needs of the Northeast Corridor would result in greater utilization of the existing infrastructure.

(10) The Department of Transportation Inspector General’s 2001 Assessment of Amtrak’s Financial Performance and Requirements (Report #CR-2002-075) found that Amtrak’s lack of available capital has impeded its efforts to achieve its goals.

(11) In order to attempt to meet the mandate of the Amtrak Reform and Accountability Act of 1997, Congress has required Amtrak to delay capital improvement projects and other projects which would produce long-term benefits.

(12) The Department of Transportation Inspector General’s 2001 Assessment of Amtrak’s Financial Performance and Requirements (Report #CR-2002-075) found that Amtrak has no profitable operations on the Northeast Corridor, where Federal investment in passenger rail infrastructure has been significantly higher than anywhere else in the country.

(13) Federal investments in capital projects to support passenger rail in areas other than the Northeast Corridor would result in improved service and increased profitability.

(14) The need for a balanced interstate and international transportation system that provides a viable alternative to travel by pri
due to delays on congested roads was estimated at $78 billion.

(5) Passenger rail service has been a vital instrument in the transportation needs of our nation’s defense, during World War II, the privately owned, operated, and con-
structed railroad industry transported 90 percent of all defense freight, and 97 percent of all defense personnel transported to points of embarkation for theaters of action. By the end of the war, roads accounted for three quarters of the share of the common carrier share of intercity traffic, with airplanes and
buses sharing the remaining quarter of traf-
cic.

(15) As a matter of national security, a strong passenger rail network can provide
travelers an alternative to highway and air travel, which could lead to reduced United States reliance on foreign oil imports.

(16) In fiscal year 2001, the United States spent less than 1 percent of all transpor-
tation modal spending on intercity passenger rail, and since 1998 Amtrak has received only $2.8 billion in Federal subsidies, which has been
authorized to receive by Congress.

(17) Passenger rail in the United States has no stable funding source, in contrast to high-
ways, where Federal funds shall be obligated to the Northeast Corridor and $11,350,000 shall be obligated or expended outside the Northeast Corridor.

(18) Per capita spending on passenger rail is much higher in other countries than the United States and, in fact, the United States ranks below countries including Can-
ada, Japan, France, Great Britain, Italy, Spain, Austria, Switzerland, Belgium, Suede-
en, Luxembourg, Denmark, Ireland, Nor-
way, Czech Republic, Finland, Slovakia, Portugal, Poland, South Africa, Greece, and Estonia.

(19) The United States needs to engage in aggressive policies and strategies to address future passenger transportation growth and show forththought regarding transportation solutions rather than be forced to act due to an impending crisis.

(20) It is in the national interest to pre-
serve passenger rail service in the United States and to maintain the solvency of the National Railroad Passenger Corporation.

(21) Long-term planning and support for passenger rail will help offset the emerging and long-term impacts that are created by highway congestion, and contribute to a cleaner and more environmentally-friendly transportation sys-

TITLES IV—Miscellaneous

(4) $29,280,000 for yard and terminal security, including closed circuit television cam-
eras, lighting, and fencing, of which $5,677,000 shall be obligated or expended outside the Northeast Corridor.

(5) $17,500,000 for equipment facility security, including closed circuit television cam-
ers and lighting, of which $5,677,000 shall be obligated or expended on the Northeast Corridor and $11,350,000 shall be obligated or expended outside the Northeast Corridor.

(6) $27,253,000 for station security, including closed circuit television cameras, x-ray machines, lighting, and fencing, of which $7,476,000 shall be obligated on the Northeast Corridor and $20,250,000 shall be obligated or expended outside the Northeast Corridor.

(8) $420,000 for tower security, including closed circuit television cameras, lighting, and fencing, of which $9,760,000 shall be obligated or expended on the Northeast Corridor and $19,520,000 shall be obligated or expended outside the Northeast Corridor.

(19) The United States needs to engage in aggressive policies and strategies to address future passenger transportation growth and show forththought regarding transportation solutions rather than be forced to act due to an impending crisis.

(20) It is in the national interest to pre-
save passenger rail service in the United States and to maintain the solvency of the National Railroad Passenger Corporation.

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(19) The United States needs to engage in aggressive policies and strategies to address future passenger transportation growth and show forththought regarding transportation solutions rather than be forced to act due to an impending crisis.

(20) It is in the national interest to pre-
save passenger rail service in the United States and to maintain the solvency of the National Railroad Passenger Corporation.
SEC. 102. STUDY OF FOREIGN RAIL TRANSPORT SECURITY PROGRAMS.

(a) REQUIREMENT FOR STUDY.—Not later than June 1, 2003, the Comptroller General shall carry out a study of the rail passenger transportation security programs that are carried out for rail transportation systems in Japan, member nations of the European Union, and other foreign countries.

(b) PURPOSE.—The purpose of the study shall be to identify effective rail transportation security measures that are in use in foreign rail transportation systems, including innovative measures and screening procedures determined effective under the study.

(c) REPORT.—The Comptroller General shall submit a report on the results of the study to Congress. The report shall include the Comptroller General’s assessment regarding whether it is feasible to implement within the United States any of the same or similar security measures that are determined effective under the study.

SEC. 103. PASSENGER, BAGGAGE, AND CARGO SCREENING.

(a) REQUIREMENT FOR STUDY AND REPORT.—The Secretary of Transportation shall conduct the study of the cost and benefits of requiring security screening for all passengers, baggage, and mail, express, and other cargo on Amtrak trains; and report the results of the study, together with any recommendations that the Secretary may have for implementing a rail security screening program to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives one year after the date of enactment of this Act.

(b) PILOT PROGRAM.—As part of the study under subsection (a), the Secretary shall conduct a pilot program of random security screening of passengers and baggage on five of the 10 busiest passenger rail stations served by Amtrak (measured by the average number of boardings of Amtrak trains) and at up to five additional rail stations served by Amtrak that are selected by the Secretary. In selecting the additional train stations, the Secretary shall attempt to achieve a distribution of participating stations in terms of geographic location and size.

SEC. 104. RAIL SECURITY.

(a) SECRETARY OF TRANSPORTATION.—Section 104(b)(2) of the Transportation Security Act of 2002 (49 U.S.C. 1231 note) is amended by striking "safety" and inserting "safety, including the security of railroad operations,".
(b) RAIL POLICE OFFICERS.—Section 26101 is amended by striking “the rail carrier” each place it appears and inserting “any rail carrier.”

(2) REVIEW OF RAIL REGULATIONS.—Within 180 days after the date of enactment of this Act, the Secretary of Transportation, in consultation with the Federal Railroad Administration’s Safety Risk Advisory Committee, shall review existing rail regulations of the Department of Transportation for the purpose of identifying areas in which those regulations need to be revised to improve rail safety and security.

SEC. 105. RAIL TRANSPORTATION SECURITY RISK ASSESSMENT.

(a) IN GENERAL.—

(1) ASSESSMENT.—The Secretary of Transportation shall assess the security risks associated with the transportation and develop prioritized recommendations for—

(A) improving the security of rail tunnels, rail bridges, rail switching areas, and other areas identified by the Secretary as posing significant rail-related risks to public safety and the movement of interstate commerce, taking into account the impact that any proposed security measure might have on the provision of rail service;

(B) the deployment of chemical and biological detection equipment;

(C) dealing with the immediate and long-term economic impact of measures that may be required to address those risks; and

(D) hiring employees in terrorism response activities.

(2) EXISTING PRIVATE AND PUBLIC SECTOR EFFORTS.—The assessment shall include a review of any actions already taken to address identified security issues by both public and private entities.

(3) RAILROAD CROSSING DELAYS.—The Secretary shall conduct a new analysis of the risks to public safety and to the security of rail transportation that are associated with long delays in the movement of trains that have stopped on railroad grade crossings of highways, streets, and other roads for motor vehicle traffic, especially in major metropolitan areas. The Secretary shall include in the recommendations developed under paragraph (1) recommended actions for preventing such delays and reducing the risks identified in the analysis.

(b) RAIL CROSSING DELAYS.—Within 180 days after the date of enactment of this Act, the Secretary shall transmit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a report, without compromising national security, containing—

(1) an assessment and prioritized recommendations required by subsection (a); and

(2) utilize, to the maximum extent feasible, the resources and assistance of—

(A) the Federal Railroad Administration’s Rail Safety Advisory Committee; and

(B) the Transportation Research Board of the National Academy of Sciences.

(c) REPORT.—

(1) REQUIREMENT.—Within 180 days after the date of enactment of this Act, the Secretary shall transmit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a report, without compromising national security, containing—

(A) the assessment and prioritized recommendations required by subsection (a); and

(B) any proposals the Secretary deems appropriate for reducing the likelihood, severity, and consequences of crime related to rail transportation toward rail employees, rail pass-

engers, rail shipments, or rail property.

(2) FORMAT.—The Secretary may submit the report in both classified and redacted formats if the Secretary determines that such action is appropriate or necessary.

(3) SECURITY NEEDS OF NON-AMTRAK STATIONS.—

(1) STUDY.—The Secretary of Transportation shall conduct a study of the security and safety improvements that may be needed on rail stations served by Amtrak that are not owned by Amtrak.

(2) REPORT.—The Secretary shall submit to each appropriate subcommittee of the House of Representatives Committee on Transportation and Infrastructure the results of the study, including—

(A) the total number of such stations;

(B) the estimated costs of the security and station improvements identified in the study; and

(C) any additional findings, conclusions, and recommendations, including legislative recommendations, the Secretary deems appropriate.

(e) AUTHORIZATION OF APPROPRIATIONS.—

There are authorized to be appropriated to the Secretary $5,000,000 for fiscal year 2003 to carry out this section, such sums to remain available until expended.

SEC. 106. OFFSET FOR EMERGENCY SUPPLEMENTAL APPROPRIATIONS.

(a) FINDING.—Congress finds that amounts were appropriated by the Department of Defense and Emergency Supplemental Appropriations for Recovery from and Response to Terrorist Attacks on the United States Act, 2002 (Pub. Law 107–17) for national security-related activities.

(b) STATEMENT OF INTENT.—It is the intent of Congress that the amounts appropriated by that Act for Amtrak security-related activities be offset in amounts authorized by this title to be appropriated to the Secretary of Transportation for Amtrak’s use for security-related activities.

(c) REDUCTION OF AUTHORIZATIONS.—Each amount authorized by this title to be appropriated to the Secretary of Transportation for the use of Amtrak for a security-related activity shall be reduced by the amounts authorized by this title to be appropriated to the Secretary of Transportation for Amtrak’s use for security-related activities for each fiscal year thereafter for which the amounts authorized under this title are available.

SEC. 107. PLAN FOR RAIL POLICE OFFICERS.

(a) IN GENERAL.—There shall be a plan for a national corps of rail police officers.

(b) COMMISSION.—There is hereby established within the Department of Transportation the National Rail Police Commission.

The Congress declares that it is the policy of the United States that the plans for Amtrak should be based on the following:

(1) A national rail police corps.

(2) 100 PERCENT FEDERAL FUNDING.

The Secretary may, but need not, require a portion of the publicly financed costs associated with eligible activities to come from non-Federal sources.

(3) PRIORITIES TO CHICAGO, ATLANTA, DALLAS, PORTLAND, PORTLAND, AND ORLANDO.—In determining priorities under paragraph (1) directly or by providing financial assistance to a public agency or group of public agencies to undertake planning activities approved by the Secretary:

(1) provisions applicable to Chicago, Illinois, Atlanta, Georgia, in the Dallas/Fort Worth, Texas, area, in the Portland, Oregon, area, and the Orlando Corridor in Florida.

(4) CONFORMING AMENDMENTS.—Section 26108 of Title II is amended by—

(A) amending paragraph (6) by striking “26010” and inserting “260110”;

(B) amending paragraph (7) by striking “$26010” and inserting “$260110”;

(C) amending paragraph (8) by striking “26106” and inserting “26107”;

(D) amending paragraph (9) by striking “100 PERCENT FEDERAL FUNDING.”

SEC. 108. PLAN FOR HIGH-SPEED RAIL CORRIDORS.

(a) IN GENERAL.—There shall be a plan for high-speed rail corridors designated under section 309(e)(1) of this title no later than December 31, 2002.

(b) CONFORMING AMENDMENTS.—Section 26109 of Title II is amended by—

(A) amending paragraph (1) by striking “Within 6 months after the submission of the study required by subsection (d),” and inserting “No later than December 31, 2002,”; and

(b) PLANING.—The Secretary of Transportation shall provide planning assistance to States or group of States and other public agencies promoting the development of high-speed rail corridors designated under this Act, and such assistance shall be provided in cooperation with the Secretary under section 104(d) of title 23.

(2) SECRTARY MAY PROVIDE DIRECT OR FINANCIAL ASSISTANCE.—The Secretary may provide planning assistance under paragraph (1) directly or by providing financial assistance to a public agency or group of public agencies to undertake planning activities approved by the Secretary.

(3) 100 PERCENT FEDERAL FUNDING.—The Secretary may, but need not, require a portion of the publicly financed costs associated with eligible activities to come from non-Federal sources.

(4) PRIORITIES TO CHICAGO, ATLANTA, DALLAS, PORTLAND, PORTLAND, AND ORLANDO.—In determining priorities under paragraph (1) directly or by providing financial assistance to a public agency or group of public agencies to undertake planning activities approved by the Secretary:

(1) provisions applicable to Chicago, Illinois, Atlanta, Georgia, in the Dallas/Fort Worth, Texas, area, in the Portland, Oregon, area, and the Orlando Corridor in Florida.

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(B) amending paragraph (7) by striking “$26010” and inserting “$260110”;

(C) amending paragraph (8) by striking “26106” and inserting “26107”;

(D) amending paragraph (9) by striking “100 PERCENT FEDERAL FUNDING.”

SEC. 109. INTERSTATE RAILROAD PASSENGER HIGH-SPEED TRANSPORTATION SYSTEM.

(a) IN GENERAL.—Chapter 261 is amended by inserting after section 26101 the following:

§ 26100. Policy.

(a) IN GENERAL.—The Congress declares that the policy of the United States that high-speed rail passenger transportation corridors are the building blocks of an interconnected interstate railroad passenger system that serves the entire Nation.

(b) SECRETARY REQUIRED TO ESTABLISH NATIONAL HIGH-SPEED GROUND TRANSPORTATION POLICY.—The Secretary of Transportation shall establish the national high-speed ground transportation policy required by section 309(e)(1)(C) of this title no later than December 31, 2002.

(c) CONFORMING AMENDMENTS.—Section 26109(c)(2)(A) is amended by striking “more than 125 miles per hour;” and inserting “90 miles per hour or more;”.

(d) FINANCIAL ASSISTANCE TO INCLUDE LOANS AND GUARANTEES.—Section 26109(d) is amended by inserting “loans, loan guarantees,” after “contracts,”.

SEC. 202. IMPLEMENTATION ASSISTANCE.

(a) IN GENERAL.—Chapter 261 is amended by inserting after section 26101 the following:

§ 26101A. Implementation of corridor plans.

(a) IMPLEMENTATION ASSISTANCE.—

(1) IN GENERAL.—The Secretary of Transportation shall provide implementation assistance to States or group of States and other public agencies promoting the development of high-speed rail corridors designated under this Act, and such assistance shall be provided in cooperation with the Secretary under section 104(d) of title 23.

(2) CONFORMING AMENDMENTS.—Section 26108 of Title II is amended by—

(A) amending paragraph (6) by striking “Within 6 months after the submission of the study required by subsection (d),” and inserting “No later than December 31, 2002,”; and

(3) PLANING.—The Secretary of Transportation shall provide planning assistance to States or group of States and other public agencies promoting the development of high-speed rail corridors designated under this Act, and such assistance shall be provided in cooperation with the Secretary under section 104(d) of title 23.

(2) SECRTARY MAY PROVIDE DIRECT OR FINANCIAL ASSISTANCE.—The Secretary may provide planning assistance under paragraph (1) directly or by providing financial assistance to a public agency or group of


public agencies to undertake implementation activities approved by the Secretary.

"(3) 100 PERCENT FEDERAL SHARE.—The Secretary may permit, but may not require, a portion of Federal funds contributed to a State specifically designated with such funds to be applied toward the costs of any project undertaken pursuant to this section and to be spent for any purpose authorized by Congress or otherwise authorized and made available for purposes of section 134 of title 23, United States Code.

"(4) CONTRIBUTION OF LAND.—Notwithstanding paragraph (3), the Secretary may accept land contributed by a State for right-of-way, without regard to whether the State acquired the land directly or indirectly through the use of Federal funds, including transfers from the Highway Trust Fund under section 9503 of the Internal Revenue Code of 1986.

"(5) PRIORITIES TO CHICAGO, ATLANTA, DALLAS/FORT WORTH, PORTLAND, AND ORLANDO.—In determining projects to be undertaken pursuant to this subsection, the Secretary shall give the highest priorities to undertakings involving implementation assistance in the vicinity of Union Station in Chicago, Illinois, in metropolitan Atlanta, Georgia, and in the Dallas/Fort Worth, Texas, area, in the Portland, Oregon, area, and on the Orlando corridor in Florida.

"(6) SPECIAL TRANSPORTATION CIRCUMSTANCES.—In carrying out this section, the Secretary shall allocate an appropriate portion of the available funds for equipment and acquisition of security and emergency response equipment.

"(7) OPERATING EXPENSES.—The Secretary shall allocate an appropriate portion of the amounts available for equipment or acquisition of security and emergency response equipment for operating expenses.

"(8) INFRASTRUCTURE ACQUISITION AND CONSTRUCTION.—The Secretary shall allocate an appropriate portion of the amounts available for equipment and acquisition of security and emergency response equipment for acquisition and construction of track and facilities.

"(9) HIGHWAY-RAIL GRADE CROSSING ELIMINATIONS.—The Secretary shall allocate an appropriate portion of the amounts available for equipment and acquisition of security and emergency response equipment for the purpose of eliminating highway-rail grade crossings.

"(10) CRITERIA FOR DETERMINING ASSISTANCE.—In selecting recipients of assistance under this subsection, the Secretary shall give the highest priorities to undertakings involving implementation assistance to providing appropriate related assistance in any State the Secretary determines is in need of such assistance.

"(11) OPERATIONS BEARING RAIL RATES.—In determining projects to be undertaken pursuant to this subsection, the Secretary shall give the highest priorities to undertakings involving implementation assistance to the construction of new rail lines.

"SEC. 204. DESIGNATED HIGH-SPEED RAIL CORRIDORS.

"(a) IN GENERAL.—The Secretary of Transportation shall give priority in allocating funds authorized by section 26104 of title 49, United States Code, to designated high-speed railroad corridors.

"(b) DESIGNATED HIGH-SPEED RAIL CORRIDORS.—For purposes of subsection (a), the following shall be considered to be designated high-speed railroad corridors:

"(1) California Corridor connecting the San Francisco Bay area and Sacramento to Los Angeles and San Diego.

"(2) Chicago Hub Corridor with the following spokes:

(A) to Chicago, Detroit,

(B) to Minneapolis/St. Paul, Minnesota, via Milwaukee, Wisconsin,

(C) to Kansas City, Missouri, via Springfield, Illinois, and St. Louis, Missouri,

(D) to Cleveland, Ohio, via Toledo, Ohio,

(F) to Dallas/Fort Worth, Texas, area, in the Portland, Oregon, area, and on the Orlando corridor in Florida.

"(6) Florida High-Speed Rail Corridor from Orlando to Miami.

"(7) Pacific Coast Corridor from Houston, Texas, through New Orleans, Louisiana, to Mobile, Alabama, with a branch from New Orleans, through Meridian, Mississippi, and Montgomery, Alabama, to Atlanta, Georgia.


"(10) South Central Corridor from San Antonio, Texas, through Dallas/Fort Worth to Little Rock, Arkansas, with a branch from Dallas/Fort Worth through Oklahoma City, Oklahoma, to Tulsa, Oklahoma, to Wichita, Kansas.

"(11) Southeast Corridor from Washington, District of Columbia, through Richmond, Virginia, Raleigh, North Carolina, Columbia, South Carolina, Savannah, Georgia, and Jessup, Georgia, to Jacksonville, Florida, with a branch from Raleigh, North Carolina, through Charlotte, North Carolina, and Greenwhich, South Carolina, to Atlanta, Georgia; a branch from Richmond, to Hampton Roads/Norfolk, Virginia; a branch from Charlotte, North Carolina, to Columbia, South Carolina, to Charleston, South Carolina; a connecting route from Atlanta, Georgia, to Jessup, Georgia; and a connecting route from Charleston, South Carolina, to Charleston, South Carolina.

"(12) Southwest Corridor from Los Angeles, California, to Las Vegas, Nevada.
provides a fair arrangement at least as pro-

part by funds authorized by this title that

present the net benefit to the railroad or rail-

crossings, and may set for each such

ards of high-speed rail corridor railway-high-

may classify the various types of

methods mentioned in the first sentence

crossing can be effected by the relocation of

ing to the elimination of high-speed rail

SEC. 206. RAILWAY-HIGHWAY CROSSINGS IN

assured that required labor standards will be

as the Davis-Bacon Act; 40 U.S.C. 276a et seq.); and

(2) WAGE RATES. —Wage rates in a collec-

tion to the elimination of high-speed rail

crossings where appropriate.

(1) P REVAILING WAGES . —The Secretary

shall ensure that laborers and mechan-

employed by contractors and subcontractors

in construction work financed in whole or in part by funds authorized by this Act will be paid wages not less than those pre-

serving on similar construction in the locali-

y, as determined by the Secretary of Labor

under the Act of March 3, 1931 (known as the Davis-Bacon Act; 29 U.S.C. 276 et seq.)

(B) may make such funds available with re-

spect to construction work only after being

required that labor standards shall be

maintained on the construction work.

(2) WAGE RATES. —Wage rates in a collec-

tive bargaining agreement negotiated under the

Railway Labor Act (45 U.S.C. 151 et seq.)

are deemed to be wage rates for purposes of this subsection to comply with the Act of March 3, 1931 (known as the Davis-Bacon Act; 40 U.S.C. 276a et seq.).

(3) EMPLOYEE PROTECTION. —The Secretary of

Transportation shall require as a condi-

tion of any project financed in whole or in part by funds authorized by this title that the project be conducted in a manner that

provides a fair arrangement at least as pro-

tective of the interests of employees who are

affected by the project so funded as the terms and arrangements reached under section 141 of the Amtrak Reform and Accountability Act of 1997 (49 U.S.C. 24706 note).

SEC. 206. RAILWAY-HIGHWAY CROSSINGS IN

HIGH-SPEED RAIL CORRIDORS.

(a) In General. —The entire cost of con-

struction of projects for the elimination of

hazardous railway-highway crossings in de-

signated high-speed rail corridors, including the separation or protection of grades at crossings, the reconstruction of existing rail-

road grade crossing structures, and the relo-

cation of highways to eliminate grade cross-

ings, may be paid from sums authorized by

subsection (k). In any case when the elimi-

nation of a railway-highway crossing can be effected by the relocation of a portion of a railway at a cost estimated by the Secretary of Transportation to be less than the cost of such elimination by one of the methods mentioned in the first sentence of this section, then the entire cost of such relocation project may be paid from sums authorized by subsection (k).

(b) CLASSIFICATION OF PROJECTS. —The Sec-

retary may classify the various types of projects involved in the elimination of haz-

ards of railway-highway crossings, and may set for each such classification a percentage of the costs of construction which shall be deemed to re-

present the costs to the railroad any of such rail-

roads for the purpose of determining the rail-

road’s share of the cost of construction. The

percentage so determined shall in no case ex-

ceed 10 per cent of such costs. The Secretary

shall determine the appropriate classifica-

tion of each project.

(c) Railway HIGHWAY RAILROAD. —Any railroad

involved in a project for the elimination of

hazards of railway-highway crossings paid for in whole or in part by funds authorized by this section shall be liable to the United States for the net benefit to the railroad derived under the classification of such project...
TITLE III—NATIONAL RAILROAD PASSENGER CORPORATION

SEC. 301. NATIONAL RAILROAD PASSENGER TRANSPORTATION SYSTEM DEFINITIONS.

(a) IN GENERAL.—Section 24102 is amended—

(1) by striking paragraph (2); and

(2) by redesigning paragraphs (3), (4), and (5) as paragraphs (2), (3), and (4), respectively; and

(3) by inserting after paragraph (4) as so redesignated the following:

"(5) ‘national rail passenger transportation system’ means—

'(a) the segment of the Northeast Corridor between Portland, Maine, and Washington, D.C.;

'(b) rail corridors that have been designated by the Secretary of Transportation as high-speed corridors, but only after they have been improved to permit operation of high-speed service;

'(c) long-distance corridors of more than 150 miles between endpoints operated by Amtrak as of the date of enactment of the National Defense Rail Act; and

'(D) short-distance corridors or routes operated as of the date of enactment of the National Defense Rail Act, unless discontinued by Amtrak.

(b) AMTRAK ROUTES WITH STATE FUNDING.—

(1) IN GENERAL.—Chapter 247 is amended by inserting after section 27101 the following:

"§ 24702. Transportation requested by States, authorities, and other persons

'(a) CONTRACTS FOR TRANSPORTATION.—Amtrak and a State, a regional or local authority, or another person may enter into a contract for Amtrak to operate an intercity rail service that is not included in the national rail passenger transportation system upon such terms as the parties thereto may agree.

'(b) DISCONTINUANCE.—Upon termination of a contract entered into under this section, or the cessation of financial support under such a contract, Amtrak may discontinue such service or route, notwithstanding any other provision of law.”

(2) CONFORMING AMENDMENT.—The chapter analysis for chapter 247 is amended by inserting after the following:

"24702. Transportation requested by States, authorities, and other persons.

3. AMTRAK AUTHORIZATIONS.

(a) REPEAL OF SELF-SUFFICIENCY REQUIREMENTS.

'(1) TITLES 49 AMENDMENTS.—Chapter 241 is amended—

'(A) by striking the last sentence of section 24101(d); and

'(B) by striking the last sentence of section 24104(a).

'(2) AMTRAK REFORM AND ACCOUNTABILITY ACT AMENDMENTS.—Title II of the Amtrak Reform and Accountability Act of 1997 (49 U.S.C. 24101 nt) is amended by striking sections 201 and 205.

'(3) COMMON STOCK REDEMPTION DATE.—Section 415 of the Amtrak Reform and Accountability Act of 1997 (49 U.S.C. 24304) is amended by striking subsection (b).

'(B) REARRANGEMENT.—Amtrak may obtain funds from the Administrator of General Services, and the Administrator may provide services to Amtrak, under section 201(b) and 211(b) of the Federal Property and Administrative Services Act of 1949 (49 U.S.C. 461(b) and 491(b)) for each of fiscal years 2003 through 2007.

'(C) FINANCIAL POWERS.—Section 415(d) of the Amtrak Reform and Accountability Act of 1997 by adding at the end the following:

"(3) This section does not affect the applicability of section 24701 of title 49, United States Code, to claims made against Amtrak.”

(b) ADDITIONAL AMTRAK AUTHORIZATIONS.

'(1) EXCESS RRTA.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for each of fiscal years 2003 through 2007, the following amounts:

'A. For fiscal year 2003, $105,000,000.

'B. For fiscal year 2004, $85,000,000.

'C. For fiscal year 2005, $105,000,000.

'D. For fiscal year 2006, $108,000,000.

'E. For fiscal year 2007, $135,000,000.

'(2) INTEREST ON DEBT.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for the payment of interest on loans for capital equipment, or capital leases, the following amounts:

'A. For fiscal year 2003, $105,000,000.

'B. For fiscal year 2004, $157,000,000.

'C. For fiscal year 2005, $147,000,000.

'D. For fiscal year 2006, $142,000,000.

'E. For fiscal year 2007, $134,000,000.

'(c) ENVIRONMENTAL CONSIDERATIONS.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for each of fiscal years 2003 through 2007, the following amounts:

'A. For fiscal year 2003, $30,000,000.

'B. For fiscal year 2004, $14,000,000.

'C. For fiscal year 2005, $14,000,000.

'D. For fiscal year 2006, $16,000,000.

'E. For fiscal year 2007, $15,000,000.

'(d) COMPLIANCE WITH ADA REQUIREMENTS.

'(1) IN GENERAL.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for each of fiscal years 2003 through 2007, the following amounts:

'A. $16,000,000 for capital backlog on infrastructure, including equipment replacement and up-to-state-of-good-repair for the maintenance-of-way facilities.

'B. $7,000,000 for ongoing capital improvements in facilities and stations necessary to comply with the requirements of the Americans With Disabilities Act of 1990 including an initial assessment of the full set of needs across the national rail passenger transportation system, of which:

'(i) $10,000,000 shall be obligated or expended on the Northeast Corridor; and

'(ii) a reasonable period of time for the completion of necessary construction so funded has passed.

'(2) REINVESTMENT OF NET REVENUES FROM NON-PASSENGER OPERATIONS.—Amtrak shall apply any net revenues from non-passenger operations to the railroad’s working capital for use in satisfying systemwide current liabilities. When Amtrak’s working capital has improved to the point at which Amtrak’s liquid assets are sufficient to satisfy projected short-term liabilities, Amtrak shall invest any excess net non-passenger revenues in high priority capital projects.

3. NORTHEAST CORRIDOR AUTHORIZATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for each of fiscal years 2003 through 2007, the following amounts:

1. $370,000,000 for capital backlog on infrastructure on the Northeast Corridor to bring infrastructure up to state-of-good-repair, including renewal of the South End electric traction system, improvements on bridges and tunnels, and interlocking and signal systems.

2. $60,000,000 for capital backlog on fleet to bring existing fleet to a state-of-good-repair, including equipment replacement and upgrades necessary to meet current service commitments.

3. $40,000,000 for capital backlog on stations and facilities, including improvements to the facility and platform at the existing Penn Station, and bringing maintenance-of-way facilities up to state-of-good-repair.

4. $350,000,000 for ongoing capital infrastructure expenditures—

'(A) to replace assets on a life-cycle basis;

'(B) to ensure that a state-of-good-repair is maintained in order to meet safety and reliability standards; and

'(C) to meet current service commitments.

5. $50,000,000 for ongoing capital fleet investment to sustain regularly scheduled service, including the full cycle of preventive maintenance, and heavy overhauls on a 4-year schedule, with interior enhancements as needed.

6. $30,000,000 for ongoing capital improvements to stations and facilities to provide for regular upgrades to stations to meet current service needs, and regular improvements to maintenance equipment and maintenance-of-way facilities.

7. $20,000,000 for ongoing technology upgrades of reservation, distribution, financial, and operations systems, including hardware, software, infrastructure, and communications.

8. LIFE SAFETY NEEDS.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for fiscal year 2003:

1. $788,000,000 for the 6 New York tunnels being bored in 2001 to provide ventilation, electrical, and fire safety technology upgrades, emergency communication and lighting systems, and emergency access and egress for passengers and employees.

2. $57,000,000 for the Baltimore & Potomac tunnel built in 1872 to provide adequate
drainage, ventilation, communication, lighting, and passenger egress upgrades. (3) $40,000,000 for the Washington, D.C., Union Station tunnels built in 1904 under the Superintendents of the Northeast Corridor and Secretary of Transportation Buildings to improve ventilation, communication, lighting, and passenger egress upgrades.

(c) INFRASTRUCTURE UPGRADES.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for each of fiscal years 2003 through 2007, $10,000,000 for ongoing technology needs to upgrade reservation, distribution, financial, and operations systems, including hardware, software, infrastructure, and communications.

(d) CORRIDOR GROWTH INVESTMENT.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for corridor growth investments in the Northeast Corridor—

(1) for fiscal year 2003, $200,000,000.
(2) for fiscal year 2004, $300,000,000.
(3) for fiscal year 2005, $400,000,000.
(4) for fiscal year 2006, $500,000,000.
(5) for fiscal year 2007, $600,000,000.

(e) FINANCIAL CONTRIBUTION FROM OTHER TUNNEL OWNERS.—The Secretary shall take into account the need for the timely completion of all life safety portions of the tunnel projects described in subsection (b).

(f) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to this section shall remain available until expended.

(g) REINVESTMENT OF NORTHEST CORRIDOR NET OPERATING INCOME.—Amtrak shall invest any net revenue generated from core passenger operations in the Northeast Corridor in capital needs of the corridor until the backlog of capital improvements is completed under Amtrak’s 20-year capital plan.

SEC. 305. LONG DISTANCE TRAINS.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for each of fiscal years 2003 through 2007, $360,000,000 for operating costs associated with long distance trains.

(b) CAPITAL BACKLOG AND UPGRADES.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak each of fiscal years 2003 through 2007, $70,000,000 to reduce the capital backlog and to bring its existing fleet to a state-of-good-repair, including equipment replacement and maintenance necessary to meet current service commitments.

(c) ONGOING CAPITAL INFRASTRUCTURE INVESTMENTS.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for each of fiscal years 2003 through 2007, $80,000,000 for ongoing capital infrastructure—

(1) to replace assets on a life-cycle basis;
(2) to ensure that a state-of-good-repair is maintained in order to meet safety and reliability standards;
(3) to meet current service commitments; and
(4) to provide funds for investment in passenger railroads to operate passenger service at currently scheduled levels.

(d) CAPITAL FLEET NEEDS.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for each of fiscal years 2003 through 2007, $50,000,000 for ongoing capital fleet needs to sustain regularly scheduled maintenance, including a 120-day cycle of preventive maintenance, and heavy overhauls on a 4-year schedule, with interior enhancements as needed.

(2) CAPITAL STATIONS AND FACILITIES.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for each of fiscal years 2003 through 2007, $80,000,000 for on-going capital stations and facilities needs to provide regular upgrades to stations to meet current service needs, and regular improvements to maintenance-of-way facilities.

(f) TECHNOLOGY NEEDS.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for each of fiscal years 2003 through 2007, $10,000,000 for ongoing technology needs to upgrade reservation, distribution, financial, and operations systems, including hardware, software, infrastructure, and communications.

SEC. 306. SHORT DISTANCE TRAINS; STATE-SUPPORTED ROUTES.

There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for each of fiscal years 2003 through 2007, $80,000,000 for technology needs to upgrade reservation, distribution, financial, and operations systems, including hardware, software, infrastructure, and communications.

SEC. 307. REESTABLISHMENT OF NORTHEAST CORRIDOR SAFETY COMMITTEE.

(a) RE-ESTABLISHMENT OF NORTHEAST CORRIDOR SAFETY COMMITTEE.—The Secretary of Transportation shall re-establish the Northeast Corridor Safety Committee authorized by section 24005(b) of title 49, United States Code.

(b) NEGATIVE AMENDMENT.—Section 24005(b) of title 49, United States Code, is amended by striking “January 1, 1999,” and inserting “January 1, 2008,”.

SEC. 308. ON-TIME PERFORMANCE.

Section 24008 is amended by adding at the end the following—

(1) ON-TIME PERFORMANCE.—If the on-time performance of any intercity passenger train averages less than 80 percent for any consecutive 12-month period, Amtrak may petition the Surface Transportation Board to investigate whether, and to what extent, delays are due to causes that could reasonably be addressed by a rail carrier over the tracks of which the intercity passenger train operates, or by a regional authority providing service. Amtrak shall carry out such an investigation, the Surface Transportation Board shall obtain information from all parties involved and make recommendations regarding measures to improve the on-time performance of the train.

SEC. 309. AMTRAK BOARD OF DIRECTORS.

(a) COMPOSITION AND TERMS.—The board of directors of Amtrak is composed of the following 9 directors, each of whom must be a citizen of the United States:

(1) the President of Amtrak;
(2) the Secretary of Transportation;
(3) 7 individuals appointed by the President of the United States, by and with the advice and consent of the Senate, with an interest, experience, and qualifications in or directly related to railroad transportation, including representatives of the passenger rail industry, travel, hospitality, cruise line, and passenger air transportation businesses, and consumers of passenger rail transportation.

(b) Term of a director may be members of the same political party.

(3) The board shall elect a chairman and a vice chairman from among its membership. The chairman shall be the director in the absence of the chairman.

(4) The Secretary may be represented at board meetings by the Secretary’s designee.

SEC. 310. EFFECTIVE DATE FOR DIRECTORS’ PROVISION.

The amendment made by subsection...
(a) shall take effect on October 1, 2003. The members of the Amtrak Reform Board may continue to serve until 3 directors appointed by the President under section 24532(a) of title 49, United States Code, as amended by subsection (a), have qualified for office.

SEC. 310. ESTABLISHMENT OF FINANCIAL ACCOUNTING AND REPORTING SYSTEM FOR AMTRAK OPERATIONS BY INDEPENDENT AUDITOR.

(a) In General.—Amtrak shall employ an independent financial consultant—

(1) to assess its financial accounting and reporting system and practices;

(2) to design and assist Amtrak in implementing a new financial accounting and reporting system, on the basis of the assessment, that will produce accurate and timely financial information in sufficient detail;

(3) to assign revenues and expenses appropriately to each of its lines of business and to each major activity within each line of business activity, including train operations, equipment maintenance, ticketing, and reservations;

(b) to aggregate expenses and revenues related to infrastructure and distinguish them from expenses and revenues related to rail operations; and

(c) to provide ticketing and reservation information on a real-time basis.

(b) Vision of System; Report.—The Inspector General of the Department of Transportation shall review the accounting system designed or implemented under subsection (a) to ensure that it accomplishes the purposes for which it is intended. The Inspector General shall report its findings and conclusions, together with any recommendations, to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

(c) Authorization of Appropriations.—There are authorized to be appropriated to the Inspector General of the Department of Transportation no later than the fiscal year beginning with the report on operations for fiscal year 2003 to carry out subsection (a), such sums to remain available until expended.

SEC. 311. DEVELOPMENT OF 5-YEAR FINANCIAL PLAN.

(a) Development of 5-Year Financial Plan.—The Amtrak board of directors shall submit an annual budget for Amtrak, and a 5-year financial plan for the fiscal year to which that budget relates and the subsequent 4 years, prepared in accordance with this section, to the Secretary of Transportation and the Inspector General of the Department of Transportation no later than—

(1) the first day of each fiscal year beginning after the date of enactment of this Act; or

(2) the date that is 60 days after the date of enactment of an appropriation Act for the fiscal year if later.

(b) Contents of 5-Year Financial Plan.—The 5-year financial plan for Amtrak shall include, at a minimum—

(1) projected revenues and expenditures for Amtrak, including governmental funding sources;

(2) projected ridership levels for all Amtrak passenger operations;

(3) revenue and expenditure forecasts for non-passerger operations;

(4) capital funding requirements and expenditures to maintain passenger service which will accommodate predicted ridership levels and predicted sources of capital funding;

(5) capital funding needs, if any, to maintain current and projected levels of passenger service, including state-supported routes and predicted funding sources;

(6) the continuing financial stability of Amtrak, as indicated by factors such as: the ability of the federal government to adequately meet capital and operating requirements, Amtrak’s access to long-term and short-term capital markets, Amtrak’s ability to efficiently manage its capital equipment and Amtrak’s ability to effectively provide passenger train service.

(7) lump sum expenditures of $10 million or more and sources of funding;

(8) estimates of long-term debt and associated principle and interest payments (both current and anticipated);

(9) annual cash flow forecasts; and

(10) a statement describing methods of estimation and significant assumptions.

(c) Standards to Promote Financial Stability and Accountability.—The Inspector General, out of any amounts at its disposal and in compliance with section 311 of this Act, shall specifically exclude non-core profits in any components thereof that do not meet those requirements.

(2) Assessment to be Furnished to the Congress.—The Inspector General shall furnish to the House of Representatives Committees on Appropriations, the Senate Committee on Appropriations, the House Committee on Transportation and Infrastructure, and the Senate Committee on Commerce, Science, and Transportation—

(A) an annual audit report within 90 days after receiving it from Amtrak; and

(B) an assessment of the remaining 4 years of the 5-year financial plan within 180 days after receiving it from Amtrak.

(c) Adoption of Revised Reporting Methodology Required.—Within 90 days after the date of enactment of this Act, Amtrak, in consultation with the Comptroller General, shall develop a revised method of preparing the annual Amtrak operations report required by section 24515(a) of title 49, United States Code, beginning with the report on operations for fiscal year 2003. The revised methodology shall specifically exclude non-core profits in calculating the performance of Amtrak’s trains.

SEC. 312. REVISED REPORTING METHODOLOGY.

If for any fiscal year the sum of the amounts appropriated to the Secretary of Transportation for the use of Amtrak $2,500,000 for fiscal year 2003 to carry out subsection (a), such sums to remain available until expended.

SEC. 313. APPROPRIATED AMOUNTS TO BE SPENT PROPORTIONATELY.

If for any fiscal year the sum of the amounts appropriated to the Secretary of Transportation for the use of Amtrak is less than the sum of the amounts authorized by this title for that fiscal year, then Amtrak shall—

(1) first obligate amounts appropriated pursuant to the authorization in section 303(a); and

(2) then allocate its obligation and expenditure of the remainder of the amounts appropriated for that fiscal year pursuant to this title (except amounts authorized by section 303(a)), and (d) among the segments of the system in the same proportion as the allocations were coordinated among those segments by this title.

SEC. 314. INSPECTION OR AUDIT TO ESTABLISH CRITERIA FOR AMTRAK ROUTE AND SERVICE PLANNING DECISIONS.

(a) Inspection or Audit by Independent Consultant.—The Inspector General of the Department of Transportation shall—

(1) execute a contract to obtain the services of an independent auditor or consultant for the establishment of objective criteria for Amtrak service changes, including the assessment of new routes, and the contraction or expansion of existing services; and

(2) review the criteria developed under the contract.

(b) If the Inspector General approves the criteria, transmit them to the Amtrak board of directors.

(c) Notification of Congress Where Not Complying with Criteria.—The Amtrak board of directors shall—

(1) notify the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committees on Transportation and Infrastructure not less than 30 days before the implementation date of any decision to establish a new route, terminate an existing route, or effect any other major change in service that is inconsistent with the criteria incorporated under subsection (b); and

(2) explain its decision not to follow the criteria.

(d) Authorization of Appropriations.—There are authorized to be made available to the Inspector General, out of any amounts appropriated to Amtrak pursuant to the authority of this Act and not otherwise obligated or expended, such sums as may be necessary to carry out this section.

SEC. 401. REHABILITATION, IMPROVEMENT, AND SECURITY FINANCING.

(a) Definitions.—Section 102(7) of the Railroad Revitalization and Regulatory Reform Act of 1978 (45 U.S.C. 802(7)) is amended to read as follows:

“(7) ‘railroad’ has the meaning given that term in section 2102 of title 49, United States Code; and”.

(b) General Authority.—Section 502 of the Railroad Revitalization and Regulatory Reform Act of 1978 (45 U.S.C. 822) is amended—

(1) by striking “Secretary may provide direct loans and loan guarantees to State and local governments,” in subsection (a) and inserting “Secretary shall provide direct loans and loan guarantees to State and local governments,”

(2) by redesignating subparagraph (C) of subsection (b) as subparagraph (D) and inserting in lieu thereof—

“(C) to acquire, improve, or rehabilitate rail safety and security equipment and facilities; or”; and

(3) by inserting after subparagraph (B) of subsection (b) the following:

“(D) for the establishment of objective criteria for Amtrak service changes, including the assessment of new routes, and the contraction or expansion of existing services; or”.

(c) Extent of Authority.—Section 502(d) of the Railroad Revitalization and Regulatory Reform Act of 1978 (45 U.S.C. 822(d)) is amended—

(1) by striking “$3,500,000,000” and inserting “$5,000,000,000”; and

(2) by striking “$1,000,000,000” and inserting “$7,000,000,000”; and

(3) by adding at the end the following new section:

“The Secretary shall not establish any limit on the proportion of the unused amount authorized under this subsection that may be used for 1 loan or loan guar-
Reform Act of 1976 (45 U.S.C. 822) is amended—
(1) in paragraph (2)—
(A) by striking “and” at the end of subparagraph (A); and
(B) by redesigning subparagraph (B) as subparagraph (E); and
(C) by adding after subparagraph (D) the following:
“(F) the size and characteristics of the cohort of which the loan or loan guarantee is a member; and”;
and
(2) by adding at the end of paragraph (4) the following: “A cohort may include loans and loan guarantees. The Secretary shall not establish any limit on the proportion of a cohort that may be used for 1 loan or loan guarantee.”.

SEC. 402. RAILWAY REORGANIZATION AND OPERATIVE RESEARCH PROGRAM.

(a) IN GENERAL.—Chapter 249 is amended by adding at the end the following:

24910. Passenger rail cooperative research program.

(1) OPERATORS DEEMED RAIL CARRIERS.—A person that conducts rail operations funded or otherwise receiving assistance under this section is deemed to be a rail carrier for purposes of section 24910 of title 49, United States Code, when so operating or performing such services.

(2) LOAN AND LOAN GUARANTEES FOR NON-RAILROAD ENTITIES.—Notwithstanding anything in this section, loans and loan guarantees provided under this section shall not be eligible for loans and loan guarantees under this section.

(b) CONDITIONS OF ASSISTANCE.—Section 24904 is amended by adding after subparagraph (C) the following:

“(D) the size and characteristics of the cohort of which the loan or loan guarantee is a member; and”;
and
(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation $5,000,000 for each of fiscal years 2003 through 2007, to carry out section 24910(d) of title 49, United States Code.

SEC. 403. CONFORMING AMENDMENTS TO TITLE 49 REFLectING ICC TERMINATION ACT.

(a) SECTION 307.—(1) Section 307 is amended—
(A) by striking “In the case of a corporation, the head of the appropriate department or agency;” and
(B) by redesigning subsection (a) as subsection (e) and inserting “(A) Surface Transportation Board;” at the end of subsection (e) and inserting “and” at the end of subsection (a); and
(C) by redesigning subsection (b) as subsection (d) and inserting “(A) the Surface Transportation Board;” before “Each Federal”.

(b) SECTION 24307.—Section 24307 is amended—
(1) by striking “interstate Commerce Commission” each place it appears and inserting “Surface Transportation Board”; and
(2) by striking “Commission” each place it appears and inserting “Board”.

(c) SECTION 355.—Section 355 is amended—
(1) by striking “Interstate Commerce Commission” each place it appears and inserting “Surface Transportation Board”; and
(2) by striking “Commission” each place it appears and inserting “Board”.

(d) NATIONAL ACADEMY OF SCIENCES.—The Secretary may make grants to, and enter into cooperative agreements with, the National Academy of Sciences to carry out such activities relating to the research, technology, and technology transfer activities described in subsection (b) as the Secretary deems appropriate.

(e) CONFORMING AMENDMENT.—The chapter analysis for chapter 249 is amended by adding at the end the following:

“24910. Passenger rail cooperative research program.”
(2) by striking “Commission” each place it appears in subsection (c) and inserting “Board”.

SEC. 404. APPLICABILITY OF REVERSION TO ALASKA RAILROAD RIGHT-OF-WAY PROPERTY.

Section 610(b) of the Alaska Railroad Transfer Act of 1982 (45 U.S.C. 1209(b)) is amended—

(1) by inserting “(1)” after “DISCONTINU- ANCE.”;

(2) by redesigning paragraphs (1) and (2) as subparagraphs (A) and (B), respectively; and

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

“(2) The provisions of this section that require a provision shall apply to the substituted land, as of the effective date of the exchange of that land in a transaction authorized by subparagraph (A), as fully as if the substituted land properties of the Alaska Railroad as of January 13, 1983.

“(C) Upon the conveyance of land in a transaction authorized by subparagraph (A), any reversionary interest in the land under this section shall terminate.”.

SA 3798. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill H.R. 4775, making supplemental appropriations for the year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

SECTION 1. SHORT TITLE; AMENDMENT OF TITLE 49; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “National Defense Rail Act”.

(b) AMENDMENT OF TITLE 49.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference is to be made to a section or other provision of title 49, United States Code.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

TITLE I—RAIL TRANSPORTATION SECURITY

Sec. 101. Amtrak security assistance.

Sec. 102. Study of foreign rail transport security programs.

Sec. 103. Passenger, baggage, and cargo security programs.

Sec. 104. Rail security.

Sec. 105. Rail transportation security risk assessment.

Sec. 106. Other emergency supplemental appropriations.

TITLE II—INTERSTATE RAILROAD PASSENGER HIGH-SPEED TRANSPORTATION SYSTEM

Sec. 201. Interstate railroad passenger high-speed transportation policy.


Sec. 203. Incentive assistance.

Sec. 204. Designated high-speed rail corridors.

Sec. 205. Labor standards.

Sec. 206. Rail-highway crossings in high-speed rail corridors.

Sec. 207. Authorization of appropriations.

TITLE III—NATIONAL RAILROAD PASSENGER CORPORATION

Sec. 301. National railroad passenger transportation system defined.

Sec. 302. Eligibility for authorization.

Sec. 303. Additional Amtrak authorizations.

Sec. 304. Northeast Corridor authorizations.

Sec. 305. Long distance trains.

Sec. 306. Short line and regional trains; State-supported routes.

Sec. 307. Re-establishment of Northeast Corridor Safety Committee.

Sec. 308. Order of priority.

Sec. 309. Amtrak board of directors.

Sec. 310. Establishment of financial accounting system for Amtrak operations by independent auditor.

Sec. 311. Development of 5-year financial plan for Amtrak.

Sec. 312. Revised reporting methodology required.

Sec. 313. Appropriated amounts to be spent pursuant to approved financial plan.

TITLE IV—MISCELLANEOUS

Sec. 401. Rehabilitation, improvement, and development projects.

Sec. 402. Rail passenger cooperative reversion program.

Sec. 403. Conforming amendments to title 49 and other provisions.

Sec. 404. Applicability of reversion to Alaska railroad right-of-way property.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Financial investment in passenger rail infrastructure is critical, and Federal leadership is required to address the needs of a reliable, secure passenger rail network, just as has been used in establishing the interstate highway system and the Federal aviation network.

(2) Lack of investment and attention to the needs of passenger rail infrastructure has resulted in a weak passenger rail network, and has caused a strain on the capacity of other modes of transportation in many areas of the country. According to the Department of Transportation, in 1999 the cost of wasted time and extra fuel consumption due to delays on congested roads was estimated at $78 billion.

(3) Passenger rail is an integral part of the United States transportation system, and, as can be evidenced in the Northeast Corridor, rail is a reliable alternative to highways and at airports, and creates a more balanced system of transportation alternatives.

(4) Passenger rail service has been a vital instrument in meeting the needs of our nation. For instance, during World War II, the privately owned, operated, and constructed railroad industry transported 90 percent of all defense freight, and 97 percent of all defense personnel transported to points of embarkation for theaters of action. By the end of the war, railroads accounted for three quarters of all the distance of the common carrier share of intercity traffic, with airplanes and buses sharing the remaining quarter of traffic.

(5) Significant attention and Federal funding were required to construct the Eisenhower System of Interstate and Defense Highways. The Federal Aid Highway Act of 1956 established a Highway Trust Fund based upon Federal user taxes in order to finance highway construction. The Highway Trust Fund was established in 1956 to ensure that states were able to fund their highway needs, which were petitioning the government to discontinue passenger rail services because of losses.

(6) In fiscal year 2001, the United States spent less than 1 percent of all transportation modal spending on intercity passenger rail, and since 1998 Amtrak has received only $2 billion of the $3.5 billion of the Federal subsidies that have been authorized to receive by Congress.

(7) Passenger rail in the United States has no stable funding source, in contrast to highways, aviation, and transit.

(8) Per capita spending on passenger rail is much higher in other countries than the United States and, in fact, the United States ranks behind other countries including Canada, Japan, France, Great Britain, Italy, Spain, Austria, Switzerland, Belgium, Sweden, Luxembourg, Denmark, Ireland, Norway, the Czech Republic, Slovakia, Portugal, Poland, South Africa, Greece, and Estonia.

(9) The United States needs to engage in long-term planning to ensure current passenger transportation growth and show foresight regarding transportation
solutions rather than be forced to act due to an impending crisis. (20) It is in the national interest to preserve passenger rail service in the United States and to maintain the solvency of the National Railroad Passenger Corporation. (21) Long-term planning and support for passenger rail will help offset the emerging problems of transportation in the Northeast Corridor, and contribute to a cleaner and more environmentally-friendly transportation system. (22) A comprehensive re-evaluation of our nation's rail passenger policy is required and a clearly defined role for Amtrak and a connected rail passenger network must be established. (23) The Federal government must take the primary responsibility for developing national railroad passenger transportation infrastructure, and help ensure that it functions as an efficient network. Privatization of the rail passenger industry in Great Britain has been disastrous and passenger service has suffered overall. (24) The nation should be afforded the opportunity to receive safe, efficient, and cost-effective passenger service, taking into account all benefits to the nation as a whole. **TITLE I—RAIL TRANSPORTATION SECURITY**

SEC. 101. AMTRAK SECURITY ASSISTANCE. (a) INFRASTRUCTURE SECURITY.—The following amounts are authorized to be appropriated to the Secretary of Transportation for fiscal year 2003: (1) $354,000 for hiring 4 police officers, each of whom shall be obligated or expended on the Northeast Corridor and 1 on the West Coast. (2) $569,000 is to be obligated or expended on the Northeast Corridor and $231,000 is to be obligated or expended on the Central Corridor and $1,993,000 is to be obligated or expended outside the Northeast Corridor. (3) $11,292,000 for the hiring of 250 security officers, of which 50 percent is to be obligated or expended on the Northeast Corridor and 5 are to be deployed on the Northeast Corridor and 103 outside the Northeast Corridor. (4) $1,828,000 for the hiring of 20 canine detection teams, of which 50 percent is to be obligated or expended outside the Northeast Corridor. (5) $3,779,000 for mail and express facilities security, including closed circuit television cameras, lighting, and fencing, of which 50 percent shall be obligated or expended outside the Northeast Corridor.

(b) SECURITY OPERATIONS. —The following amounts are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for fiscal year 2003: (A) $1,755,000 to provide two-way communications devices for all Amtrak conductors. (B) $3,000,000 for 2 mobile emergency command and communication units and rapid response teams, each of which is to be placed on board all trains, and conduct crime-mapping assessments throughout the entire system, work with law enforcement to prevent terrorist acts and reduce Amtrak's vulnerability, of which 50 percent shall be obligated or expended on the Northeast Corridor and 50 percent shall be obligated or expended outside the Northeast Corridor. (C) $231,000 is to be obligated or expended on the Northeast Corridor and $213,000 is to be obligated or expended outside the Northeast Corridor. (2) $10,411,000 for the hiring of 150 patrol officers and 46 specialized personnel, of whom 6 are to be deployed on the Northeast Corridor and 97 outside the Northeast Corridor. (3) $11,292,000 for the hiring of 250 security officers, of whom 147 would be deployed on the Northeast Corridor and 103 outside the Northeast Corridor. (4) $1,828,000 for the hiring of 20 canine detection teams, of which 50 percent is to be obligated or expended on the Northeast Corridor and 5 are to be deployed on the Northeast Corridor. (5) $231,000 is to be obligated or expended on the Northeast Corridor and $1,993,000 is to be obligated or expended outside the Northeast Corridor.

(c) EQUIPMENT SECURITY. (1) In General.—The following amounts are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for fiscal year 2003: (A) $1,755,000 to provide two-way communications devices for all Amtrak conductors. (B) $3,000,000 for 2 mobile emergency command and communication units and rapid response teams, each of which is to be placed on board all trains, and conduct crime-mapping assessments throughout the entire system, work with law enforcement to prevent terrorist acts and reduce Amtrak's vulnerability, of which 50 percent shall be obligated or expended on the Northeast Corridor and 50 percent shall be obligated or expended outside the Northeast Corridor.

(D) $4,000,000 for hand-held bomb detectors for use by police to inspect baggage and passenger cars that have satellite-monitoring capability. (E) $10,234,000 for video recording systems on road locomotives, of which $4,859,000 is to be obligated or expended on the Northeast Corridor and $5,375,000 is to be obligated or expended outside the Northeast Corridor.
SEC. 102. STUDY OF FOREIGN RAIL TRANSPORT SECURITY PROGRAMS.

(a) REQUIREMENT FOR STUDY.—Not later than June 1, 2003, the Comptroller General shall carry out a study of the rail passenger transportation security programs that are carried out for rail transportation systems in Japan, member nations of the European Union, and other foreign countries.

(b) PURPOSE OF THE STUDY.—The purpose of the study shall be to identify effective rail transportation security measures that are in use in foreign rail transportation systems, including integrated passenger and screening procedures determined effective.

(c) REPORT.—The Comptroller General shall submit a report on the results of the study to Congress. The report shall include the Comptroller General’s assessment regarding whether it is feasible to implement within the United States any of the same or similar security measures that are determined effective under the study.

SEC. 103. PASSENGER, BAGGAGE, AND CARGO SCREENING.

(a) REQUIREMENT FOR STUDY AND REPORT.—The Secretary of Transportation shall—

(1) study the cost and feasibility of requiring security screening for all passengers, baggage, and mail, and other cargo on Amtrak trains; and

(2) report the results of the study, together with any recommendations that the Secretary may have for implementing a rail security screening program to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives one year after the date of enactment of this Act.

(b) SCREENING REQUIREMENTS.—As part of the study under subsection (a), the Secretary shall conduct a pilot program of random security screening of passengers and baggage at 5 of the 10 busiest passenger rail stations served by Amtrak (measured by the average number of boardings of Amtrak passenger trains) and at up to five additional rail stations selected by the Secretary. In selecting the additional train stations the Secretary shall attempt to achieve a distribution of participating stations in terms of geographic location and size.

SEC. 104. RAIL SECURITY.

(a) SECRETARY OF TRANSPORTATION.—Section 20103(a) is amended by striking “safety” and inserting “safety, including the security of railroad operations,”.

(b) RAIL POLICE OFFICERS.—Section 28101 is amended by striking “the rail carrier” each place it appears and inserting “any rail carrier”.

(c) REVIEW OF RAIL REGULATIONS.—Within 180 days after the date of enactment of this Act, the Secretary of Transportation, in consultation with the Federal Railroad Administration’s Rail Safety Advisory Committee, shall review the regulations of the Secretary of Transportation for the purpose of identifying areas in which those regulations need to be revised to improve rail safety and security.

SEC. 105. RAIL TRANSPORTATION SECURITY RISK ASSESSMENT.

(a) IN GENERAL.

(1) ASSESSMENT.—The Secretary of Transportation shall assess the security risks associated with rail transportation and develop prioritized recommendations for—

(A) improving the security of rail tunnels, rail bridges, rail switching areas, and other areas identified by the Secretary as posing significant rail-related risks to public safety and the movement of interstate commerce, taking into account the impact that any proposed security measure might have on the provision of rail service;

(B) the deployment of chemical and biological weapon detection equipment;

(C) dealing with the immediate and long-term economic measures that may be required to address those risks; and

(D) training employees in terrorism response activities.

(2) EXISTING PRIVATE AND PUBLIC SECTOR EFFORTS.—The assessment shall include a review of any actions already taken to address identified security issues by both public and private entities.

(b) RAILROAD CROSSING DELAYS.—The Secretary shall include in the assessment an analysis of the risks to public safety and to the security of rail transportation that are associated with long delays in the movement of trains that have stopped on railroad grade crossings of highways, streets, and other roads for motor vehicle traffic, especially in major metropolitan areas. The Secretary shall include in the recommendations developed under paragraph (1) recommended actions for preventing and reducing the risks identified in the analysis.

(c) CONSULTATION; USE OF EXISTING RESOURCES.—In carrying out the assessment required by subsection (a), the Secretary shall—

(1) consult with rail management, rail labor, and public safety officials (including officials responsible for responding to emergencies); and

(2) utilize, to the maximum extent feasible, the resources and assistance of—

(A) the Federal Railroad Administration’s Rail Safety Advisory Committee; and

(B) the Transportation Research Board of the National Academy of Sciences.

(d) REPORT.—

(1) CONTENTS.—Within 180 days after the date of enactment of this Act, the Secretary shall transmit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a report, without compromising national security, containing—

(A) the assessment and prioritized recommendations required by subsection (a); and

(B) any proposals the Secretary deems appropriate for providing Federal financial, technological, or research and development assistance to improve the railroads in reducing the likelihood, severity, and consequences of deliberate acts of crime or terrorism toward rail employees, rail passengers, rail shipments, or rail property.

(2) FORMAT.—The Secretary may submit the report in both classified and redacted forms. If the Secretary determines that such action is appropriate or necessary.

SEC. 106. OFFSET FOR EMERGENCY SUPPLEMENTAL APPROPRIATIONS.

(a) FINDING.—The Congress finds that amounts appropriated by the Department of Defense and Emergency Supplemental Appropriations for Recovery from and Response to Terrorist Attacks on the United States Act, 2002 (Pub. L. No. 107-53) to be obligated or expended for Amtrak security-related activities.

(b) STATEMENT OF INTENT.—It is the intent of Congress that the amounts appropriated by this Act for Amtrak security-related activities shall offset the amounts authorized by this title to be appropriated to the Secretary of Transportation for Amtrak’s use for security-related activities.

(c) REDUCTION OF AUTHORIZATIONS.—Each amount authorized by this title to be appropriated to the Secretary of Transportation for the use of Amtrak for a security-related activity in any preceding section of this title for any fiscal year shall be reduced by any such appropriated amount for Amtrak for that activity in that fiscal year.

TITLE II—INTERSTATE RAILROAD PASSENGER HIGH-SPEED TRANSPORTATION SYSTEM

SEC. 201. INTERSTATE RAILROAD PASSENGER HIGH-SPEED TRANSPORTATION POLICY.

(a) IN GENERAL.—Chapter 261 is amended by inserting before section 26101 the following:

"§ 26100. Policy.

“(a) IN GENERAL.—The Congress declares that it is the policy of the United States that designated high-speed railroad passenger service programs are the building blocks of an interconnected interstate rail passenger system that serves the entire Nation.

(b) SECURITIZATION REQUIRED TO ESTABLISH NATIONAL HIGH-SPEED GROUND TRANSPORTATION POLICY.—The Secretary of Transportation shall establish the national high-speed ground transportation policy required by section 306(g)(1) of title 49, United States Code, no later than December 31, 2002.”.

(b) CONFORMING AMENDMENTS.—(1) Chapter 261 is amended by inserting before the item relating to section 26101 the following:

"§ 26100. Policy."
provide implementation assistance under paragraph (1) directly or by providing financial assistance to a public agency or group of public agencies to undertake implementation activities in the State; or

(3) 100 percent federal share.—The Secretary may permit, but may not require, a portion of the publicly financed costs associated with eligible activities to come from non-Federal sources.

(4) CONTRIBUTION OF LAND.—Notwithstanding paragraph (3), the Secretary may contribute up to 100 percent of the project costs of equipment, facilities, and development costs to acceleration of projects involving dedicated rail corridors designated by the Secretary under section 104(d) of title 23.

Sec. 26105. RESPONSIBILITIES OF THE SECRETARY

(a) IN GENERAL.—Section 26101(a) is amended by striking paragraph (1) and inserting the following:

“(1) IN GENERAL.—The Secretary of Transportation shall provide planning assistance to States or group of States and other public agencies, and shall approve the development of high-speed rail corridors designated by the Secretary under section 104(d) of title 23.

(b) CONFORMING AND OTHER AMENDMENTS TO SECTION 26101—Section 26101 is further amended—

(1) by striking subsection (c)(2) and inserting the following:

“(2) the extent to which the proposed plan includes the following:

(a) ensuring that the proposed plan includes a priority to systems which will achieve sustained speeds of 125 miles per hour or greater and projects involving dedicated rail passenger rights-of-way;”

(2) by inserting “and” after the semicolon in subsection (c)(12);

(3) by striking “completed; and” in subsection (c)(13) and inserting “completed;”;

(4) by striking subsection (c)(14); and

(5) by adding at the end the following:

“(d) OPERATORS DEEMED RAIL CARRIERS.—A person that conducts rail operations funded or otherwise receiving assistance under this section is deemed to be a rail carrier for purposes of part A of subtitle IV, when so operating or performing such services.

(e) CONFORMING AMENDMENT.—Section 26105(2)(A) is amended by striking subsection (c)(14); and

(f) PROCEDURES FOR GRANT AWARD.—Within 90 days after the date of enactment of this Act, the Secretary of Transportation shall initiate a rulemaking to create procedures for the awarding of implementation assistance under this section. The Procedures shall include the execution of a full funding commitment agreement between the recipient and the government.

(g) Competitive Bidding on High-Speed Rail Routes.—The Secretary of Transportation shall determine that a State or group of States and other public agencies promoting a high-speed rail project under the provisions of section 26101A of title 49, United States Code, as a condition of receiving funding under such section, has provided for competitive bidding for the project in accordance with the Federal Acquisition Requirements for Grants and Cooperative Agreements to State and Local Governments (49 C.F.R. section 18.36). Within 180 days after the date of enactment of this Act, the Secretary, in consultation with the States or groups of States and other public agencies, shall issue criteria for the services to which the competitive bidding by this section applies. A train operator selected under section 26101A of title 49, United States Code, is deemed to be a rail carrier for purposes of part A of subtitle IV, when performing such services.

(h) CONFORMING AMENDMENT.—The chapter analysis for chapter 261 is amended by inserting after the item relating to section 26101 the following:

“(26101A. Implementation of corridor plans”
SEC. 204. DESIGNATED HIGH-SPEED RAIL CORRIDORS.

(a) In General.—The Secretary of Transportation shall give priority in allocating funds authorized by section 2004 of title 49, United States Code, to designated high-speed rail corridors.

(b) Designated High-Speed Rail Corridors.—For purposes of subsection (a), the following roadways are hereby designated as high-speed rail corridors:

(1) California Corridor connecting the San Francisco Bay area and Sacramento to Los Angeles and San Diego.

(2) Chicago Hub Corridor Network with the following spokes:

(A) Chicago to Detroit.

(B) Chicago to Minneapolis/St. Paul, Minnesota, via Milwaukee, Wisconsin.

(C) Chicago to Kansas City, Missouri, via Springfield, Illinois, and St. Louis, Missouri.

(D) Chicago to Louisville, Kentucky, via Indianapolis, Indiana, and Cincinnati, Ohio.

(E) Chicago to Cleveland, Ohio, via Toledo, Ohio.

(F) Cleveland, Ohio, to Cincinnati, Ohio, via Columbus, Ohio.

(3) Empire State Corridor from New York City, New York, through Albany, New York, to Buffalo, New York.

(4) Florida High-Speed Rail Corridor from Tampa through Orlando to Miami.

(5) Gulf Coast Corridor from Houston, Texas, through New Orleans, Louisiana, to Mobile, Alabama, with a branch from New Orleans, through Meridian, Mississippi, and Birmingham, Alabama, to Atlanta, Georgia.


(8) New England Corridor from Boston, Massachusetts, to Portland and Auburn, Maine, and from Boston, Massachusetts, through Concord, New Hampshire, and Montpelier, Vermont, to Montreal, Quebec.


(10) South Central Corridor from San Antonio, Texas, through Dallas/Fort Worth to Little Rock, Arkansas, with a branch from Dallas/Fort Worth through Oklahoma City, Oklahoma, to El Paso, Texas.

(11) Southeast Corridor from Washington, District of Columbia, through Richmond, Virginia, Raleigh, North Carolina, Columbia, South Carolina, Savannah, Georgia, and Jessup, Georgia, to Jacksonville, Florida, with—

(A) a branch from Raleigh, North Carolina, through Charlotte, North Carolina, and Greenville, South Carolina, to Atlanta, Georgia;

(B) a branch from Richmond, to Hampton Roads/Norfolk, Virginia;

(C) a connecting route from Charlotte, North Carolina, to Columbia, South Carolina, to Charleston, South Carolina;

(D) a connecting route from Atlanta, Georgia, to Jessup, Georgia;

(E) a branch from Raleigh, North Carolina, through Greensboro, North Carolina, to Charleston, South Carolina, and Savannah, Georgia, with a connecting route from Florence, South Carolina, to Myrtle Beach, South Carolina.

(12) Southwest Corridor from Los Angeles, California, to Las Vegas, Nevada.

(c) Other High-Speed Rail Corridors.—For purposes of this section, subsection (b)—

(1) does not limit the term “designated high-speed rail corridor” to those corridors described in subdivision (a) and (b), respectively; and

(2) does not limit the Secretary of Transportation’s authority—

(A) to designate additional high-speed rail corridors; or

(B) to terminate the designation of any high-speed rail corridor.

SEC. 205. LABOR STANDARDS.

(a) Current Employer Protections. — Nothing in this Act, or any amendment made by this Act, shall affect the level of protection now provided to freight railroad employees, employers, and the National Railroad Passenger Corporation and mass transportation employees as existed on the day before the date of enactment of this Act.

(b) Labor Standards.—

(1) Prevailing Wages.—The Secretary or Transportation—

(A) shall ensure that laborers and mechanics employed by contractors and subcontractors in construction work financed in whole or in part by funds authorized by this Act will be paid wages prevailing on similar construction in the locality, as determined by the Secretary of Labor under the Act of March 3, 1931 (known as the Davis-Bacon Act; 40 U.S.C. 276a et seq.), and

(B) may make such funds available with respect to construction work only after being assured that required labor standards will be maintained on the construction work.

(2) Wage Rates.—Wage rates in a collective bargaining agreement negotiated under the Railway Labor Act (45 U.S.C. 151 et seq.) are deemed to be in compliance with the Act of March 3, 1931 (known as the Davis-Bacon Act; 40 U.S.C. 276a et seq.).

(3) Employee Protection.—The Secretary of Transportation shall require as a condition of any project financed in whole or in part by funds authorized by this title that the project be conducted in a manner that provides a fair arrangement at least as protective of the interests of employees who are affected by the project so funded as the terms and conditions of employment established under section 141 of the Amtrak Reform and Accountability Act of 1997 (49 U.S.C. 24706 note).

SEC. 206. RAILWAY-HIGHWAY CROSSINGS IN HIGH-SPEED RAIL CORRIDORS.

(a) In General.—The entire cost of construction of projects for the elimination of hazards of railway-highway crossings in designated high-speed rail corridors, including the separation or protection of grades at crossings, the reconstruction of existing railroads, and the relocation of highways to eliminate grade crossings, may be paid from sums authorized by subsection (k). In any case when the elimination of hazards of railway-highway crossings can be effected by the relocation of a portion of a railway at a cost estimated by the Secretary of Transportation to be less than the cost of such elimination by one of the methods mentioned in the first sentence of this section, then the entire cost of such relocation project may be paid from sums authorized by subsection (k).

(b) Classification of Projects.—The Secretary may classify the various types of projects involved in the elimination of hazards of railway-highway crossings, and may set for each such classification a percentage of the costs of construction which shall be deemed to represent the appropriate credit for the roadways or railroads for the purpose of determining the railroad’s share of the cost of construction. The percentage so determined shall in no case exceed 10 per cent of such costs. The Secretary shall determine the appropriate classification of each project.

SEC. 207. LIABILITY OF RAILROAD.—Any railroad involved in a project for the elimination of hazards of railway-highway crossings paid for in whole or in part with funds made available under this section shall be liable to the United States for the net benefit to the railroad derived under the classification of the project made under section 205(b). That liability to the United States may be discharged by direct payment to the State transportation department of the State in which the project in which such payment shall be credited to the cost of the project. The payment may consist in whole or in part of materials and labor furnished by the railroad in connection with the construction of the project. If any such railroad fails to discharge such liability within a 6-month period after completion of the project, it shall be liable to the United States for its share of the cost, and the Secretary shall request the Attorney General to institute proceedings against such railroad for the recovery of such cost, in which it is liable under this subsection. The Attorney General is authorized to bring such proceedings on behalf of the United States, in the appropriate district court of the United States, and the United States shall be entitled to such proceedings to recover such sums as it is considered and adjudged by the court that such railroad is liable in the premises. Any amounts recovered by the United States under this subsection shall be credited to miscellaneous receipts.

SEC. 208. SURVEY AND SCHEDULE OF PROJECTS.—Each State shall conduct and systematically maintain a survey of all high-speed rail corridors, railway-highway crossings, and those railroad crossings which may require separation, relocation, or protective devices, and establish and implement a schedule of projects for this purpose.

SEC. 209. FUNDS FOR PROTECTIVE DEVICES.—The Secretary shall give priority under this section to the elimination of high-speed rail corridor railway-highway grade crossings, but shall make funds authorized for obligation or expenditure under this section available for the installation of protective devices at high-speed rail corridor railway-highway crossings where appropriate.

SEC. 210. APPOINTMENT.—The Secretary shall apportion funds available for obligation and expenditure under this section among the high-speed rail corridor railway-highway crossings on the Northeast Corridor and such crossings outside the Northeast Corridor in an equitable fashion, taking into account traffic volume, traffic patterns, frequency of trains, adequacy of existing hazard warnings, and such other factors as the Secretary deems appropriate.

SEC. 211. ANNUAL REPORT.—The Secretary shall report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure not later than December 30 of each year on the progress being made to implement the railway-highway crossings program authorized by this section and the effectiveness of such improvements. Each report shall contain an itemization of the costs of the various treatments employed and subsequent accident experience at improved locations. The report shall include—

(a) the number of projects undertaken, their distribution by cost range, road system, nature of treatment, and subsequent accident experience at improved locations;

(b) an analysis of the causes of the program activities in each State, including identification of any State found not to be in
Title III—National Railroad Passenger Corporation

Sec. 302. Amtrak Authorizations.

(a) Title 23 Programs.—The Secretary may make an incentive payment under paragraph (1) to a local government with respect to the closure of an at-grade crossing unless the railroad owning the tracks on which the crossing is located makes an incentive payment to the government with respect to the closure.

(b) Funds To Remain Available.—Funds made available under this section may be used to provide a local government at-grade high-speed rail service on a rail-highway crossing under its jurisdiction.

(c) Other Provisions.—In addition to any other provision of this section and section 139 of title 23, United States Code, there are authorized to be appropriated to the Secretary for each of fiscal years 2003 through 2007, $30,000,000, of which one-third shall be obligated or expended on the Northeast Corridor and two-thirds shall be obligated or expended outside the Northeast Corridor.

(d) Compliance with ADR Requirements.—There are authorized to be appropriated to the Secretary for the use of Amtrak for each of fiscal years 2003 through 2007, $30,000,000, of which one-third shall be obligated or expended on the Northeast Corridor and two-thirds shall be obligated or expended outside the Northeast Corridor.

(e) In General.—The amounts appropriated for each fiscal year shall be used for obligation or expenditure on the Northeast Corridor and two-thirds shall be obligated or expended on the Northeast Corridor and two-thirds shall be obligated or expended outside the Northeast Corridor.

(f) Financial Powers.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak of each of fiscal years 2003 through 2007, $30,000,000, of which one-third shall be obligated or expended on the Northeast Corridor and two-thirds shall be obligated or expended outside the Northeast Corridor.

(g) Funding.—Not less than 10 percent of the amounts appropriated for each fiscal year to carry out section 2610A shall be obligated or expended to carry out section 2610A.

(h) Authorization.—There are authorized to be appropriated to the Secretary for each of fiscal years 2003 through 2007, $30,000,000, of which one-third shall be obligated or expended on the Northeast Corridor and two-thirds shall be obligated or expended outside the Northeast Corridor.

(i) Amtrak Reform and Accountability Act of 1997.—Nothing in this Act shall be considered discrimination for purposes of section 202 of that Act (42 U.S.C. 12162(e)(1)(I)) or section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) if Amtrak demonstrates to the satisfaction of the Secretary of Transportation that—

(1) Amtrak has made substantial progress toward meeting the requirements of section 3729 of title 31, United States Code, to claims made against Amtrak; and

(2) There are authorized to be appropriated to the Secretary for the payment of interest on loans for capital equipment, or capital leases, the following amounts:

(A) For fiscal year 2003, $150,000,000.

(B) For fiscal year 2004, $150,000,000.

(C) For fiscal year 2005, $150,000,000.

(D) For fiscal year 2006, $150,000,000.

(E) For fiscal year 2007, $150,000,000.

(f) Intermodal Grants.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for each of fiscal years 2003 through 2007, $30,000,000, of which one-third shall be obligated or expended on the Northeast Corridor and two-thirds shall be obligated or expended outside the Northeast Corridor.

(g) Financial Powers.—There are authorized to be appropriated to the Secretary for the use of Amtrak of each of fiscal years 2003 through 2007, $30,000,000, of which one-third shall be obligated or expended on the Northeast Corridor and two-thirds shall be obligated or expended outside the Northeast Corridor.

(h) In General.—The amounts appropriated for each fiscal year shall be used for obligation or expenditure on the Northeast Corridor and two-thirds shall be obligated or expended on the Northeast Corridor and two-thirds shall be obligated or expended outside the Northeast Corridor.

(i) Amtrak Reform and Accountability Act of 1997.—Nothing in this Act shall be considered discrimination for purposes of section 202 of that Act (42 U.S.C. 12162(e)(1)(I)) or section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) if Amtrak demonstrates to the satisfaction of the Secretary of Transportation that—

(1) Amtrak has made substantial progress toward meeting the requirements of section 3729 of title 31, United States Code, to claims made against Amtrak; and

(2) There are authorized to be appropriated to the Secretary for the payment of interest on loans for capital equipment, or capital leases, the following amounts:

(A) For fiscal year 2003, $150,000,000.

(B) For fiscal year 2004, $150,000,000.

(C) For fiscal year 2005, $150,000,000.

(D) For fiscal year 2006, $150,000,000.

(E) For fiscal year 2007, $150,000,000.

(f) Intermodal Grants.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for each of fiscal years 2003 through 2007, $30,000,000, of which one-third shall be obligated or expended on the Northeast Corridor and two-thirds shall be obligated or expended outside the Northeast Corridor.

(g) Financial Powers.—There are authorized to be appropriated to the Secretary for the use of Amtrak of each of fiscal years 2003 through 2007, $30,000,000, of which one-third shall be obligated or expended on the Northeast Corridor and two-thirds shall be obligated or expended outside the Northeast Corridor.

(h) In General.—The amounts appropriated for each fiscal year shall be used for obligation or expenditure on the Northeast Corridor and two-thirds shall be obligated or expended on the Northeast Corridor and two-thirds shall be obligated or expended outside the Northeast Corridor.

(i) Amtrak Reform and Accountability Act of 1997.—Nothing in this Act shall be considered discrimination for purposes of section 202 of that Act (42 U.S.C. 12162(e)(1)(I)) or section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) if Amtrak demonstrates to the satisfaction of the Secretary of Transportation that—

(1) Amtrak has made substantial progress toward meeting the requirements of section 3729 of title 31, United States Code, to claims made against Amtrak; and

(2) There are authorized to be appropriated to the Secretary for the payment of interest on loans for capital equipment, or capital leases, the following amounts:

(A) For fiscal year 2003, $150,000,000.

(B) For fiscal year 2004, $150,000,000.

(C) For fiscal year 2005, $150,000,000.

(D) For fiscal year 2006, $150,000,000.

(E) For fiscal year 2007, $150,000,000.

(f) Intermodal Grants.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for each of fiscal years 2003 through 2007, $30,000,000, of which one-third shall be obligated or expended on the Northeast Corridor and two-thirds shall be obligated or expended outside the Northeast Corridor.

(g) Financial Powers.—There are authorized to be appropriated to the Secretary for the use of Amtrak of each of fiscal years 2003 through 2007, $30,000,000, of which one-third shall be obligated or expended on the Northeast Corridor and two-thirds shall be obligated or expended outside the Northeast Corridor.
(ii) Amtrak’s failure to meet the period of compliance requirement of that section is attributable to the sufficiency of appropriated funds; and


(1) such funds have been appropriated to the Secretary of Transportation for the use of Amtrak to enable Amtrak to comply with the requirements of that section; and

(ii) a reasonable period of time for the completion of necessary construction so funded has passed.

(c) INFRAStructure UPGRADES.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for fiscal years 2003 through 2007, $3,000,000,000 for the pre-"conditioning" of a new tunnel being built on a different alignment to augment the capacity of the existing Baltimore tunnels, such funds to remain available until expended.

(d) CORRIDOR GROWTH INVESTMENT.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for fiscal year 2003, $3,000,000,000 for the pre-"conditioning" of a new tunnel being built on a different alignment to augment the capacity of the existing Baltimore tunnels, such funds to remain available until expended.

(e) REINVESTMENT OF NET REVENUES FROM NON-PASSenger OPERATIONS.—Amtrak shall apply any net revenues from non-passenger operations to the railroad’s working capital for use in satisfying systemwide current liabilities. When Amtrak’s working capital has improved to the point at which Amtrak’s liquid assets are sufficient to satisfy projected short-term liabilities, Amtrak shall invest any excess net non-passenger revenues in high priority capital projects.

SEC. 304. NORTHEAST CORRIDOR AUTHORIZA- TIONS—

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for each of fiscal years 2003 through 2007, the following amounts:

(1) $710,000,000 for capital backlog on infra-structure on the Northeast Corridor to bring infrastructure up to state-of-good-repair, including renewal of the South End electric traction system, improvements on bridges and tunnels, and interlocking and signal sys-tem retrofits.

(2) $60,000,000 for capital backlog on fleet renewal and capital improvements to existing Penn Station, and bringing maintenance-of-way facilities up to state-of-good-repair.

(3) $40,000,000 for capital backlog on sta-tions and facilities, including improvements to the facility and platform at the existing Penn Station, and bringing maintenance-of-way facilities up to state-of-good-repair.

(4) $350,000,000 for ongoing capital infrastructure investments—

(A) to replace assets on a life-cycle basis;

(B) to ensure that a state-of-good-repair is maintained in order to meet safety and reliabil-ity standards;

(C) to meet current service commitments.

(5) $10,000,000,000 for ongoing capital fleet invest-ment to sustain regularly scheduled maintenance, including 120-day cycle preventive maintenance, and heavy over-hauls on a 4-year schedule, with interior enhance-ments as needed.

(6) $20,000,000 for ongoing capital improve-ments to stations and facilities to provide for regular upgrades to stations to meet current service needs, and regular improve-ments as needed.

(7) $30,000,000,000 for ongoing capital improve-ments to stations and facilities to provide for regular upgrades to stations to meet current service needs, and regular improve-ments as needed.

(b) LIFE SAFETY NEEDS.—There are autho-rized to be appropriated to the Secretary of Transportation for the use of Amtrak for fiscal year 2003:

(1) $798,000,000 for the 6 New York tunnels built in the 1870s to provide ventilation, electric-al, and fire safety technology upgrades, emergency communication and lighting systems, and emergency access and egress for passengers.

(2) $57,000,000 for the Baltimore & Potomac tunnel built in 1872 to provide adequate drainage, ventilation, communication, light-ing, and passenger egress upgrades.

(3) $40,000,000 for the Washington, D.C. Union Station tunnels built in 1904 under the Supreme Office Office Buildings to improve ventilation, commu-nication, lighting, and passenger egress up-grades.

(c) INFRAstructure UPGRADES.—There are authorized to be appropriated to the Secre-tary of Transportation for the use of Amtrak for fiscal year 2003, $3,000,000,000 for the pre-"conditioning" of a new tunnel being built on a different alignment to augment the capacity of the existing Baltimore tunnels, such funds to remain available until expended.

(d) CORRIDOR GROWTH INVESTMENT.—There are authorized to be appropriated to the Secre-tary of Transportation for the use of Amtrak for fiscal year 2003, $3,000,000,000 for the pre-"conditioning" of a new tunnel being built on a different alignment to augment the capacity of the existing Baltimore tunnels, such funds to remain available until expended.

(e) REINVESTMENT OF NET REVENUES FROM NON-PASSenger OPERATIONS.—Amtrak shall apply any net revenues from non-passenger operations to the railroad’s working capital for use in satisfying systemwide current liabilities. When Amtrak’s working capital has improved to the point at which Amtrak’s liquid assets are sufficient to satisfy projected short-term liabilities, Amtrak shall invest any excess net non-passenger revenues in high priority capital projects.

SEC. 305. LONG DISTANCE TRAINS.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for each of fiscal years 2003 through 2007, $3,000,000,000 for the operations described in subsection (b).

(b) CAPITAl BACkLog AND UPGRADES.

(1) $370,000,000 for capital backlog on infra-struc-ture needed to upgrade of reservation, distribution, financial, and operations systems, including hardware, software, infrastructure, and communica-tions.

(2) $350,000,000 for ongoing capital infrastructure investments—

(A) to replace assets on a life-cycle basis;

(B) to ensure that a state-of-good-repair is maintained in order to meet safety and reliabil-ity standards;

(C) to meet current service commitments.

(3) $170,000,000 for ongoing capital infra-struc-ture needs to sustain regularly scheduled maintenance, including a 120-day cycle preventive maintenance, and heavy over-hauls on a 4-year schedule, with interior enhance-ments as needed.

(4) $30,000,000,000 for ongoing capital improve-ments to stations and facilities to provide for regular upgrades to stations to meet current service needs, and regular improve-ments as needed.

(5) $10,000,000,000 for ongoing capital improve-ments to stations and facilities to provide for regular upgrades to stations to meet current service needs, and regular improve-ments as needed.

(6) $20,000,000 for ongoing capital improvements to stations and facilities to provide for regular upgrades to stations to meet current service needs, and regular improve-ments as needed.

(7) $30,000,000,000 for ongoing capital improve-ments to stations and facilities to provide for regular upgrades to stations to meet current service needs, and regular improve-ments as needed.

(8) $798,000,000 for the 6 New York tunnels built in the 1870s to provide ventilation, electric-al, and fire safety technology upgrades, emergency communication and lighting systems, and emergency access and egress for passengers.

(9) $57,000,000 for the Baltimore & Potomac tunnel built in 1872 to provide adequate drainage, ventilation, communication, light-ing, and passenger egress upgrades.

(10) $40,000,000 for the Washington, D.C. Union Station tunnels built in 1904 under the Supreme Office Office Buildings to improve ventilation, commu-nication, lighting, and passenger egress up-grades.

(c) INFRAstructure UPGRADES.—There are authorized to be appropriated to the Secre-tary of Transportation for the use of Amtrak for fiscal year 2003, $3,000,000,000 for the pre-"conditioning" of a new tunnel being built on a different alignment to augment the capacity of the existing Baltimore tunnels, such funds to remain available until expended.

(d) CORRIDOR GROWTH INVESTMENT.—There are authorized to be appropriated to the Secre-tary of Transportation for the use of Amtrak for fiscal year 2003, $3,000,000,000 for the pre-"conditioning" of a new tunnel being built on a different alignment to augment the capacity of the existing Baltimore tunnels, such funds to remain available until expended.

(e) REINVESTMENT OF NET REVENUES FROM NON-PASSenger OPERATIONS.—Amtrak shall apply any net revenues from non-passenger operations to the railroad’s working capital for use in satisfying systemwide current liabilities. When Amtrak’s working capital has improved to the point at which Amtrak’s liquid assets are sufficient to satisfy projected short-term liabilities, Amtrak shall invest any excess net non-passenger revenues in high priority capital projects.

SEC. 306. SHORT DISTANCE TRAINS; STATE-SUP- PORTED ROUTES.

There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for each of fiscal years 2003 through 2007, $10,000,000 for ongoing technology needs to upgrade reservation, distribution, financial, and operations systems, including hardware, software, infrastructure, and communica-tions.

SEC. 307. RE-ESTABLISHMENT OF NORTHEAST CORRIDOR SAFETY COMMITTEE.

(a) RE-ESTABLISHMENT OF NORTHEAST CORRIDOR SAFETY COMMITTEE.—The Secretary of Transportation shall re-establish the North-East Corridor Safety Committee authorized by section 24905(b) of title 49, United States Code.

(b) TERMINATION DATE.—Section 24905(b)(4) is amended by striking “January 1, 1999,” and inserting “January 1, 2008.”

SEC. 308. ON-TIME PERFORMANCE.

Section 24908 is amended by adding at the end the following:

“(f) ON-TIME PERFORMANCE.—If the on-time performance of any intercity passenger train averages less than 80 percent for any con-secutive 3-month period, the Secretary shall re-port the Surface Transportation Board to investi-gate whether, and to what extent,
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delays are due to causes that could reasonably be addressed by a rail carrier over the tracks of which the intercity passenger train operates, or by a regional authority providing service. If any. In carrying out such an investigation, the Surface Transportation Board shall obtain information from all parties involved and make recommendations of measures to improve the on-time performance of the train.

SEC. 309. AMTRAK BOARD OF DIRECTORS.
(a) IN GENERAL.—Section 24302 is amended to read as follows:

"Sec. 24302. Board of directors.

"(a) COMPOSITION AND TERMS.—

"(1) The board of directors of Amtrak shall be composed of the following 9 directors, each of whom must be a citizen of the United States:

(A) The President of the United States:

(B) The Secretary of Transportation:

(C) 7 individuals appointed by the President of the United States, by and with the advice and consent of the Senate, with an interest in the ability of Amtrak to provide rail service, or any other interest the President deems appropriate.

(d) VACANCIES.—A vacancy on the board is filled in the same way as the original selection, except that an individual appointed by the President under section 24302(a) of title 49, United States Code, may be appointed to fill such vacancy only if such individual was designated or nominated for the position which that vacancy relates to.

"(e) BYLAWS.—The board may adopt and amend bylaws governing the operation of Amtrak. The board shall be consistent with this Act and the articles of incorporation of Amtrak under section 24303(c) of this title and the bylaws of Amtrak and any agreements with a regional authority. The Secretary of Transportation shall review the accounting system designed and implemented under section (a) to ensure that it accomplishes the purposes for which it is intended. The Inspector General of the Department of Transportation shall report his findings and conclusions, together with any recommendations, to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

SEC. 310. ESTABLISHMENT OF FINANCIAL ACCOUNTING SYSTEM FOR AMTRAK OPERATIONS BY INDEPENDENT AUDITOR.

(a) IN GENERAL.—Amtrak shall employ an independent auditor to—

(1) assess its financial accounting and reporting system and practices;

(2) design and assist Amtrak in implementing a new financial accounting and reporting system, on the basis of the assessment, that will produce accurate and timely financial information in sufficient detail—

(A) to enable Amtrak to report revenues and expenses appropriately to each of its lines of business and to each major activity within each line of business activity, including train operations, equipment maintenance, ticketing, and reservations;

(B) to aggregate expenses and revenues related to infrastructure and distinguish them from expenses and revenues related to rail operations; and

(C) to provide ticketing and reservation information on a real-time basis.

(b) VISIBILITY REPORT.—The Inspector General of the Department of Transportation shall review the accounting system designed and implemented under subsection (a) to ensure that it accomplishes the purposes for which it is intended. The Inspector General shall report his findings and conclusions, together with any recommendations, to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak $2,500,000 for fiscal year 2003 to carry out subsection (a), such sums to remain available until expended.

SEC. 311. DEVELOPMENT OF 5-YEAR FINANCIAL PLAN.

(a) DEVELOPMENT OF 5-YEAR FINANCIAL PLAN.—The board of directors shall submit an annual budget for Amtrak, and a 5-year financial plan for the fiscal year to which that budget relates and the subsequent 4 years, prepared in accordance with this section.

(b) CONTENTS OF 5-YEAR FINANCIAL PLAN.—The 5-year financial plan for Amtrak shall include, at a minimum—

(1) all projected revenues and expenditures for Amtrak, including governmental funding sources;

(2) projected ridership levels for all Amtrak passenger operations;

(3) revenue and expenditure forecasts for non-passenger operations;

(4) capital funding requirements and expenditure for a new fleet of trains and for a new rail line, and projections and statements of the in the system in the same proportion as the allocations were authorized among those segments by this title.

SEC. 312. REVISED REPORTING METHODOLOGY REQUIRE.

Within 90 days after the date of enactment of this Act, Amtrak, in consultation with the Comptroller General, shall develop a revised reporting methodology to prepare the annual operations report required by section 24315(a) of title 49, United States Code, beginning with the report on operations for fiscal year 2003. The new report methodology shall specifically exclude non-core profits in calculating the performance of Amtrak’s trains.

SEC. 313. APPROPRIATED AMOUNTS TO BE SPENT PROPORTIONATELY.

If for any fiscal year the sum of the amounts appropriated to the Secretary of Transportation for the use of Amtrak is less than the sum of the amounts authorized by this title for that fiscal year, then Amtrak shall—

(1) first obligate amounts appropriated pursuant to the authorization in section 383(a); and

(2) then allocate its obligation and expenditure of the remainder of the amounts appropriated for that fiscal year pursuant to this title (excluding amounts authorized by section 383(c)), so that any of the segments of the system in the same proportion as the allocations were authorized among those segments by this title.
(1) execute a contract to obtain the services of an independent auditor or consultant for the establishment of objective criteria for Amtrak service changes, including the establishment of new routes, the elimination of existing routes, and the contraction or expansion of existing services; 
(2) review the criteria developed under the contract; and 
(3) if the Inspector General approves the criteria, transmit them to the Amtrak board of directors.

(b) CORPORATION OF CRITERIA BY AMTRAK.—The Amtrak board of directors shall incorporate the criteria in the intercity service planning and decision-making process; and 
(2) its capital plans and budgets developed in compliance with section 311 of this Act.

(c) NOTIFICATION OF CONGRESS WHERE NOT COMPLIANT WITH CRITERIA.—The Amtrak board of directors shall: 
(1) notify the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure not less than 30 days before the implementation date of any action which establishes a new route, terminate an existing route, or effect any other major change in service that is inconsistent with the criteria incorporated under subsection (b); and 
(2) explain its decision not to follow the criteria.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be made available to the Inspector General, out of any amounts appropriated to Amtrak pursuant to the authority of this Act and not otherwise obligated or expended, such sums as may be necessary to carry out this section.

TITLE IV—MISCELLANEOUS

SEC. 401. REHABILITATION, IMPROVEMENT, AND MODERNIZATION FINANCING.

(a) DEFINITIONS.—Section 102(7) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 802(7)) is amended to read as follows: 

‘‘(7) ‘railroad’ has the meaning given that term in section 20102 of title 49, United States Code; and’’.

(b) GENERAL AUTHORITY.—Section 502 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822) is amended— 
(1) by striking ‘‘The Secretary shall provide such sums as may be necessary to carry out this section. ’’ and inserting ‘‘The Secretary shall provide such sums as may be necessary to carry out this section. ’’;
(2) by striking ‘‘or loan guarantees to State and local governments, interstate compacts entered into and loan guarantees to State and local governments, interstate compacts entered into and loan guarantees to State and local governments, or States, and to promise such sums as may be necessary to carry out this section.’’ and inserting ‘‘or loan guarantees to State and local governments, interstate compacts entered into and loan guarantees to State and local governments, or States, and to promise such sums as may be necessary to carry out this section.’’;
(3) by adding after subparagraph (D) the following: 

‘‘(E) by striking subparagraph (F); and 

(2) in section 503 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 823) is amended— 

(3) by redesignating subparagraphs (A), (B), and (C) as subparagraphs (A), (B), and (C); and 

(4) by adding at the end of section 503 the following: 

‘‘(m) Conditions of Assistance.—Section 502 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822) is amended— 

(1) by striking ‘‘secured’’ and inserting ‘‘secured, if any;’’; 

(2) by inserting after subparagraph (D) the following: 

‘‘(E) the size and characteristics of the cor- hort of which the loan or loan guarantee is a member; and’’; and 

(3) by adding after subparagraph (D) the following: 

‘‘(F) the following:’’; and 

(4) by deleting the end of section 503 and inserting— 

‘‘(2) The Secretary shall not make an application for a direct loan or loan guarantee under this section to provide collateral.

(3) The Secretary shall not require that an applicant for a direct loan or loan guarantee under this section have previously sought the financial assistance requested from another source.

(4) The Secretary shall require recipients of direct loans or loan guarantees under this section to apply the standards of section 22301(b) and (c) of title 49, United States Code, to their projects.

(b) CONTENTS.—The program to be carried out under this section shall include research designed— 

(1) to develop more accurate models for evaluating the indirect effects of rail passenger service, including the effects on highway and airport and airway congestion, environmental quality, and energy consumption; 

(2) to develop a better understanding of modal choice as it affects rail passenger transportation, including development of better models to predict ridership; 

(3) to recommend priorities for technology demonstration and development; 

(4) to meet additional priorities as determined by the advisory board established under subsection (c), including any recommendations made by the National Research Council; 

(5) to explore improvements in management, financing, and institutional structures; 

(6) to address rail capacity constraints that affect passenger rail service through a wide variety of options, ranging from operating improvements to dedicated new infrastructure, taking into account the impact of such options on freight and commuter rail operations; and 

(7) to improve maintenance, operations, customer service, or other aspects of existing intercity rail passenger service existing in 2002.

(c) ADVISORY BOARD.—(1) ESTABLISHMENT.—In consultation with the heads of appropriate Federal departments and agencies, the Secretary shall establish an advisory board to recommend research, technology, and transportation activities related to rail passenger transportation.

(2) MEMBERSHIP.—The advisory board shall include— 

(A) representatives of State transportation agencies;
“(B) transportation and environmental economists, scientists, and engineers; and
“(C) representatives of Amtrak, the Alaska Railroad, transit operating agencies, intercity rail passenger organizations, and environmental organizations.

(d) NATIONAL ACADEMY OF SCIENCES.—The Secretary may make grants to, and enter into cooperative agreements with, the National Academy of Sciences to carry out such activities relating to the research, technology, and technology transfer activities described in subsection (b) as the Secretary deems appropriate.”

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 3 is amended by adding at the end the following: “24910. Passenger rail cooperative research program”.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Surface Transportation Board to carry out section 24910(d) of title 49, United States Code.

SEC. 404. APPLICABILITY OF REVERSION TO ALASKA RAILROAD RIGHT-OF-WAY PROPRIETARY AND MORTGAGE TRUST ACT OF 1982.

Section 610(b) of the Alaska Railroad Transfer Act of 1982 (45 U.S.C. 1209(b)) is amended—

(1) by striking “(1)” after “DISCONTINUANCE.—”; and

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively; and

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

“(2)(A) The State-owned railroad may convey any right, title, and interest of the State in any land within the right-of-way to a third party in exchange for other lands that, in substitution for the land conveyed, is to be utilized as part of the right-of-way if the continuity of the right-of-way corridor for transportation, communications, and transmission purposes is provided by such use of the substituted land.

“(B) The provisions of this section that require reversion shall apply to the substituted land, as of the effective date of the exchange of that land in a transaction authorized by subparagraph (A), as fully as if the substituted land had been rail properties of the Alaska Railroad as of January 13, 1983.

“(C) Upon the conveyance of land in a transaction authorized by subparagraph (A), any reversionary interest in the land under this section shall terminate.”

SA 3799. 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:

Strike all after “SEC. 102.” and insert the following:

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 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 $1,000,000 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 105-277; 114 Stat. 1549A-51).

(c) Payment Limitations.—Section 1001 of the Food Security of 1985 (7 U.S.C. 1308) is amended—

(1) in subsection (b), by striking “$40,000” each place it appears and inserting “$17,500”;

(2) in subsection (c), by striking “$65,000” each place it appears and inserting “$2,500”;

(3) by striking subsection (d) and inserting the following:

“(d) LIMITATIONS ON MARKETING LOAN GAINS, LOAN DEFICIENCY PAYMENTS, AND COMMODITY CERTIFICATE TRANSACTIONS.—

“(1) IN GENERAL.—The total amount of the following gains and payments that a person may receive during any crop year may not exceed $75,000:

“(A) any gain realized by a producer from repaying a marketing assistance loan for 1 or more loan commodities, peanuts, wool, mohair, or honey under title B and 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 applicable commodity under that subtitle.

“(B) Any loan deficiency payments received for 1 or more loan commodities, peanuts, wool, mohair, or honey under that subtitle.

“(2) ADDITIONAL LIMITATION.—In addition to the limitation under paragraph (1), the total amount of the following gains and payments that a person may receive during any crop year may not exceed $50,000:

“(A) any gain and payment described in paragraph (1).

“(B) In the case of settlement of a marketing assistance loan for 1 or more loan commodities, peanuts, wool, mohair, or honey under that subtitle by forfeiture, the amount by which the loan amount exceeds the payment amount if the loan had been settled by repayment instead of forfeiture.

“(C) Any gain realized from the use of a commodity certificate issued by the Commodity Credit Corporation for 1 or more loan commodities, peanuts, wool, mohair, or honey, as determined by the Secretary, including the use of a certificate for the settlement of a marketing assistance loan made under that subtitle.

“(e) SINGLE FARM SERIAL NUMBER.—Notwithstanding subsections (b) through (d), if a person receives 1 or more payments and gains described in this section through only 1 farm serial number, the total amount of payments and gains described in this section that the person may receive during a crop year shall equal twice the dollar amount prescribed in this section.”

SA 3800. 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:

Strike all after “SEC. 102.” and insert the following:

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 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 $1,000,000 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 105-277; 114 Stat. 1549A-51).

(c) Payment Limitations.—Section 1001 of the Food Security of 1985 (7 U.S.C. 1308) is amended—

(1) in subsection (b), by striking “$40,000” each place it appears and inserting “$17,500”;
SA 3804. 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:

Strike "$500,000,000" and insert in lieu thereof "$700,000,000".

SA 3805. 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:

In the language proposed to be stricken strike $35 million and insert $200 million.

SA 3806. Mr. GRAHAM 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 insert the following:

'Rec. of the funds made available under the heading "Courts of Appeals, District Courts, and Other Judicial Services, Salaries and Expenses" in title III of Public Law 107-77, $37,900,000 shall be transferred to, and merged with, funds available for "hiring 200 additional Deputy United States Marshals and associated support staff 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," $37,900,000 to remain available until expended.'

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to hold a hearing during the session of the Senate on Thursday, June 6, 2002, at 2:30 p.m., in SD–366.

Mr. REID. By unanimous consent, it is so ordered.

COMMITTEE ON VETERANS AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Veterans Affairs be authorized to meet during the session of the Senate on Thursday, June 6, 2002, at 2 p.m., for a markup on pending legislation. The meeting will be held in room 418 of the Russell Senate Office Building.

Agenda

1. Committee Print of S. 2043, the proposed "Veterans' Long-Term Care And Mental Health Enhancement Act."

2. Committee Print of S. 2132, the proposed "Department of Veterans Affairs Emergency Preparedness Act of 2002."
3. Committee Print of S. 2074, the proposed “Veterans’ Compensation Cost-of-Living Adjustment Act of 2002.”
4. Committee Print of S. 2237, the proposed “Veterans Benefits Improvement Act of 2002.”

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

SELECT COMMITTEE ON INTELLIGENCE
Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, June 6, 2002, at 10 a.m. and 2:30 p.m., to hold a closed hearing on intelligence matters.

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

SUBCOMMITTEE ON FINANCIAL INSTITUTIONS
Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Financial Institutions of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, June 6, 2002, at 10 a.m., to conduct an oversight hearing on “Capital Investment in Indian Country.”

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

SUBCOMMITTEE ON INTERNATIONAL SECURITY, PROLIFERATION AND FEDERAL SERVICES
Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on International Security, Proliferation and Federal Services be authorized to meet on Thursday, June 6, 2002, at 2:30 p.m., for a hearing regarding “Russia and China: Non-Proliferation Concerns and Export Controls.”

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

PRIVILEGES OF THE FLOOR
Mr. GRAHAM. Mr. President, I ask unanimous consent that privileges of the floor be granted to Nicolette Weaver, an intern in my office, during the remainder of today’s session.

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

Mr. SESSIONS. Mr. President, I ask unanimous consent that Scott Shepard of my staff be granted the privileges of the floor during the duration of this debate.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR
Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to Executive session to consider the following: Calendar Nos. 833 through 861, and the military nominations placed on the Secretary’s desk; that the nominations be confirmed, the actions to reconsider be laid upon the table, the President be immediately notified of the Senate’s action, any statements thereon be printed in the RECORD as though read, and the Senate return to legislative session, without any intervening action or debate.

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

The nominations considered and confirmed are as follows:

ARMY
The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be major general
Brig. Gen. Kenneth L. Farmer, Jr., 7072

To be major general
Lt. Gen. David D. McKiernan, 8564

MARINE CORPS
The following named officer for appointment in the United States Marine Corps to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general
Col. Ronald S. Coleman, 3216

To be brigadier general
Col. James F. Flock, 6021

To be brigadier general
Col. Kenneth J. Glueck, Jr., 6343

To be brigadier general
Col. Dennis J. Hejlik, 7367

To be brigadier general
Col. Carl R. Jensen, 6079

To be brigadier general
Col. Robert H. Neller, 6296

To be brigadier general
Col. John M. Paxton, Jr., 0190

To be brigadier general
Col. Edward G. Usher, III, 6626

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general
Maj. Gen. Edward Soriano, 3068

To be lieutenant general
Lt. Gen. David D. McKiernan, 8564

The following named officer for appointment in the United States Marine Corps to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general
Col. Ronald S. Coleman, 3216

To be brigadier general
Col. James F. Flock, 6021

To be brigadier general
Col. Kenneth J. Glueck, Jr., 6343

To be brigadier general
Col. Dennis J. Hejlik, 7367

To be brigadier general
Col. Carl R. Jensen, 6079

To be brigadier general
Col. Robert H. Neller, 6296

To be brigadier general
Col. John M. Paxton, Jr., 0190

To be brigadier general
Col. Edward G. Usher, III, 6626

To be vice admiral
Rear Adm. Richard J. Naughton, 8886

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral
Vice Adm. James W. Metzger, 6693

NOMINATIONS PLACED ON THE SECRETARY’S DESK
Air Force
PN1449 Air force nominations (47) beginning Amy J. Altemus, and ending Thomas F. Zimmerman, which nominations were received by the Senate and appeared in the Congressional Record of February 27, 2002.
PN1449 Air force nominations (510) beginning Jorge Acevedo, and ending Keith W. Zuegel, which nominations were received by the Senate and appeared in the Congressional Record of March 6, 2002.

Army
PN1782 Army nomination of Shawn E.Connors, which was received by the Senate and appeared in the Congressional Record of May 22, 2002.
PN1783 Army nomination of James E. Agnew, which was received by the Senate and appeared in the Congressional Record of May 22, 2002.
PN1784 Army nominations (5) beginning Michael J. Hamilton, and ending James W. Youker, which nominations were received by the Senate and appeared in the Congressional Record of May 22, 2002.
PN1788 Army nominations (83) beginning Robert T. Aarhus, Jr., and ending Scott C. Wright, which nominations were received by the Senate and appeared in the Congressional Record of May 22, 2002.

Marine Corps
PN1785 Marine Corps nomination which was received by the Senate and appeared in the Congressional Record of May 22, 2002.
PN1786 Navy nomination which was received by the Senate and appeared in the Congressional Record of May 22, 2002.
PN1787 Navy nominations (401) beginning Peter C. Bondy, and ending Theodore G. Pacleb, which nominations were received by the Senate and appeared in the Congressional Record of May 22, 2002.

LEGISLATIVE SESSION
The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

MEASURE READ THE FIRST TIME—H.R. 4800
Mr. REID. Mr. President, it is my understanding that H.R. 4800 is at the desk, and I, therefore, ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The legislative clerk read as follows:
A bill (H.R. 4800) to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the exclusion of the adoption credit and adoption assistance programs.

Mr. REID. I now ask for its second reading, but object to my own request. The PRESIDING OFFICER. Objection is heard.

MEASURE READ THE FIRST TIME—H.R. 4823
Mr. REID. Mr. President, I understand that H.R. 4823 is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The legislative clerk read as follows:
A bill (H.R. 4823) to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the exclusion from Federal income tax for restitution received by victims of the Nazi Regime.
Mr. REID. I now ask for its second reading but object to my own request.

The PRESIDING OFFICER. Objection is heard.

ORDERS FOR FRIDAY, JUNE 7, 2002

Mr. REID. Finally, Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 o'clock in the morning, Friday, June 7; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there be a period for morning business until 11 a.m.

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

Mr. REID. Mr. President, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 12:02 a.m., adjourned until Friday, June 7, 2002, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate June 6, 2002:

SECURITIES INVESTOR PROTECTION CORPORATION

DEBORAH DOYLE MCWIRNERY, OF CALIFORNIA, TO BE A DIRECTOR OF THE SECURITIES INVESTOR PROTECTION CORPORATION FOR A TERM EXPiring DECEMBER 31, 2006, VICE ALBERT JAMES DWOISKIN, TERM EXPIRED.

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

ALEJANDRO MODERATO SANCHEZ, OF FLORIDA, TO BE A MEMBER OF THE FEDERAL RETIREMENT THRIFT INVESTMENT BOARD FOR A TERM EXPIRING OCTOBER 11, 2002, VICE SHERRYL E. MARSHALL.

ALEJANDRO MODERATO SANCHEZ, OF FLORIDA, TO BE A MEMBER OF THE FEDERAL RETIREMENT THRIFT INVESTMENT BOARD FOR A TERM EXPIRING OCTOBER 11, 2008. (REAPPOINTMENT)

ANDREW SAUL, OF NEW YORK, TO BE A MEMBER OF THE FEDERAL RETIREMENT THRIFT INVESTMENT BOARD FOR A TERM EXPIRING SEPTEMBER 25, 2002, VICE JAMES B. ATKINS.

GORDON WRITING, OF NEW YORK, TO BE A MEMBER OF THE FEDERAL RETIREMENT THRIFT INVESTMENT BOARD FOR A TERM EXPIRING SEPTEMBER 25, 2002, VICE DON HARRELL, TERM EXPIRED.

FEDERAL MEDIATION AND CONCILIATION SERVICE

PETER J. HURDZEN, OF MARYLAND, TO BE FEDERAL MEDIATION AND CONCILIATION DIRECTOR, VICE CHARLES RICHARD BARNES, RESIGNED.

DEPARTMENT OF VETERANS AFFAIRS

WILLIAM H. CAMPBELL, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (MANAGEMENT), VICE EDWARD A. POWELL, JR., RESIGNED.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 6, 2002:

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be major general

BRIG. GEN. KENNETH L. FARMER, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. EDWARD SOHLAND

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. DAVID D. McKinney

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. RONALD S. COLEMAN

COL. JAMES F. PLOCK

COL. KENNETH J. GLUECK, JR.

COL. DENNIS J. REDLIK

COL. CARL B. JENSSEN

COL. ROBERT B. NELLER

COL. JOHN M. PAXTON, JR.

COL. EDWARD G. USHER III

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. RICHARD L. KELLY

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 1201:

To be rear admiral

Rear Adm. (LH) MARK M. NAKAZA

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be rear admiral (lower half)

CAPT. DAVID J. VERNER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

Rear Adm. RICHARD J. NAUGHTON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

Rear Adm. JAMES W. MITZGER

AIR FORCE NOMINATIONS BEGINNING AMY J. ALTENBERGER AND ENDING THOMAS P. ZIMMERMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 27, 2002.

AIR FORCE NOMINATIONS BEGINNING JORGE ACIVEDO AND ENDING KRIST W. ZURIEL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 4, 2002.

ARMY NOMINATION OF SHAWN E. CONNORS.

ARMY NOMINATION OF EDWARD C. AINSWORTH.

ARMY NOMINATIONS BEGINNING MICHAEL J. HAMILTON AND ENDING JAMES W. YOKEL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 22, 2002.

NAVY NOMINATIONS BEGINNING ROBERT T. ABBOTT, JR. AND ENDING SCOTT C WRIGHT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 22, 2002.

HIGHLIGHTS

Senate agreed to the Conference Report on S. 1372, Export-Import Bank Reauthorization Act, clearing the measure for the President.

Senate passed H.R. 4775, Supplemental Appropriations Act.

The House passed H.R. 2143, to make the repeal of the estate tax permanent.

Senate Action

Chamber Action
Routine Proceedings, pages S5107–S5244

Measures Introduced: Seven bills and one resolution were introduced, as follows: S. 2593–2599, and S. Con. Res. 119.

Measures Passed:

Supplemental Appropriations Act: By 71 yeas to 22 nays (Vote No. 145), Senate passed H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002, after taking action on the following amendments proposed thereto:

Adopted:

By 75 yeas to 19 nays (Vote No. 140), Warner Modified Amendment No. 3597, to add the Americana Servicemembers’ Protection Act of 2002, to protect United States military personnel and other elected and appointed officials of the United States Government against potential criminal prosecution by an international tribunal court to which the United States is not a party; and to allow the United States to render assistance to international efforts to bring justice Saddam Hussein and other foreign nationals accused of genocide, war crimes or crimes against humanity.

By 79 yeas to 14 nays (Vote No. 142), Frist (for Helms) Modified Amendment No. 3725, to increase the amount provided for the Child Survival and Health Programs Fund, and to impose conditions.

Reid (for Leahy/McConnell) Modified Amendment No. 3676, of a technical nature.

Reid (for Leahy/McConnell) Amendment No. 3678, of a technical nature.

Reid (for Leahy/McConnell) Amendment No. 3679, of a technical nature.

Reid (for Leahy/McConnell) Modified Amendment No. 3680, of a technical nature.

Reid (for Leahy/McConnell) Amendment No. 3696, of a technical nature.

Reid (for Leahy/McConnell) Amendment No. 3697, of a technical nature.

Reid (for Leahy/McConnell) Amendment No. 3698, of a technical nature.

Reid (for Leahy/McConnell) Amendment No. 3715, of a technical nature.

Stevens (for Hutchison) Amendment No. 3559, to make a technical correction.

Stevens (for Nelson (FL)) Amendment No. 3568, to express the sense of the Senate regarding the reorganization of the Federal Bureau of Investigation to conduct counter terrorism activities.

Stevens (for Biden) Amendment No. 3591, to provide that the local educational agency serving New York City distribute funds in fiscal year 2002 that are in excess of the fiscal year 2001 allocation on an equal per-pupil basis consistent with section 1113(c) of the Elementary and Secondary Education Act of 1965.
Stevens (for Torricelli) Amendment No. 3602, to require the Federal Aviation Administration to report to Congress on the air traffic controller staffing shortage at Newark International Airport.

Stevens (for Bunning) Amendment No. 3607, to redirect previously appropriated funds for safe and reliable water services to residents in Kentucky.

Stevens (for Wyden/Smith (OR)) Modified Amendment No. 3614, to provide $500,000 to carry out a West Coast groundfish fishing capacity reduction program.

Stevens (for Daschle) Amendment No. 3615, to require the Secretary of Agriculture to report to Congress on the management of the Black Hills National Forest.

Stevens (for Byrd) Amendment No. 3616, to express the Sense of the Senate regarding avian influenza.

Stevens (for Wellstone) Modified Amendment No. 3624, to express the sense of the Senate regarding the provision of surplus non-fat dry milk to combat HIV/AIDS, with a special focus on HIV-positive mothers and children.

Stevens (for Kyl/Feinstein) Amendment No. 3631, to require the transfer of funds to cover an increase in pay for Border Patrol agents and immigration inspectors and to make certain requirements with respect to the Chimera system and the expenditure of information technology funds by the Immigration and Naturalization Service.

Stevens (for Kyl/Feinstein) Amendment No. 3632, to make available funds 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.

Stevens (for Sessions) Amendment No. 3653, to make available funds to the National Forum Foundation to implement the TRANSFORM Program to obtain available space on commercial ships for the shipment of humanitarian assistance to needy foreign countries.

Stevens (for McConnell) Modified Amendment No. 3656, to provide a substitute for section 503 (relating to a contract for the construction of a facility for the disposition of depleted uranium hexafluoride on the site of the gaseous diffusion plant at Paducah, Kentucky, and a similar facility on the site of the gaseous diffusion plant at Portsmouth, Ohio).

Stevens (for Kohl) Amendment No. 3657, to provide for international food assistance.

Stevens (for Harkin) Amendment No. 3658, to enhance support for international food assistance programs.

Stevens Amendment No. 3665, concerning unemployment tax collection.

Stevens Amendment No. 3666, to reallocate previously appropriated funds.

Stevens Amendment No. 3667, of a technical nature.

Stevens (for Kerry/Cleland) Amendment No. 3669, to provide that amounts appropriated for the National Veterans Business Development Corporation in Public Law 107–77 shall remain available until expended.

Stevens (for Kohl) Amendment No. 3682, to allow the closing of certain accounts relating to the Food Safety and Inspection Service.

Stevens Amendment No. 3702, concerning mail delivery in Alaska.

Leahy/Feinstein Amendment No. 3716, to require a report setting forth a strategy for meeting the security needs of Afghanistan.

Hutchinson Modified Amendment No. 3754, to restore funding provided for the DEA.

Stevens (for Craig) Modified Amendment No. 3766, to provide a complete substitute.

Reid (for Stabenow) Modified Amendment No. 3585 to provide that certain funds appropriated for the United States Customs Bureau Service be used to reimburse State and local law enforcement agencies that have provided Federal assistance to personnel along the Northern Border.

Reid (for Specter) Modified Amendment No. 3596, to provide funds to the Johns Hopkins School of Medicine for activities associated with an in-home study of self-administered high frequency chest oscillation therapy for patients with chronic obstructive pulmonary disease.

Reid (for Collins) Modified Amendment No. 3613, to provide for the transition of the naval base on Schoodic Peninsula, Maine, to utilization as a research and education center for Acadia National Park.

Byrd/Stevens Modified Amendment No. 3627, to provide funds to repair, restore, and clean-up Corps’ projects and facilities and dredge navigation channels, restore and clean out area streams, provide emergency streambank protection, restore other crucial public infrastructure, document flood impacts and undertake other flood recovery efforts deemed necessary and advisable by the Army Chief of Engineers.
Reid (for Byrd) Modified Amendment No. 3691, to provide an additional amount for Emergency Relief Highways. Pages S5180–81

Reid (for Leahy) Amendment No. 3733, to set aside funds for certain National Guard activities. Pages S5180–81

Reid (for Graham) Modified Amendment No. 3747, to provide funds for additional Deputy United States Marshals and associated support staff 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. Pages S5180–81

Rejected:

McCain/Feingold Amendment No. 3703, to strike the amount provided for the design of a storage facility for the Smithsonian Institution. (By 67 yeas to 29 nays (Vote No. 136), Senate tabled the amendment.) Pages S5120–23

McCain Amendment No. 3635, to strike the amount provided for the National Defense Center of Excellence for Research in Ocean Sciences. (By 65 yeas to 31 nays (Vote No. 137), Senate tabled the amendment.) Pages S5123–29, S5132–33

McCain Amendment No. 3704, to strike the appropriation for Agricultural Research Service buildings and facilities. (By 72 yeas to 24 nays (Vote No. 138), Senate tabled the amendment.) Pages S5133–37

Dodd Modified Amendment No. 3787 (to Amendment No. 3597), to allow the United States to render assistance to international efforts to bring to justice Saddam Hussein and other foreign nationals accused of genocide, war crimes or crimes against humanity. (By 55 yeas to 40 nays (Vote No. 139), Senate tabled the amendment.) Pages S5138–44

Nickles Amendment No. 3588, to restore the discretion of the President to agree with Congressionally-designated emergency spending. (By 58 yeas to 36 nays (Vote No. 143), Senate tabled the amendment.) Pages S5166–71

Withdrawn:

Graham/DeWine Amendment No. 3569, to provide authority regarding the availability of funds for the Department of Defense for counterterrorism activities in Colombia. Pages S5162–66

During consideration of this measure, Senate also took the following action:

By 87 yeas to 10 nays (Vote No. 135), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on the bill. Page S5118

The Chair sustained a point of order that Daschle Amendment No. 3764, to extend budget enforcement, was not germane post-cloture, and the amendment thus fell. Pages S5113–20

By 46 yeas to 49 nays (Vote No. 141), 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 with respect to Durbin Amendment No. 3729, to increase the amount of supplemental appropriations for the Child Survival and Health Programs Fund. Subsequently, a point of order that the amendment was in violation of section 205 of H. Con. Res. 290, the Fiscal Year 2001 Concurrent Resolution on the Budget, since the amendment provides for an emergency designation on non-defense spending, was sustained, and the emergency designation was removed. Pages S5147–58, S5159–60

The Chair sustained a point of order that Durbin Amendment No. 3729, to increase the amount of supplemental appropriations for the Child Survival and Health Programs Fund, was in violation of section 302(F) of the Congressional Budget Act of 1974, since the amendment provides spending in excess of the relevant subcommittees 302(B) allocation, and the amendment thus fell. Page S5160

By 69 yeas to 25 nays (Vote No. 144), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to waive section 205 of H. Con. Res. 290, the Fiscal Year 2001 Concurrent Resolution on the Budget with respect to the bill (H.R. 4775). Subsequently, a point of order that the bill was in violation of section 205 of H. Con. Res. 290, the Fiscal Year 2001 Concurrent Resolution on the Budget, since the bill provides for emergency designations on non-defense spending, failed. Page S5171

The Chair sustained a point of order that Reid (for Reed) Amendment No. 3595, to provide funds to enhance security for public transportation operations, was not germane, and the amendment thus fell. Pages S5178–79

Senate insisted on its amendment, requested a conference with the House thereon, and the Chair was authorized to appoint the following conferees on the part of the Senate: Senators Byrd, Inouye, Hollings, Leahy, Harkin, Mikulski, Reid, Kohl, Murray, Dorgan, Feinstein, Durbin, Johnson, Landrieu, Reed, Stevens, Cochran, Specter, Domenici, Bond, McConnell, Burns, Shelby, Gregg, Bennett, Campbell, Craig, Hutchinson, and DeWine. Page S5194

Export-Import Bank Reauthorization Act—Conference Report: By unanimous-consent, Senate agreed to the conference report on S. 1372, to reauthorize the Export-Import Bank of the United States, clearing the measure for the President. Pages S5129–33
Hate Crimes Bill—Agreement: A unanimous-consent agreement was reached providing for consideration of S. 625, to provide Federal assistance to States and local jurisdictions to prosecute hate crimes, at 11 a.m., on Friday, June 7, 2002.

Messages From the President: Senate received the following messages from the President of the United States:

Transmitting, pursuant to law, the Ninth Biennial Report of the Interagency Arctic Research Policy Committee from February 1, 2000 through January 31, 2002; to the Committee on Governmental Affairs. (PM–89)

Transmitting, pursuant to law, the report of the Corporation for Public Broadcasting for calendar year 2001; to the Committee on Commerce, Science, and Transportation. (PM–90)

Nominations Confirmed: Senate confirmed the following nominations:

3 Army nominations in the rank of general.
9 Marine Corps nominations in the rank of general.
4 Navy nominations in the rank of admiral.
Routine lists in the Air Force, Army, Marine Corps, Navy.

Nominations Received: Senate received the following nominations:

Deborah Doyle McWhinney, of California, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 2004.
Alejandro Modesto Sanchez, of Florida, to be a Member of the Federal Retirement Thrift Investment Board for a term expiring October 11, 2002.
Alejandro Modesto Sanchez, of Florida, to be a Member of the Federal Retirement Thrift Investment Board for a term expiring October 11, 2006. (Reappointment)
Andrew Saul, of New York, to be a Member of the Federal Retirement Thrift Investment Board for a term expiring September 25, 2004.
Gordon Whiting, of New York, to be a Member of the Federal Retirement Thrift Investment Board for a term expiring September 25, 2006.
Peter J. Hurtgen, of Maryland, to be Federal Mediation and Conciliation Director.
William H. Campbell, of Maryland, to be an Assistant Secretary of Veterans Affairs (Management).

Committee Meetings

APPROPRIATIONS—FOREST SERVICE
Committee on Appropriations: Subcommittee on Interior concluded hearings on proposed budget estimates for fiscal year 2003 for the Forest Service, after receiving testimony from Dale N. Bosworth, Chief, and Hank Kashdan, Director, Program Development and Budget, both of the Forest Service, Department of Agriculture.

APPROPRIATIONS—LABOR
Committee on Appropriations: Subcommittee on Labor, Health and Human Services, and Education concluded hearings on proposed budget estimates for fiscal year 2003 for the Department of Labor, after receiving testimony from Elaine L. Chao, Secretary of Labor.

TRIBAL COMMUNITY CAPITAL INVESTMENT
Committee on Banking, Housing, and Urban Affairs: Subcommittee on Financial Institutions concluded oversight hearings to examine capital investments in tribal communities, focusing on expanding tribal land home ownership, overcoming barriers to capital access on tribal lands, and related findings of the Native American Lending Study, after receiving testimony from Rodger J. Boyd, Special Assistant to the Director of the Community Development Financial Institutions Fund, Department of the Treasury; Franklin D. Raines, Fannie Mae, Washington, D.C.; J.D. Colbert, North American Native Bankers Association, Alexandria, Virginia; William V. Fischer, American State Bank, of Pierre, Pierre, South Dakota; Michael B. Jandrea, Lower Brule Sioux Tribe,
LOWER BRULE, SOUTH DAKOTA; AND ELISIE MEKES, FIRST NATIONS OWEESTA CORPORATION, KYLE, SOUTH DAKOTA.

WATER AND POWER REVISIONS

Committee on Energy and Natural Resources: Subcommittee on Water and Power concluded hearings on S. 1310/H.R. 1870, to provide for the sale of certain real property in the Newlands Project, Nevada, to the city of Fallon, Nevada, S. 1385/H.R. 2115, to authorize the Secretary of the Interior, pursuant to the provisions of the Reclamation Wastewater and Groundwater 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 Klamath 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, 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, 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, after receiving testimony from Senator Bennett; Representative Walden; Bennett W. Raley, Assistant Secretary for Water and Science, and Mark A. Limbaugh, Director, External and Intergovernmental Affairs, Bureau of Reclamation, both of the Department of the Interior; Dan Keppen, Klamath Water Users Association, Klamath Falls, Oregon; Jeff Oveson, Grande Ronde Model Watershed Program, La Grande, Oregon, on behalf of the Wallowa Lake Dam Rehabilitation and Water Management Plan; John Steele, Oglala Sioux Tribe, Pine Ridge, South Dakota, on behalf of the West River/Lyman-Jones Inc., the Rosebud Sioux Tribe, and the Lower Brule Sioux Tribe; Don A. Christiansen, Central Utah Water Conservancy District, Orem; and Jerry Stagner, State National Bank, El Paso, Texas, on behalf of the Elephant Butte Caballo Association.

CLEAN WATER ACT REVISIONS

Committee on Environment and Public Works: Subcommittee on Clean Air, Wetlands, and Climate Change concluded hearings to examine the impacts of the revisions to the Clean Water Act regulatory definitions of “fill material” and “discharge of fill material”, after receiving testimony from George S. Dunlop, Deputy Assistant Secretary of the Army for Policy and Legislation, Office of the Assistant Secretary of the Army for Civil Works; Benjamin H. Grumbles, Deputy Assistant Administrator, Office of Water, Environmental Protection Agency; Michael Callaghan, West Virginia Department of Environmental Protection, Charleston; Joan Mulhern, Earthjustice Legal Defense Fund, Washington, D.C.; J. Bruce Wallace, University of Georgia Department of Entomology, Athens; Mike Whitt, Mingo County Redevelopment Authority, Williamson, West Virginia; and Kevin Richardson, Just Within Reach Foundation, Lexington, Kentucky.

RUSSIA AND CHINA NONPROLIFERATION AND EXPORT CONTROLS

Committee on Governmental Affairs: Subcommittee on International Security, Proliferation and Federal Services concluded hearings to examine how well Russia and China are complying with nonproliferation agreements and enforcing multilateral export control agreements, after receiving testimony from John S. Wolf, Assistant Secretary of State for Nonproliferation; Matthew S. Borman, Deputy Assistant Secretary of Commerce for Export Administration, Bureau of Industry and Security; Leonard S. Spector, Monterey Institute of International Studies Center for Nonproliferation Studies, Monterey, California; David Albright, Institute for Science and International Security, Washington, D.C.; Gary Milhollin, University of Wisconsin Law School, Madison, on behalf of the Wisconsin Project for Nuclear Arms Control.

INDIVIDUALS WITH DISABILITIES EDUCATION ACT

Committee on Health, Education, Labor, and Pensions: Committee concluded hearings to examine the implementation of the Individuals with Disabilities Education Act, focusing on accountability from the Federal government, and a collaboration between institutions of higher education, local schools, and school faculties for teacher preparation programs, after receiving testimony from Lawrence C. Gloeckler, New York State Education Department, Office of Vocational and Educational Services for Individuals with Disabilities, Albany; David W. Gordon, Elk Grove Unified School District, Elk Grove, California; Stan F. Shaw, University of Connecticut.
Special Education Program, Storrs; Arlene Mayerson, Disability Rights Education and Defense Fund, Inc., Berkeley, California; and Marisa C. Brown, Vienna, Virginia.

COUNTERTERRORISM
Committee on the Judiciary: Committee concluded oversight hearings on counterterrorism and national security activities in the Department of Justice, including the FBI’s response to evidence of terrorist activity in the U.S. prior to September 11, and certain related aspects of the FBI’s new reorganization plan, after receiving testimony from Robert S. Mueller III, Director, and Coleen M. Rowley, Special Agent and Minneapolis Chief Division Counsel, both of the Federal Bureau of Investigation, and Glenn A. Fine, Inspector General, all of the Department of Justice.

BUSINESS MEETING
Committee on Veterans’ Affairs: Committee ordered favorably reported the following bills:

S. 2043, to amend title 38, United States Code, to extend by five years the period for the provision by the Secretary of Veterans Affairs of noninstitutional extended care services and required nursing home care, with an amendment in the nature of a substitute;

S. 2132, to amend title 38, United States Code, to provide for the establishment of medical emergency preparedness centers in the Veterans Health Administration, to provide for the enhancement of the medical research activities of the Department of Veterans Affairs, with an amendment in the nature of a substitute;

S. 2074, to increase, effective as of December 1, 2002, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans; and

S. 2237, to amend title 38, United States Code, to enhance compensation for veterans with hearing loss, with an amendment in the nature of a substitute.
House of Representatives

Chamber Action

Measures Introduced: 24 public bills, H.R. 4877–4900; and 5 resolutions, H.J. Res. 96, H. Con. Res. 414, and H. Res. 436–438, were introduced. Pages H3291–92

Reports Filed: Reports were filed as follows:

H.R. 1979, to amend title 49, United States Code, to provide assistance for the construction of certain air traffic control towers, amended (H. Rept. 107–496).

Speaker Pro Tempore: Read a letter from the Speaker wherein he designated Representative LaHood to act as Speaker pro tempore for today.

Guest Chaplain: The prayer was offered by the guest Chaplain, Rabbi Dov Hazden, the Ner Tomid K Kosher Supervision Organization of Staten Island, New York.

Motion to Adjourn: Rejected the Kucinich motion to adjourn by a yea-and-nay vote of 37 yeas to 363 nays, Roll No. 213.

ABM Treaty Resolution: Representative Kucinich rose to a point of privilege under Rule IX to offer a resolution that states in part that the President is not authorized to withdraw unilaterally from treaties in general, and the Anti-Ballistic Missile treaty in particular, without the consent of Congress. Chairman Hyde raised a point of order against the resolution stating that it did not constitute a question of privilege. The Chair then sustained the Hyde point of order and ruled that the resolution did not constitute a question of privilege of the House under rule IX. Representative Kucinich appealed the ruling of the Chair and, subsequently, the House agreed to the Hyde motion to table the appeal of the ruling of the Chair by a recorded vote of 254 ayes to 169 noes, Roll No. 214.

Permanent Repeal of the Estate Tax: The House passed H.R. 2143, to make the repeal of the estate tax permanent by a recorded vote of 256 ayes to 171 noes, Roll No. 219.

Rejected the Stenholm motion to recommit the bill to the Committee on Ways and Means with instructions to report it back forthwith with an amendment that makes tax reductions contingent on certification by the Director of the Office of Management and Budget that the social security trust funds will not be raided during any year of the 10 year budget estimating period by a recorded vote of 205 ayes to 223 noes, Roll No. 218.

Rejected the Pomeroy substitute that sought to increase the estate tax exclusion to $3 million effective January 2003 by a yea-and-nay vote of 197 ayes to 231 noes, Roll No. 217.

H. Res. 435, the rule that provided for consideration for the bill was agreed to by a yea-and-nay vote of 227 yeas to 195 nays, Roll No. 216. Earlier, agreed to order the previous question by a yea-and-nay vote of 223 yeas to 201 nays, Roll No. 215.

Legislative Program: The Chief Deputy Majority Whip announced the Legislative Program for the week of June 10.

Meeting Hour—Monday, June 10: Agreed that when the House adjourns today, it adjourn to meet at 2 p.m. on Monday, June 10.

Meeting Hour—Tuesday, June 11: Agreed that when the House adjourns on Monday, June 10, it adjourn to meet at 12:30 p.m. on Tuesday, June 11 for morning hour debate.

Calendar Wednesday: Agreed to dispense with the Calendar Wednesday business of Wednesday, June 12.

Presidential Messages: Read the following messages from the President:

Arctic Research Policy: Message wherein he transmitted the Ninth Biennial Report of the Interagency Arctic Research Policy Committee (February 1, 2000 to January 31, 2002)—referred to the Committee on Science; and

Corporation for Public Broadcasting: Message wherein he transmitted the report of the Corporation for Public Broadcasting for calendar year 2001—referred to the Committee on Energy and Commerce.

Quorum Calls—Votes: Three yea-and-nay votes and four recorded votes developed during the proceedings of the House today and appear on pages H3231–32, H3237–38, H3248, H3248–49, H3273–74, H3275–76, and H3276. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 6:57 p.m.

Committee Meetings

BLACK HILLS NATIONAL FOREST—PUBLIC SAFETY CONCERNS

Committee on Agriculture: Subcommittee on Department Operations, Oversight, Nutrition and Forestry
held a hearing on Public Safety Concerns and Forest Management Hurdles in the Black Hills National Forest. Testimony was heard from Mark E. Rey, Under Secretary, Natural Resources and the Environment, USDA; John Twiss, Forest Supervisor, Black Hills National Forest, Custer, South Dakota; and a public witness.

“ARE YASSER ARAFAT AND THE PALESTINIAN AUTHORITY CREDIBLE PARTNERS FOR PEACE?”

Committee on Armed Services: Special Oversight Panel on Terrorism held a hearing on the question “Are Yasser Arafat and the Palestinian Authority Credible Partners for Peace?” Testimony was heard from public witnesses.

SPECIAL EDUCATION REFERRAL AND IDENTIFICATION PROCESS REFORM

Committee on Education and the Workforce: Subcommittee on Education held a hearing on “Learning Disabilities and Early Intervention Strategies: How to Reform the Special Education Referral and Identification Process.” Testimony was heard from Robert Pasternack, Assistant Secretary, Special Education and Rehabilitative Services, Department of Education; G. Reid Lyon, Research Psychologist and Chief, Child Development and Behavior Branch, National Institute of Child Health and Human Development, NIH, Department of Health and Human Services; former Representative William F. Goodling of Pennsylvania; and a public witness.

NIH—INVESTING IN RESEARCH

Committee on Energy and Commerce: Subcommittee on Health held a hearing entitled “The National Institutes of Health: Investing in Research to Prevent and Cure Disease.” Testimony was heard from the following officials of NIH, Department of Health and Human Services: Claude Lenfant, M.D., Director, National Heart, Lung, and Blood Institute; and Audrey S. Penn, M.D., Acting Director, National Institute of Neurological Disorders and Stroke; Edward Sanchez, Commissioner, Department of Health, State of Texas; and public witnesses.

DOE’S FREEDOMCAR

Committee on Energy and Commerce: Subcommittee on Oversight and Investigations held a hearing entitled “DOE’s FreedomCAR: Hurdles, Benchmarks for Progress, and Role in Energy Policy.” Testimony was heard from Jim Wells, Director, Natural Resources and Environment, GAO; David K. Garman, Assistant Secretary, Energy Efficiency and Renewable Energy, Department of Energy; and public witnesses.

FINANCIAL SERVICES REGULATORY RELIEF ACT

Committee on Financial Services: Ordered reported, as amended, H.R. 3951, Financial Services Regulatory Relief Act of 2002.

FEDERAL FINANCIAL MANAGEMENT IMPROVEMENT ACT

Committee on Government Reform: Subcommittee on Government Efficiency, Financial Management, and Intergovernmental Relations held a hearing on “The Federal Financial Management Improvement Act of 1996: Are Agencies Meeting the Challenge?” Testimony was heard from Sally E. Thompson, Director, Financial Management and Assurance, GAO; Lloyd A. Blanchard, Chief Operating Officer, SBA; Donna R. McLean, Assistant Secretary, Budget and Programs and Chief Financial Officer, Department of Transportation; and Karen C. Alderman, Executive Director, Joint Financial Management Improvement Program.

ASSESSMENT—CUBA BROADCASTING—VOICE OF FREEDOM

Committee on International Relations: Subcommittee on International Operations and Human Rights held a hearing on An Assessment of Cuba Broadcasting—The Voice of Freedom. Testimony was heard from the following officials of the Department of State: Dan Fisk, Deputy Assistant Secretary, Bureau of Western Hemisphere Affairs; and Adolfo Franco, Assistant Administrator, Bureau for Latin American and the Caribbean, AID; the following officials of the Broadcasting Board of Governors: Brian Conniff, Director, Office of the International Broadcasting Bureau; and Salvador Lew, Director, Office of Cuba Broadcasting; and public witnesses.

SOUTH ASIA—CURRENT CRISIS

Committee on International Relations: Subcommittee on the Middle East and South Asia held a hearing on The Current Crisis in South Asia. Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on National Parks, Recreation and Public Lands held a 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. Testimony was heard from Representatives Ross and Otter; the following officials of the Department of the Interior: Nina Hatfield, Deputy Director, and Larry Finfer, Assistant Director, Communications, both with the Bureau of
Land Management; Abigail Kimbell, Associate Deputy Chief, National Forest System, USDA; and public witnesses.

SMALL BUSINESS—COST OF REGULATIONS
Committee on Small Business: Subcommittee on Regulatory Reform and Oversight and the Subcommittee on Workforce, Empowerment, and Government Programs held a joint hearing on The Cost of Regulations to Small Business. Testimony was heard from John D. Graham, Administrator, Office of Information and Regulatory Affairs, OMB; former Representative David McIntosh of Indiana; and public witnesses.

RECENT DERAILMENTS AND RAILROAD SAFETY
Committee on Transportation and Infrastructure: Subcommittee on Railroads held a hearing on Recent Derailments and Railroad Safety. Testimony was heard from Allan Rutter, Administrator, Federal Railroad Administration, Department of Transportation; Marian Blakey, Chairman, National Transportation Safety Board; Stephen Strachan, Vice President and Chief Transportation Officer, National Railroad Passenger Corporation (Amtrak); and public witnesses.

VA CLAIMS PROCESSING TASK FORCE’S RECOMMENDATIONS
Committee on Veterans’ Affairs: Subcommittee on Benefits held a 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.” Testimony was heard from Daniel L. Cooper, Under Secretary, Benefits, Veterans Benefits Administration, Department of Veterans Affairs; and representatives of veterans organizations.

CORPORATE INVERSIONS
Committee on Ways and Means: Held a hearing on Corporate Inversions. Testimony was heard from Pamela F. Olson, Acting Assistant Secretary, Tax Policy, Department of the Treasury.

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 on Tuesday, June 11.

COMMITTEE MEETINGS FOR FRIDAY, JUNE 7, 2002
(Committee meetings are open unless otherwise indicated)

Senate
No meetings/hearings scheduled.

House
Committee on Government Reform, Subcommittee on Technology and Procurement Policy, hearing entitled “Meeting the Homeland Security Mission: Assessing Barriers to and Technology Solutions for Robust Information Sharing,” 10 a.m., 2154 Rayburn.

Joint Meetings
Joint Economic Committee: to hold hearings to examine employment-unemployment situation for May, 9:30 a.m., 1354 Longworth Building.
Next Meeting of the SENATE
11 a.m., Friday, June 7

Senate Chamber

Program for Friday: Senate will consider S. 625, Hate Crimes bill.

Next Meeting of the HOUSE OF REPRESENTATIVES
2 p.m., Monday, June 10

House Chamber

Program for Monday: Pro Forma session.